

BILL

Redraft - B

YEAR

1 A bill to be entitled
2 An act relating to Lee County; amending ss. 2.1, 2.2,
3 and 2.3 of Article II of the Lee County Home Rule
4 Charter; providing for an elected county mayor form of
5 government; assigning certain executive
6 responsibilities and power to the county mayor and
7 county officers; providing qualifications for election
8 to office; providing for filling of vacancies;
9 providing for qualification and terms of county
10 commissioners; revising redistricting requirements;
11 prohibiting consideration of certain actions by the
12 board of county commissioners unless such action has a
13 member of the board as a named sponsor; revising
14 application of the administrative code; creating the
15 Office of the Hearing Examiner; providing for
16 responsibilities and additional legislative duties;
17 conforming provisions to changes made by the act;
18 authorizing the board of county commissioners to
19 employ individuals for certain purposes; limiting
20 powers and supervision of such individuals; removing
21 provisions relating to the county manager; assigning
22 certain executive powers and duties to the county
23 mayor; providing for qualification for and term of
24 office for the county mayor; requiring a special
25 election for county mayor; providing for initial term

BILL

Redraft - B

YEAR

26 of office; specifying that such office will
27 subsequently be subject to regular election; providing
28 an exception; providing for compensation of the county
29 mayor; appointing the county manager and county
30 attorney as the two divisions of county
31 administration; providing for appointment by the
32 county mayor; authorizing the county mayor to suspend
33 or terminate executive branch employees with or
34 without cause; limiting employee contracts; providing
35 qualifications and responsibilities of the county
36 attorney; specifying departments to be supervised by
37 the county manager and county attorney; deleting
38 obsolete provisions; requiring a referendum; providing
39 an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Sections 2.1, 2.2, and 2.3 of Article II of the
44 Lee County Home Rule Charter are amended to read:

45 Section 2.1: ~~Elected Commission and Appointed County~~
46 ~~Manager~~ Form of Government

47 (1) ~~Lee County shall operate under an appointed County~~
48 ~~Manager form of government with cooperation of legislative and~~
49 ~~executive functions in accordance with the provisions of this~~
50 ~~Home Rule Charter.~~ The legislative responsibilities and powers

BILL

Redraft - B

YEAR

51 of the County shall be assigned to, and vested in, the Board of
52 County Commissioners. The executive responsibilities and power
53 of the County shall be assigned to and vested in the elected
54 County Mayor and the County Officers, as provided for by Article
55 VIII, Section 1(d) of the Florida Constitution ~~Manager, who~~
56 ~~shall carry out the directives and policies of the Board of~~
57 ~~County Commissioners and enforce all orders, resolutions,~~
58 ~~ordinances, and regulations of the Board of County~~
59 ~~Commissioners, the County Charter, and all applicable general~~
60 ~~law, to ensure that they are faithfully executed.~~

61 (2) No person shall be qualified for election to either a
62 legislative or executive office unless such person has resided
63 for at least twelve (12) months in the county immediately prior
64 to qualification. If any elected officer of the County should
65 die, resign, be removed from office, or remove his or her
66 residence from the county in which his or her office is located
67 during his or her term of office, the respective office shall
68 become vacant. A vacancy in the office shall be filled as
69 provided by general law.

70 Section 2.2: Legislative Branch

71 A. The County Commission Composition, Election and Terms
72 of Members

73 (1) Composition and Election

74 The governing body of the County shall be a Board of County
75 Commissioners composed of five (5) members serving staggered

BILL

Redraft - B

YEAR

76 terms of four (4) years. There shall be one Commissioner for
77 each of the five (5) County Commission districts established
78 pursuant to general law and they shall be elected in a partisan
79 election on a county-wide basis by the electors of the County.
80 Each County Commissioner during the term of office shall reside
81 in the district from which such County Commissioner ran for
82 office, provided that any County Commissioner who is removed
83 from a district by redistricting may continue to serve during
84 the balance of the term of office.

85 (2) Terms of County Commissioners

86 No Commissioner shall serve more than three (3) consecutive
87 terms on the Board. No previous term in office which is in
88 progress as of November 2014 shall be considered a term of
89 service for purposes of the limitations contained herein.

90 (3) Qualifications

91 County Commissioners shall qualify for office, serve the same
92 term of office, and in all similar ways be treated as a
93 commissioner as provided for by Article VIII, Section 1(e) of
94 the Florida Constitution and as provided by general law, except
95 as amended by this Charter.

96 B. Redistricting

97 County Commission district boundaries shall be changed only
98 after the completion of a decennial census, notice and a public
99 hearing as provided by general law.

