



2025/2026 CHARTER REVIEW COMMISSION AGENDA
March 16, 2026
5:00 PM
Administration Building,
4th Floor, BCC Meeting Room, 477 Houston Street,
Green Cove Springs, FL 32043

INVOCATION

Scotty Taylor

PLEDGE OF ALLEGIANCE

CALL TO ORDER

WELCOME

ROLL CALL

APPROVAL OF MINUTES

2025/2026 Charter Review Commission Minutes February 9, 2026

PUBLIC COMMENT

DISCUSSION ITEMS

1. Charter vs. Non-Charter - Speaker
Pros and Cons

OLD BUSINESS

1. Updated Charter Topic List
2. Article II Organization of County Government, Section 2.2.C. Legislative Branch, Salaries and Other Compensation
 - CRC Attorney Salary Discussion Memo
 - Scheduling of Public Hearings

NEW BUSINESS

1. Article IV Home Rule Charter Transition, Amendments, Review, Severance, Effective Date, Section 4.2: B. Amendments and Revisions by Charter Review Commission
 - Repeal of County Charter
 - Utility Tax
 - CRC Frequency

PUBLIC COMMENT

CRC MEMBER COMMENTS

In accordance with the Americans with Disabilities Act, any person needing

accommodations to participate in this matter should contact Clay County Risk Management by mail at P.O. Box 1366, Green Cove Springs, Florida 32043, or by telephone at (904) 679-8596, no later than three (3) days prior to the hearing or proceeding for which this notice has been given. Deaf and hard-of-hearing persons can access the telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).



Agenda Item
Clay County Charter Review Commission

Clay County Administration Building
Monday, March 16 5:00 PM

TO: DATE:

FROM:

SUBJECT:

AGENDA
ITEM
TYPE:

REVIEWERS:

Department	Reviewer	Action	Date	Comments
BCC	Capo, Teresa	Approved	3/12/2026 - 9:05 AM	Item Pushed to Agenda



Agenda Item
Clay County Charter Review Commission

Clay County Administration Building
Monday, March 16 5:00 PM

TO: DATE:

FROM:

SUBJECT:

AGENDA
ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
2025/2026 Charter Review			
□ Commission Minutes February 9, 2026	Backup Material	3/9/2026	Charter_Review_Commission_Meeting_Minutes_and_Attachments_February_9__2026.ADA_aw.pdf

REVIEWERS:

Department	Reviewer	Action	Date	Comments
BCC	Capo, Teresa	Approved	2/12/2026 - 10:20 AM	Item Pushed to Agenda



2025/2026 CHARTER REVIEW COMMISSION MEETING MINUTES

February 9, 2026

5:00 PM

Administration Building
4th Floor, BCC Meeting Room
477 Houston Street
Green Cove Springs, FL 32043

INVOCATION

Scotty Taylor gave the Invocation.

PLEDGE OF ALLEGIANCE

Matthew Mitchell led the Pledge of Allegiance.

CALL TO ORDER

Chairman Courtney Connor called the meeting to order at 5:01 pm.

WELCOME

Chairman Courtney Connor welcomed all in attendance.

ROLL CALL

Present: Courtney Connor, Chairman
Yul McNair, Vice-Chairman
Rhonda Jett
Matthew Mitchell
Kurt Musser
Debbie Pascoe
Brandon Salter
Susan Callahan
Steve Anderson
Kristy Perry
Van Royal
Sherry Warren
Tim Nguyen
Scotty Taylor
Joe Delgado

Absent: Len Hering
Bill Engelbrecht

Staff Present: County Attorney Courtney K. Grimm
Executive Assistant Teresa Capo

APPROVAL OF MINUTES

2025/2026 Charter Review Commission Minutes January 12, 2026

Rhonda Jett made a motion for approval of the January 12, 2026, CRC Meeting minutes, seconded by Matthew Mitchell, which carried unanimously.

PUBLIC COMMENT

Public Comment can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Charter Review Commission/February 9, 2026](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Charter%20Review%20Commission/February%209,%202026), beginning at 3:05 and ending at 11:33. Below is a summary of the discussion.

Chairman Courtney Connor opened the floor for public comment at 5:03 pm.

Commissioner Betsy Condon - District Four (4), addressed the Commission to express her opinions and concerns regarding items discussed for the ballot - BoCC Salaries, spoke about utility tax, and other areas of concern.

Hearing no other comments, Chairman Courtney Connor closed the public comment at 5:11 pm.

