



Charter Review
2025-2026

Citizen Charter Review Committee

October 23, 2025



Committee Orientation

- **Overview of Charter County Government**
Vincent S. Long, County Administrator
- **Florida's Open Government Laws**
Chasity H. O'Steen, County Attorney
- **Review of Committee Bylaws & Schedule**
Nicki Hatch & Ken Morris



Overview of Charter Government

Vincent S. Long, County Administrator

**COPY OF
PRESENTATION
INCLUDED IN
COMMITTEE
BINDER
(TAB 6)**



What is a Charter?

- Local “**Home Rule**” Constitution
- Specifies the structure, organization, and authority of a county government
- “Living Document” that can **only** be approved and amended by voters



Why Charter Government?

- “One size fits all” government doesn’t work
 - Florida’s 67 Counties are very different
- Counties created as political subdivisions of the state – **“Top Down”**
- Charters provided **“Bottom-up”** approach to government
 - **Home rule authority** to address localized issues based upon community preferences,
 - And carry out self governance, not in consistent with State Law



Dillon's Rule



Dillon's Rule: Local governments only have those powers which are specifically granted by the State.

*"The true view is this: Municipal corporations owe their origin to and derive their powers and rights wholly from the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so may it destroy... They are, so to phrase it, **the mere tenants at will of the legislature**"*

(City of Clinton v. Cedar Rapids and Missouri Railroad Company, 1868)



1968 Florida Constitution

- Florida followed Dillon's Rule until **1968 Constitutional Revision**
- Before then, Florida Legislature inundated with local bills and special acts (only way to address local issues!)
 - **1965 Legislative Session: 2,107 Local Bills**
 - **2025 Legislative Session: 35 Local Bills**

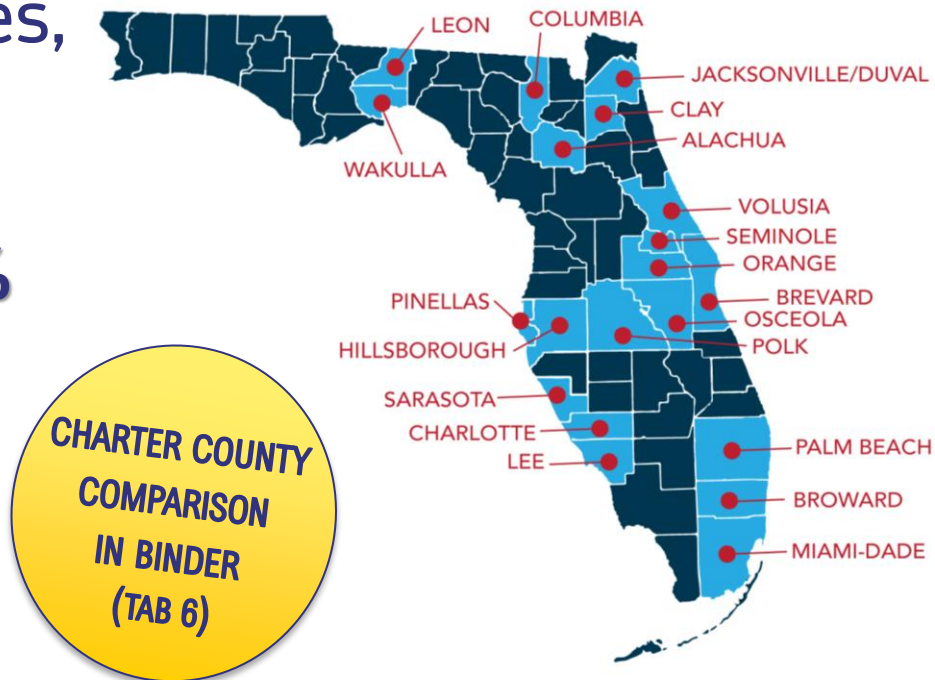




Florida's Charter Counties

- Of Florida's **67** counties, **20** are charter counties
- Representing **over 75%** of the state's population

Florida Charter Counties





Leon County History

- In 2002, Leon County voters adopted a **“Starter Charter”**, which included:
 - The organization of Leon County Government as a Council-Manager Form of Government
 - Roles & responsibilities of the County’s constitutional officers
 - The County’s relationship with municipalities
 - Charter Amendment Process

LEON
COUNTY
CHARTER
IN BINDER
(TAB 1)



Charter Amendment Process

Three Methods:

1. Citizen Petition
2. Board of County Commissioners
3. Citizen Charter Review Committee (every 8 years)

(2) Amendments and Revisions by Citizen Charter Review Committee.