100 C. Salaries and Other Compensation

BILL

Redraft - B

YEAR

Salaries and other compensation of the County Commissioners shall be set the same as those set by general law for the County Commissioners of non-charter counties and shall not be lowered during the term of office.

D. Authority

The Board of County Commissioners shall exercise all legislative authority provided by this Home Rule Charter in addition to any other powers and duties authorized by general law or special law. No resolution, ordinance, amendment, or similar shall be considered unless it has a member of the Board of County Commissioners as a named sponsor. It shall be the duty of the sponsor to present such item for consideration by the Board.

E. Administrative Code

The Board of County Commissioners shall adopt an Administrative Code by ordinance and in accordance with general law within twelve (12) months of the effective date of this Charter.

(1) The Administrative Code shall organize the administration of County government and set forth the duties and responsibilities and powers of all County officials and agencies, except as provided for within this Charter.

(2) The Administrative Code shall not apply to the elected County Constitutional Officers, as provided for by Article VIII, Section 1(d) of the Florida Constitution.

F. Office of the Hearing Examiner ~~Vacancies~~

The responsibility to serve as an independent reviewer of zoning

BILL

Redraft - B

YEAR

applications and code violations in unincorporated Lee County
shall be vested in the Office of the Hearing Examiner, said
office being exclusively a part of the legislative branch and
reporting directly to the Board of County Commissioners.
Additional legislative duties may be assigned to the Hearing
Examiner by ordinance ~~A vacancy in the office of County~~
~~Commissioner shall be defined and filled as provided by general~~
~~law.~~

G. Recall

The members of the Board of County Commissioners shall be
subject to recall as provided by general law.

H. Initiative

(1) The electors of Lee County shall have the right to
initiate County ordinances in order to establish new ordinances
and to either amend or repeal existing ordinances upon petition
of qualified electors in the County. Each such proposed
ordinance shall embrace but one subject and matter directly
connected therewith. The number of qualified elector signatures
for a valid petition must equal at least five percent (5%) of
the electors qualified to vote in the last preceding general
election. No more than thirty percent (30%) of the total number
of signature required will be allowed in any single Board of
County Commission District.

(2) The sponsor of an initiative ordinance shall, prior to
obtaining any signatures, submit the text of the proposed

BILL

Redraft - B

YEAR

ordinance to the Supervisor of Elections, with the form on which, signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by County ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate one hundred and eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over into another identical or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within forty-five (45) days verify the signatures thereon.

(3) Within forty-five (45) days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board of County Commissioners shall notice and hold according to general law a public hearing on the proposed ordinance and vote on it. If the Board of County Commissioners fails to enact the proposed ordinance at the public hearing, it shall, at the public hearing, by resolution, call for a referendum on the question of

BILL

Redraft - B

YEAR

the adoption of the proposed ordinance to be held at the next general election occurring at least ninety (90) days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by resolution of the Board of County Commissioners to be enacted and shall become effective on the date specified in the ordinance, or, if not so specified, on January 1 of the succeeding year. The Board of County Commissioners shall not amend or repeal an ordinance adopted by this initiative procedure for a period of one year after the effective date of such ordinance and thereafter may amend or repeal such ordinance only by an affirmative vote of at least a majority plus one of its membership.

(4) The power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to the County budget, debt obligations, capital improvement programs, salaries of County officers and employees, the levy and collection of taxes, and the rezoning of an individual parcel of land.

I. Non-Interference

(1) County Commissioners may communicate, directly or indirectly, with employees, officers or agents under the direct or indirect supervision of the executive branch officers ~~County Manager or County Attorney~~ only for the purpose of inquiry or information.

BILL

Redraft - B

YEAR

201 (2) Except for the purpose of inquiry or information, a
202 County Commissioner shall not, directly or indirectly, give
203 directions to or interfere with the performance of the duties of
204 any employee, officer, or agent under the direct or indirect
205 supervision of the executive branch officers ~~County Manager or~~
206 ~~County Attorney~~.

207 (3) Violations of this ~~the~~ Section of the Charter shall
208 constitute malfeasance within the meaning of Section
209 100.361(1)(b), Florida Statutes.

210 (4) Nothing contained herein shall prevent a County
211 Commissioner from referring a citizen complaint or request to
212 the executive branch officers ~~County Manager or County Attorney~~.

213 (5) No provision of this Charter shall prohibit the Board
214 of County Commissioners from employing individuals to assist
215 them in exercising their legislative duties, including but not
216 limited to, legislative assistant, legal counsel, budget staff,
217 and similar. Individuals directly employed by the Board may not
218 exercise any executive branch powers and may not be supervised
219 by either executive branch officers or their subordinates.