OLD BUSINESS

1. Updated Charter Topic List

Item One (1) can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Charter Review Commission/February 9, 2026](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Charter%20Review%20Commission/February%209,%202026), beginning at 11:48 and ending at 12:12. Below is a summary of the discussion.

Chairman Courtney Connor noted the update Charter topic list attached to the agenda and mentioned there is no action required and the list can be reviewed as needed.

2. Article II Organization of County Government, Section 2.2: Legislative Branch, C. Salaries and Other Compensation

Discussion continued from December 15, 2025 and January 12, 2026 meetings.

Item Two (2) can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Charter Review Commission/February 9, 2026](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Charter%20Review%20Commission/February%209,%202026), beginning at 12:15 and ending at 56:40. Below is a summary of the discussion and vote for this agenda item.

Glenn Taylor, CRC Attorney addressed the Commission to provide details and

information regarding the language/text for the BoCC salary discussion continued from December and January meetings. See Attachment A.

Topics for questions, clarifications, and discussions:

- Clarification of Ballot Language referring to "equal 70%"
- Law/Florida Statute
- Formal - Based on Population
- Additional/Suggested language - Amending Language
- Transparency
- Increasing pay by Florida Statute vs. the Charter
- Dollar Amount
- Compensation for the Workload
- Annual Increase
- Outline for Duties performed by the BoCC - See Attachment B.
- Continuing as a Charter County vs. Non-Charter
- Utility Tax
- Educating the Public
- Scope of the Charter
- Data Information to Consider:
 - Ranking in Clay County - 64/of 67 Counties Per Capita Revenue/62 Per Capita Expenditures
 - Growth in Clay County - 25th
 - Rank 26th in State Capita Per Income
 - Average Household Income \$56,000.00
- Infrastructure
- Positive Impact in the Community
- Effort to Get Messaging out to the Community
- Attracting Qualified Candidates
- Being Competitive
- Moving Forward with Language

Christy Perry made a motion to approve suggested language as "shall Clay County amend its charter so that County Commissioners' compensation is limited to the salary set forth by state law - Florida Statute 145.031", seconded by Debbie Pascoe, which carried 9-4, with Van Royal, Chairman Courtney Connor, Matthew Mitchell, and Tim Nguyen in opposition.

There was continued discussion to clarify the motion, suggested/amended language, and the need for future meetings and publication/advertisements.

3. Article II Organization of County Government, Section 2.3: Executive Branch, D. Commission Auditor

Discussion continued from January 12, 2026 meeting. Attached to this item is a copy of the Mission and Scope of Work of Division of Inspector General of the Clerk of the Circuit Court and Comptroller, as requested by the CRC.

Item Three (3) can be seen at www.claycountygov.com/government/clay-county-tv-

and-video-archive/Charter Review Commission/February 9, 2026, beginning at 56:45 and ending at 58:18. Below is a summary of the discussion and vote for this agenda item.

Tim Nguyen addressed the Commission to provide an explanation for his request to withdrawal the above noted topic.

Tim Nguyen made a motion to withdrawal Commission Auditor topic, seconded by Sherry Warren, which carried 4-0.

NEW BUSINESS

1. Article II Organization of County Government, Section 2.2: Legislative Branch, I. Initiative

Item One (1) - NB can be seen at www.claycountygov.com/government/clay-county-tv-and-video-archive/Charter Review Commission/February 9, 2026, beginning at 58:20 and ending at 1:14:20. Below is a summary of the discussion and vote for this agenda item.

Brandon Salter addressed the Commission to provide an explanation for his request to withdrawal the above noted topic.

Brandon Salter made a motion to withdrawal the item, seconded by Tim Nguyen, which carried unanimously.

Chairman Courtney Connor opened the floor to discuss adding or removing items from the Charter topic list.

Topics Discussed/Mentioned:

- CRC Frequency
- Section 2.2 I - Initiative - Removed
- Section 2.3 D - Commission Auditor - Removed
- Marijuana Dispensaries
- Public Roads Funding
- Completion Date for Proposals and Hearings - End of July
- Utility Tax
- Greenspace Requirements
- Additional assistants for Commissioners
- Commission procedures
- Infrastructure requirement
- Main entrance enhancement into the County
- CCSO in the School System/Funding
- Education for the Reason for a Charter/Benefits of being a Charter County

Rhonda Jett made a motion to withdraw marijuana dispensaries, seconded by Sherry

Warren, which carried unanimously.