- (A) A Citizen Charter Review Committee shall be appointed by the Board of County Commissioners at least twelve (12) months before the general election occurring every eight (8) years thereafter, to be composed and organized in a manner to be determined by the Board of County Commissioners, to review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. Public hearings shall be conducted as provided by F.S. § 125.63.
- (B) No later than ninety (90) days prior to the general election, the Citizen Charter Review Committee shall deliver to the Board of County Commissioners the proposed amendments or revisions, if any, to the Home Rule Charter, and the Board of County Commissioners shall consider such amendments or revisions to be placed on the general election ballot, in accordance with F.S. § 125.64.
- (C) If the Citizen Charter Review Committee does not submit any proposed Charter amendments or revisions to the Board of County Commissioners at least ninety (90) days prior to the general election, the Citizen Charter Review Committee shall be automatically dissolved.



Prior Charter Amendment Proposals

2010 Charter Review Committee Proposed Amendments:

1. Tourist Development Council Structure
2. Minimum County-Wide Environmental Regulations
3. Employment of the County Administrator
4. Non-Interference Policy
5. Limitation on Campaign Contributions
6. Petition Thresholds
7. Future Charter Review Committee

2018 Charter Review Committee Proposed Amendments:

1. Code of Ethics Requirement
2. Employment of the County Attorney



When Considering Charter Amendments

**FIRST,
ASK:**



Can this problem be solved through passage of an ordinance or policy/procedure?



Does the BOCC or County Administrator already have authority to make changes that could solve this problem?



Would state legislation address this problem more effectively than a local charter change?



What Charters Can & Can't Do

Charter Change <u>CAN</u>	Charter Change <u>CAN'T</u>
• Alter the structure of government • Expand or restrict countywide authority • Alter electoral representation • Clarify confusing or remove outdated charter language	• Be a quick fix for a recent problem • Decrease local crime or jumpstart the local economy • Stop a controversial project • Make elected officials achieve consensus



Board Direction to 2026 CCRC

- **Broad latitude** in considering proposed charter amendments
- Consideration of Revising Section 1.6 of Charter *"Relation of Municipal Ordinances"*
- To provide that County ordinances prevail when there is a conflict with City ordinances (except when restricted by State law)
 - Could apply for all County ordinances when there is a conflict *or*
 - Narrowly tailored to supersede City ordinances on specific issues (similar to the existing minimum environmental standards)



Dos & Don'ts of Committee Members



Committee Members Should:

- Be a team player
- Be willing to compromise
- Be cautious of premature public statements on charter-related matters
- Remember that voters are the final decision makers

Committee Members Should Not:

- Be a roadblock or have an “all or nothing” mindset
- Appease pressure groups or special interest demands
- Focus on political aspirations (instead of the CCRC's charge)
- Try to solve all problems with overly restrictive prohibitions





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Overview of Florida's Open Government Laws & Public Statements

Chasity H. O'Steen, County Attorney



The Laws + Public Statements

- **Sunshine Law**
- **Public Records Law**
- **Code of Ethics**
- **Public Statements, including Social Media**



The Sunshine Law – Why? When?

Protects the public from “closed door” decision making and provides a right of access to governmental meetings.

(Section 286.011, Florida Statutes)

Applies when:

- Two or more members of a governing board discuss matters that may foreseeably come before the governing board.
- When a governing board delegates some portion of its decision making process to a committee or group, thereby appointing an “alter ego.”