220 Section 2.3: Executive Branch

221 A. The County Mayor ~~Manager~~

222 (1) ~~The County Manager shall be appointed by an~~
223 ~~affirmative vote of a simple majority of the membership of the~~
224 ~~Board of County Commissioners. The County Manager may be~~
225 ~~terminated with or without cause by an affirmative vote of a~~

BILL

Redraft - B

YEAR

226 ~~simple majority of the membership of the Board of County~~
227 ~~Commissioners. The County Manager may be employed by means of a~~
228 ~~contract with the Board of County Commissioners. The County~~
229 Mayor Manager shall be the chief executive officer of the County
230 and all executive responsibilities and power not assigned to,
231 and vested in, the sheriff, tax collector, property appraiser,
232 supervisor of elections, and clerk of the circuit court, as
233 provided for by Article VIII, Section 1(d) of the Florida
234 Constitution, shall be assigned to and vested in the office of
235 County Mayor Manager, which shall consist of the following
236 powers and duties, ~~with the specific exception of the Office of~~
237 ~~the Lee County Hearing Examiner, which notwithstanding any~~
238 ~~provision of this Charter to the contrary, may continue by~~
239 ~~existing Ordinance, or be re-established by new Ordinance,~~
240 ~~consistent with the other provisions of this Charter:~~

241 (a) Report annually to the Board of County Commissioners
242 and to the citizens on the state of the County, the work of the
243 previous year, recommendations for action or programs for
244 improvement of the County, and the well-being of its residents.

245 (b) Prepare and submit the annual budget and capital
246 programs to the Board of County Commissioners and execute the
247 budget and capital programs in accordance with appropriations
248 and ordinances enacted by the Commission.

249 (c) Ensure that all ordinances resolutions and orders of
250 the Board of County Commissioners and all laws of the State

BILL

Redraft - B

YEAR

251 which are subject to enforcement by the County Mayor ~~Manager~~, or
252 by officers who are subject under this Charter to the County
253 Mayor's ~~Manager's~~ direction and supervision, are faithfully
254 executed.

255 (d) Carry into execution such other powers or duties, as
256 are required by this Charter or may be prescribed by the Board
257 of County Commissioners.

258 (e) The County Mayor ~~Manager~~ shall approve each ordinance
259 by signing it or allowing it to become approved without
260 signature by failing to veto it or may veto any ordinance by
261 returning it to the clerk of the board within ten (10) days of
262 passage with a written statement of his or her objections. If
263 two-thirds of the members of the board present and voting and
264 constituting a quorum shall, upon reconsideration, vote for the
265 ordinance, the executive's veto shall be overridden and the
266 ordinance shall become law in ten (10) days or at such other
267 time as may be provided in the ordinance or by resolution of the
268 board, without the executive's signature ~~exercise all executive~~
269 ~~authority provided by this Home Rule Charter in addition to all~~
270 ~~other powers and duties authorized by general or special law.~~

271 (2) The County Mayor ~~Manager~~ shall qualify for office,
272 serve the same term of office, and in all similar ways be
273 treated as a county officer as provided for by Article VIII,
274 Section 1(d) of the Florida Constitution and as provided by
275 general law, except as amended by this Charter ~~be qualified by~~

BILL

Redraft - B

YEAR

~~administrative and executive experience and ability to serve as the chief executive officer of the County. Minimum qualifications including educational and administrative requirements for the County Manager shall be established by County ordinance. The County Manager need not be a resident of the County at the time of appointment, but during the term of appointment shall reside within the County.~~

(3) A special election for County Mayor shall be held on November 3, 2026, in conjunction with the 2026 general election. The County Mayor will then serve for an initial term of two (2) years. The office will then be subject to regular election in all similar ways as a county officer as provided for by Article VIII, Section 1(d) of the Florida Constitution and as provided by general law, except as amended by this Charter. The Office of County Mayor shall not exist and the revisions to Section 2.3 shall not take effect prior to the assumption of the Office of County Mayor following the special election, consistent with general law.

~~(4)-(3)~~ The compensation of the County Mayor ~~Manager~~ shall be the same as that set for the Sheriff by general law ~~fixed by the Board of County Commissioners.~~

~~(4) The office of County Manager shall be deemed vacant if the incumbent moves his residence from the County or is, by death, illness, or other casualty, unable to continue in office. A vacancy in the office shall be filled in the same manner as~~

BILL

Redraft - B

YEAR

301 ~~the original appointment. The Board of County Commissioners may~~
302 ~~appoint an acting County Manager in the case of vacancy,~~
303 ~~temporary absence or disability until a successor has been~~
304 ~~appointed and qualified or the County Manager returns.~~

305 B. County Administration ~~Department Heads~~

306 There shall be only two divisions of County Administration: the
307 Office of the County Manager and the Office of the County
308 Attorney.