Matthew Mitchell made a motion to remove from the items of discussion: public road funding, green space requirements, additional assistants for commissioners, commission procedures, infrastructure requirements, and the main entrance enhancement for the county; seconded by Rhonda Jett. The motion carried unanimously.

Kurt Musser made a motion to add as a topic of discussion whether or not the Clay County voters should vote on no longer being a charter county, seconded by Susan Callahan, which carried 12-1, with Matthew Mitchell in opposition.

Chairman Connor clarified topics for discussion at the next CRC meeting. There were brief comments on the requirements for future meetings and the order/need for discussion of topics.

PUBLIC COMMENT

Chairman Courtney Connor opened the floor for public comment at 6:14 pm.

Hearing no comments, Chairman Courtney Connor closed the public comment at 6:14 pm.

CRC MEMBER COMMENTS

CRC Comments can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Charter Review Commission/February 9, 2026](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Charter%20Review%20Commission/February%209,%202026), beginning at 1:14:37 and ending at 1:16:36. Below is a summary of the discussion.

Matthew Mitchell expressed his gratitude to Commissioner Condon for her attendance.

Kurt Musser spoke about the development of SR23, the toll road, and the need to be prepared for growth in Clay County.

Hearing no further business, Chairman Courtney Connor adjourned the meeting at 6:17 pm.

Attest:

Tara S. Green
Clay County Clerk of Court and Comptroller
Ex Officio Clerk of the Board

Chairman or Vice-Chairman

Attachment
“A”
Ballot Language

Ballot Proposal: The ballot title and ballot summary for Question are as follows:

CHARTER AMENDMENT REVISING
COMMISSIONER SALARY PROVISIONS

Shall the Clay County Charter be amended to remove charter specified county commissioner salary of \$37,000, remove the requirement that county commissioner salary changes must be approved by a majority of electors in a general election, and provide that county commissioner salaries will be adjusted annually to equal 70% of the salaries set by general law for county commissioners in non-charter counties commencing October 1, 2027?

_____ Yes

_____ No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 2.2.C. of the Clay County Home Rule Charter are amended to read as follows:

c. Salaries and Other Compensation. Salaries of the county commissioners shall be set at \$37,000 per year through September 30, 2027. Beginning in the county budget year 2027-2028 and continuing thereafter, salaries of the county commissioners shall be set at 70 percent of the salaries set by general law for the county commissioners of non-charter counties. ~~Any salary changes shall be approved by a majority of electors in a general election.~~ Other compensation, benefits, or reimbursable expenses shall be set the same as those set by general law for the county commissioners of non-charter .

Attachment
“B”
BoCC Duties

Charter:

Commissioners must be sure that the County is following what's stated in the County Charter

Setting Policy:

Commissioners develop and adopt county laws, ordinances, and resolutions on various matters, including public health, parks, solid waste management, roads, zoning, and land use.

Supervise:

County Manager, County Attorney and County Auditor

Budgeting and Finance:

Responsible for managing the county budget, approving expenditures, and overseeing the collection of taxes.

Representation:

Commissioners represent the county's interests at the state and federal levels, advocating for the needs of their constituents.

Oversight:

They provide oversight and guidance to county departments and ensure efficient service delivery.

Long-Range Planning:

They participate in long-range planning for the county's future development.

Land Use and Zoning:

Commissioners approve land use changes, zoning ordinances, and other regulations that impact the county.

Public Safety:

They play a role in matters related to public safety, overseeing the budget for the sheriff's office and operating fire and emergency services. Also ensures availability of the courts and jail retention facilities that we fund.

Infrastructure:

They oversee the construction and maintenance of county roads, bridges, and other infrastructure.

County Property:

They are responsible for controlling, maintaining, and supervising county property, including courthouses, hospitals, libraries, and jails.

Elections:

They perform certain election functions, including, providing the funds for the operations of the Supervisor of Elections, providing polling places, ensuring accessibility and redrawing voting districts every ten years. Also Serves on Clay Canvassing Boards. Ensure fair and timely elections are held.

Appointing Officials:

They may appoint county officials as authorized by law, including filling vacancies.

Economic Development:

Maintain the partnership with economic development, with commissioners focusing on initiatives to create jobs and promote sustainable growth.

Intergovernmental Relations:

They may participate in joint powers agreements with other governmental units and assist local units of government through intergovernmental contracts.

Constituent Service:

Interact with residents to determine what help may be needed to correct a situation that impacts a county citizen and or their property.

Appearances:

Make appearances on behalf of the county at various events.