The Sunshine Law - Requirements

3 Fundamental Requirements:

- Reasonable notice of meetings subject to the Sunshine Law must be given so the public can decide whether to attend.
- Public must be allowed to attend (accessible to everyone) and be provided an opportunity to be heard during the decision making process.
- Written minutes must be taken and made available promptly.



The Sunshine Law – How?

Applying the Sunshine Law to Board-appointed committees:

- Allows the public to observe each preliminary step leading to the final decision.
- Prevents a governing board from creating closed committees that narrows the Board's decisions.



Sunshine Law – Criminal Remedies & Penalties

Criminal Penalties

- A knowing violation is a second degree misdemeanor, i.e., imprisonment not to exceed 60 days and/or a fine up to \$500.
- Removal from the position.

Noncriminal Infractions

- Punishable by a fine not exceeding \$500.
- Reasonable attorney's fees assessed
 - Against the collegial body when violation is found and body took advice of counsel.
 - Against individual members.
 - Against individual filing action if court finds the claim was made in bad faith or was frivolous.



Sunshine Law – Civil Remedies & Corrective Action

Civil Actions

- Violation constitutes an “irreparable public injury,” so court may issue an injunction to enjoin future violations if requested as a remedy.

Actions taken in violation are void ab initio

- Means action that occurred outside of “Sunshine” is null and void.
- Body may be required to reconvene and engage in discussion, debate, and vote again.

Note: Intent is not required to violate this law.

What to do if a violation occurs? Cure it by holding a Sunshine meeting that covers all discussion and conduct that occurred outside of the Sunshine; a perfunctory discussion or vote is not sufficient to cure a violation.



Question & Answer

- Is an audio recording of a meeting sufficient?
- May a CCRC member talk with the BOCC Commissioner who appointed them to the Committee?
- May a CCRC member talk with the BOCC Commissioner who appointed them about how another CCRC member plans to vote on an issue?
- May CCRC members talk with each other about Blueprint, County, or City business?
- Is a verbal conversation with another CCRC member about a matter to come before the CCRC okay as long as there isn't anything in writing?
- Is an administrative issue, like scheduling, something that needs to be discussed during the public meeting?
- Is appearing on TV for an interview to respond to a position taken by another CCRC member about a CCRC issue in an op-ed piece a violation? If there is a violation, who violated the law?
- If a member of the CCRC sends a memo to the other members taking a position on an issue to come before the CCRC, is that a violation?



Public Records Law – Scope

Protects a right of access to records made or received in connection with the official business of a public body.

(Chapter 119, Florida Statutes; Article I, section 24, of the Florida Constitution; and BOCC Policy 96-4, “Public Records, Electronic Communications, and Records Retention)

- Component parts:
 - A record (a verbal communication is not a record);
 - Made or received – note that possession is not required, a record verbally shared or reviewed is sufficient to satisfy this part; and
 - In connection with official business.
- A request must be acknowledged and a response provided within a reasonable time (fact-specific).



What is a Record?

This is an expansive list that includes:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other materials, regarding of the physical form, characteristics, or means of transmission

- Does it include a CCRC member's social media posts about CCRC business?
- Does it include a CCRC member's meeting notes?
- Does it include text messages about CCRC business?
- Is a request for information a public records request?
- Are you required to create a record that does not exist?
- Is a request to inspect records a public records request?



Public Records – Obligation to Maintain and Retain

- Each CCRC member is responsible for maintaining any public records the member makes or receives in the course of the CCRC's work, unless the CCRC member forwards the records to County staff for maintenance. So, the CCRC members are the custodians of their own records, in whatever format (voicemails, notes, emails, texts, etc) unless they forward them to staff.
- Retention schedules: Vary depending on the type of record and may require that the public records be maintained for some period of time after the CCRC concludes completes its work.



Public Records cont.

- Who may make a public records request? Anyone.
- Does the request have to be in writing? No.
- What to do if someone makes a public records request to you?
Forward the communication to staff, if in writing; if a verbal request, take down the records requested and requestor information, then forward the info to staff.
- Can you ignore a public records request? No.
- Can you ask the person why they want the records? No.
- Should you try to redact records to be produced? No.