309 (1) The County Manager and County Attorney shall be
310 appointed by the County Mayor. Said appointments shall be
311 subject to confirmation by a 3/5 vote of the Board of County
312 Commissioners. Any appointment not so confirmed within one
313 hundred and eighty (180) days shall be deemed null and the
314 position vacated.

315 (2) The County Mayor shall have the sole authority to
316 suspend or terminate any executive branch employee with or
317 without cause. All employees of county administration shall
318 serve at will and no employee shall be eligible for a contract
319 with a term greater than one (1) year.

320 (3) The County Attorney shall be a member in good standing
321 of the Florida Bar and shall reside within the County during the
322 term of appointment.

323 (4) The County Attorney shall be the legal advisor and
324 provide legal services to the County Mayor and executive branch
325 employees under the supervision of the County Mayor, in all

BILL

Redraft - B

YEAR

326 matters relating to their official duties and responsibilities.

327 (5) The County Manager shall supervise, at a minimum, the
328 department(s) charged with overseeing Transportation, Utilities,
329 Solid Waste, Facilities, Fleet, Parks, and Natural Resources, as
330 well as any other duties assigned by the County Mayor.

331 (6) The County Attorney shall supervise, at a minimum, the
332 department(s) charged with overseeing Planning, Zoning,
333 Development and Permitting services, Environmental Review,
334 Building Inspections, Contractor Licensing, Code Enforcement,
335 and Real Estate Acquisition and Disposition services, as well as
336 any other duties assigned by the County Mayor.

337 ~~(1) The County department heads shall be appointed by and~~
338 ~~shall be responsible to the County Manager.~~

339 ~~(2) The County Manager shall have the sole authority to~~
340 ~~suspend or terminate any department head with or without cause.~~

341 ~~C. County Attorney~~

342 ~~(1) The County Attorney shall be appointed by an~~
343 ~~affirmative vote of a simple majority of the membership of the~~
344 ~~Board of County Commissioners. The County Attorney may be~~
345 ~~terminated with or without cause by an affirmative vote of a~~
346 ~~simple majority of the membership of the Board of County~~
347 ~~Commissioners.~~

348 ~~(2) The County Attorney may be employed by means of a~~
349 ~~contract with the Board of County Commissioners.~~

350 ~~(3) The County Attorney shall be a member in good standing~~

BILL

Redraft - B

YEAR

351 ~~of the Florida Bar and shall reside within the County during the~~
352 ~~term of appointment.~~

353 ~~(4) The County Attorney shall be the legal advisor and~~
354 ~~provide legal services to the Board of County Commissioners, the~~
355 ~~County Manager and departments and divisions under the~~
356 ~~supervision of the County Manager, and all County regulatory and~~
357 ~~advisory boards and agencies in all matters relating to their~~
358 ~~official duties and responsibilities.~~

359 ~~(5) The County Attorney shall appoint and terminate~~
360 ~~Assistant County Attorneys with or without cause.~~

361 ~~(6) In the event there is an actual or potential conflict~~
362 ~~of interest between parties represented by the County Attorney~~
363 ~~as specified in Section 2.3.C.(4), the County Attorney shall~~
364 ~~promptly submit such conflict to the Board of County~~
365 ~~Commissioners who shall resolve such conflict by hiring special~~
366 ~~legal counsel or other lawfully available method to resolve the~~
367 ~~conflict.~~

368 Section 2. Referendum.—

369 (1) A referendum on the adoption of Section 1 shall be
370 held on November 5, 2024, in conjunction with the 2024 General
371 Election.

372 (2) The ballot title for the referendum question shall be
373 in substantially the following form:

374
375 REFERENDUM PROVIDING FOR REVISIONS TO THE STRUCTURE OF THE

BILL

Redraft - B

YEAR

COUNTY LEGISLATIVE AND EXECUTIVE BRANCHES

(3) The referendum question shall be placed on the ballot in substantially the following form:

Shall Chapter 2024- , Laws of Florida, which amends the Lee County Home Rule Charter to provide that the executive branch of Lee County government shall be headed by an elected County Mayor and to provide for the resulting assignment of roles and responsibilities between the county legislative and executive branches, and providing for minimum qualifications for office for all elected officers, beginning with the 2026 general election, become effective?

() Yes.

() No.

(4) The referendum election shall be conducted by the Supervisor of Elections of Lee County in accordance with the Florida Election Code.

Section 3. This act shall take effect only upon the approval of a majority vote of the qualified electors of Lee County in a referendum to be held in conjunction with the next general election, except that this section and section 2 shall take effect upon this act becoming a law.