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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

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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

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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

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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

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

105 D. Authority

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

113 E. Administrative Code

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

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

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

124 F. Office of the Hearing Examiner Vacancies

125 The responsibility to serve as an independent reviewer of zoning

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

134 G. Recall

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

137 H. Initiative

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

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

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

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

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

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

195 |         I. Non-Interference

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



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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~~

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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

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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~~

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

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

294 ~~(4)-(3)~~ The compensation of the County ~~Mayor~~ ~~Manager~~ shall  
 295 be the same as that set for the Sheriff by general law ~~fixed by~~  
 296 ~~the Board of County Commissioners.~~

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

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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

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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~~

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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

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376 | COUNTY LEGISLATIVE AND EXECUTIVE BRANCHES

377 |

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

380 |

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

389 | (    ) Yes.

390 | (    ) No.

391 |

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

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