Public Records – Remedies

- Voluntary mediation program – administered by the Office of the Attorney General as a dispute resolution alternative.
- Civil action may be brought by a person denied the right to inspect and/or copy public records.
 - Court may issue a writ of mandamus to compel the body or official to comply with the Public Records Law.
 - Court may issue an injunction to prevent the body or official from violation the Public Records Law in the future.
- Reasonable costs of enforcement, including reasonable attorney's fees, shall be imposed when a violation occurs if the custodian of records was provided written notice of the intent to file suit at least 5 business days before filing the civil action except when the body posts the contact information for the custodian in the building and on the body's website.



Public Records – Penalties

Criminal Penalties

- A knowing violation is a misdemeanor of the first degree, punishable by possible criminal penalties of one year in prison, or \$1,000 fine, or both.
- Suspension and removal or impeachment (in this case, removal).

Noncriminal Infractions

- Punishable by a fine not exceeding \$500.



Code of Ethics

Protects against any conflict of interest and establishes standards for the conduct of elected officials and government employees in situations where conflicts may exist.

(Chapter 112, Florida Statutes; Article II, Section 8 of the Florida Constitution; and Chapter 2, Article XII, of Code of Laws of Leon County, Florida)

Applies to Board Appointed Committee Members

Prohibits Certain Actions or Conduct & Requires Disclosures to the Public in Certain Circumstances



Standards of Conduct

Section 112.313, Florida Statutes, defines “public officer” to include people appointed to serve on advisory bodies.

- Soliciting or Accepting Gifts – Prohibits solicitation or acceptance of anything of value based upon an understanding that the vote, official action, or judgment of the officer would be influenced thereby.
- Doing Business with One’s Agency – A public officer’s agency cannot do business with a business entity in which the officer, or their spouse or child, owns more than a 5% interest (may be waived).
- Engaging in Conflicting Employment or Contractual Relationships – A public official may not be employed by or contract with any business regulated by or doing business with his or her agency (may be waived).



Standards of Conduct cont.

- Accepting Unauthorized Compensation – No public officer, or his or her spouse or minor child, shall at any time accept any compensation, payment, or thing of value when the officer knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer was expected to participate in his or her official capacity.
- Misusing Their Public Position – Prohibits a public officer from corruptly using or attempting to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.
- Disclosing or Using Certain Information – A current or former public officer cannot disclose or use information not available to members of the public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.



Voting Conflicts of Interest

- No member may vote in an official capacity upon any measure which would inure to the special private gain or loss of:
 - The member;
 - Any principal or entity by whom the member is retained (other than an agency) or to the parent organization or subsidiary of a corporate principal by which the member is retained; or
 - Any relative or business associate of the member. (“Relative” means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.)



Voting Conflicts of Interest cont.

When an appointed member of this body has a voting conflict and does not intend to “participate” in the matter, the member must:

- Make an oral declaration of the nature of the conflict;
- Abstain from voting; and
- File a memorandum of voting conflict with the clerk within 15 days of the vote.

***“Participate” means “any attempt to influence the decision by oral or written communication, whether made by the member or at the member’s direction.”**

When an appointed member of this body has a voting conflict and does intend to “participate” in the matter, the member must abstain from voting and:

- File the memorandum of voting conflict prior to the meeting (and the memo is provided to the other members and read publicly at the next meeting after the memo is filed) OR
- Make the disclosure orally at the meeting before “participating” AND file a memorandum of voting conflict with the clerk within 15 days after the oral disclosure, which will be provided immediately to the other members and read at the next meeting after it is filed.



Final Thoughts – Public Statements & Social Media

- Article II, Section 2.2, Clause 2.2.2 of the CCRC Bylaws: the Chairperson is tasked with representing the Committee at all functions and activities (but without authority to state any position of the Committee not previously approved).
- Each Committee member has a First Amendment right of free speech; however, any statement made by any Committee member about CCRC business needs to include a disclaimer that the member does not speak for the CCRC (unless it is the Chairperson and the provision above applies).
- Please keep in mind that the First Amendment right of free speech is expansive, but there are certain circumstances when a public employer may take action based on First Amendment conduct of its employees.
- For First Amendment purposes, Board appointees are treated as public employees under binding case law out of the Eleventh Circuit.