Transportation:

Plan, contact and fund transportation routes in Clay County



Agenda Item
Clay County Charter Review Commission

Clay County Administration Building
Monday, March 16 5:00 PM

TO: CRC DATE: 3/12/2026

FROM: Teresa
Capo

SUBJECT: Pros and Cons

AGENDA ITEM
TYPE:

REVIEWERS:

Department	Reviewer	Action	Date	Comments
BCC	Capo, Teresa	Approved	3/12/2026 - 9:03 AM	Item Pushed to Agenda



Agenda Item
Clay County Charter Review Commission

Clay County Administration Building
Monday, March 16 5:00 PM

TO: CRC DATE: 2/13/2026

FROM: Teresa
Capo

SUBJECT:

AGENDA ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
Updated Charter Topic List	Backup Material	3/12/2026	2025-26_CRC_Charter_Topic_Suggestions_Revised_2.9.26dsada.pdf

REVIEWERS:

Department	Reviewer	Action	Date	Comments
BCC	Capo, Teresa	Approved	2/12/2026 - 10:20 AM	Item Pushed to Agenda

2025/2026 Charter Topic Suggestions

Article I Creation, Powers and Ordinances of Home Rule Charter Government

~~Section 1.5: Casino Gambling (decided 11.17.25)~~

Article II Organization of County Government

~~Section 2.2 A. The County Commission~~

- ~~• # of districts (decided 12.15.25)~~
- ~~• Single member districts vs. countywide (decided 12.15.25)~~

~~Section 2.2 C. Salaries and Other Compensation (approved ballot language 2.9.26)~~

~~Section 2.2 I. Initiative (withdrawn 2.9.26)~~

~~Section 2.3 D. Commission Auditor (withdrawn 2.9.26)~~

Article III Elected County Constitutional Offices

~~Section 3.1 Residency Requirement (decided 11.17.25)~~

~~Section 3.2 Recall (decided 11.17.25)~~

Article IV Home Rule Charter Transition, Amendments, Review, Severance, Effective Date

Section 4.2: B. Amendments and Revisions by Charter Review Commission

- (1) CRC frequency

Other Items:

~~Marijuana Dispensaries (withdrawn 2.9.26)~~

~~Public Roads funding (withdrawn 2.9.26)~~

~~Greenspace Requirements (withdrawn 2.9.26)~~

~~Additional assistants for Commissioners (withdrawn 2.9.26)~~

~~Commission procedures (withdrawn 2.9.26)~~

~~Infrastructure requirement (withdrawn 2.9.26)~~

~~Main entrance enhancement into the County (withdrawn 2.9.26)~~

Utility Tax (added 11.17.25)

Repeal of County Charter (added 2.9.26)



Agenda Item
Clay County Charter Review Commission

Clay County Administration Building
Monday, March 16 5:00 PM

TO: CRC DATE: 3/11/2026

FROM: Teresa
Capo

SUBJECT:
• CRC Attorney Salary Discussion Memo
• Scheduling of Public Hearings

AGENDA ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Attorney Letter Com Salaries	Backup Material	3/13/2026	Commissioner_Salaries_2026dsada.pdf

REVIEWERS:

Department	Reviewer	Action	Date	Comments
BCC	Capo, Teresa	Approved	3/11/2026 - 11:27 AM	Item Pushed to Agenda

GLENN A. TAYLOR, P.A.

*ATTORNEY & COUNSELOR AT LAW
C.P.A.*

MEMORANDUM

TO: 2025-2026 Clay County Charter Review Commission
FROM: Glenn A. Taylor, Esq., General Counsel
DATE: March 16, 2026
SUBJECT: County Commissioner Salary Discussion

Pursuant to the direction of the CRC at its February 9, 2026 meeting I have compiled various materials that may be of some interest and assistance to you regarding your discussion concerning the proposed Ballot Amendment adopted at the meeting.

Pursuant to the CRC discussion and direction , I have prepared two options of ballot and charter language concerning revisions to the county commissioner salary provisions of Section 2.2C. of the Clay County Home Rule Charter.

Option 1 provides for utilizes the language set forth verbally at the meeting and approved by the CRC. This Option could be interpreted as by a court as not transparent and subject to legal challenges.

Option 2 is similar to Option 1, but provides for an immediate repeal of the present \$37,000 county commissioner salary and provides annually for the statutorily prescribed county commission salary in effect for similarly situated non-charter counties. This option is recommended by counsel to the CRC.