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Committee Bylaws



People Focused. Performance Driven.



Committee Bylaws

- Quorum Requirements
- Robert's Rules of Order
- Voting Thresholds
- Public Comment (In-Person, Written)
- Election of Chair & Vice Chair

TAB 3 & 4
OF
COMMITTEE
BINDER



Charter Committee Amendment Consideration Process

"How an Idea Becomes a Charter Amendment"

November 2025-January 2026	STEP 1 - Initial Committee Idea Deliberations: ▶ Any Idea for a proposed charter amendment may be requested by any committee member to be put on the agenda for formal consideration by the committee. » Voting Threshold: A simple majority vote is required to formally agenda an idea for formal committee consideration for a proposed charter amendment. Ideas which do not receive that level of interest will not be considered further. STEP 2 - Proposed Charter Amendment Agendaed for Committee Consideration: ▶ For proposals receiving a simple majority of votes by the committee (per Step 1), staff places an analysis of the proposal on the committee agenda for further consideration. » Voting Threshold to Advance to Step 3: A simple majority vote of the committee is required to request staff to prepare proposed charter amendment language and agenda the issue for further committee consideration.
February 2026	STEP 3 - Proposed Charter Amendment Agendaed for Committee Consideration with Draft Charter Amendment Language: ▶ Upon a simple majority vote for the committee to consider the proposal for the second time (per Step 2), staff agendas the proposal with draft charter amendment language and seeks a committee decision on whether to advance the proposed charter amendment to public hearing. » Voting Threshold to Advance to Step 4: A simple majority vote of the committee is required to advance the proposal to public hearing.
June/July 2026	STEP 4 - Public Hearings on he Proposed Charter Amendments and the Committee Vote to Recommend Proposed Charter Amendments to the Board of County Commissioners: ▶ Upon a simple majority vote to advance the proposal to a public hearing (per Step 3), a public hearing is advertised and conducted by the committee to receive public comment on proposed charter amendment. Upon conclusion of the public hearing, the Committee considers the proposed charter amendment (for a third time) and decides whether or not to recommend the proposed charter amendment to the Board of County Commissioners. » Voting Threshold to Advance Step 5: A simple majority is required to recommend a proposed charter amendment to the Board of County Commissioners.
	STEP 5 - Committee Final Report to Board of County Commissioners (August 5, 2026) STEP 6 - Board of County Commissioners Public Hearings (August 17, 2026) STEP 7 - 2026 General Election (November 3, 2026)

TAB 5 OF
COMMITTEE
BINDER



Committee Schedule

November 6, 2025

Issue/Discussion Meeting

November 20, 2025

Issue/Discussion Meeting

December 4, 2025

Issue/Discussion Meeting

December 18, 2025

Issue/Discussion Meeting

January 8, 2026

Issue/Discussion Meeting

January 22, 2026

Issue/Discussion Meeting

February 5, 2026

Decision Meeting

February 19, 2026

Decision Meeting

TBD: June/July 2026

Public Hearing #1

TBD: July 2026

Public Hearing #2

TBD: July 2026

Public Hearing #3

August 17, 2026

BOCC Public Hearing

November 3, 2026

General Election

**TAB 2 OF
COMMITTEE
BINDER**



Public Comment

People Focused. Performance Driven.



Committee Schedule

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Issue/Discussion Meeting

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Issue/Discussion Meeting

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Issue/Discussion Meeting

January 8, 2026

Issue/Discussion Meeting

January 22, 2026

Issue/Discussion Meeting

February 5, 2026

Decision Meeting

February 19, 2026

Decision Meeting

TBD: June/July 2026

Public Hearing #1

TBD: July 2026

Public Hearing #2

TBD: July 2026

Public Hearing #3

August 17, 2026

BOCC Public Hearing

November 3, 2026

General Election

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