Attached as Exhibit "A" is Section 101.161(1) Florida Statutes. As you will recall, I have advised you of the statutory requirements therein and my concern lies in the risk of Florida Political Committees, Watch groups, and voting residents of Clay county filing a legal action against the county. Such entities or citizens would be seeking Declaratory Judgment and Injunctive Relief preventing them from being placed on the ballot.

Attached as Exhibit "B" are summaries of excerpts from the three leading cases by the Florida Supreme Court. I have bolded some of the significant findings of the court for your review.

Ballot Proposal: The ballot title and ballot summary for Option 1 are as follows:

CHARTER AMENDMENT REVISING
COMMISSIONER SALARY PROVISIONS

Shall the Clay County Charter be amended so that county commissioners compensation is limited to the salary set forth in Florida State statute 145.031 - Board of County Commissioners?

_____ Yes

_____ No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 2.2.C. of the Clay County Home Rule Charter are amended to read as follows:

c. Salaries and Other Compensation. Salaries of the county commissioners shall be set at the amount set forth in Chapter 145.031 Florida Statutes - Board of county commissioners. \$37,000 per year. Any salary changes shall be approved by a majority of electors in a general election. Other compensation, benefits, or reimbursable expenses shall be set the same as those set by general law for the county commissioners of non-charter counties or by county ordinance.

Ballot Proposal: The ballot title and ballot summary for Option 2 are as follows:

CHARTER AMENDMENT REVISING
COMMISSIONER SALARY PROVISIONS

Shall the Clay County Charter be amended to remove charter specified county commissioner salary of \$37,000, and provide that county commissioner salaries will be adjusted annually to the salaries set by general law for county commissioners in non-charter counties?

_____ Yes

_____ No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 2.2.C. of the Clay County Home Rule Charter are amended to read as follows:

c. Salaries and Other Compensation. Salaries of the county commissioners shall be set at ~~\$37,000 per year~~ the same as those set annually by general law for the county commissioners of non-charter counties. Any salary changes shall be approved by a majority of electors in a general election. Other compensation, benefits, or reimbursable expenses shall be set the same as those set by general law for the county commissioners of non-charter .

Exhibit A – Chapter 101.161 Excerpt

Page 4 of 5

ELECTORS AND ELECTIONS

Chapter 101

VOTING METHODS AND PROCEDURE

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word “yes” and also by the word “no,” and shall be styled in such a manner that a “yes” vote will indicate approval of the proposal and a “no” vote will indicate rejection. The ballot summary of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every constitutional amendment proposed by initiative, ...

Ballot Summary and Ballot Title Requirements.

Florida law requires that a ballot summary not exceed 75 words in length and a ballot title may not exceed 15 words in length. Fla. Stat. § 101.161(1). The ballot summary is an explanatory statement and it must “provide fair notice of the content of the proposed amendment so that the voter will not be misled as to its purpose, and can cast an intelligent and informed ballot.”

Advisory Op. to Attorney Gen. re Term Limits Pledge, 718 So. 2d 798, 803 (Fla. 1998).

Similarly, a ballot title may not be written in a manner that misleads the public.

Exhibit B – Florida Supreme Court Summary Excerpt

Page 5 of 5

Florida Supreme Court Opinions

In *Askew v. Firestone*, 421 so. 2d 151 (Fla. 1982), the Florida Supreme Court explained that "the purpose of section 101.161 is to assure that the electorate is advised of the true meaning, and ramifications, of an amendment," and held that ballot language is fatally defective when it fails to inform voters that the proposed amendment **would repeal or significantly alter an existing limitation**, thereby misleading voters as to the chief purpose. An omission to state a material fact would not be considered not misleading.

In *Wadhams v. Board of County Commissioners of Sarasota County*, 567 So. 2d 414 (Fla. 1990), the Florida Supreme Court applied Section 101.161 to county charter amendments and held that ballot language which fails to adequately inform voters of the **changes** to be accomplished is defective, emphasizing that the average voter must be able to understand from the ballot that a change in the status quo is being proposed and what that change is.

In *Armstrong v. Harris*, 773 So. 2d 7 (Fla. 2000), the Florida Supreme Court stated that ballot language may be "clearly and conclusively defective" either in an affirmative sense because it misleads voters about the material effects of the amendment, or in a negative sense because it fails to inform voters of material effects, **including the repeal of existing provisions**, and that ballot language may not "hide the ball" or "fly under false colors" as to the amendment's effect.

GLENN A. TAYLOR, PA
Attorney and Counselor at Law



Agenda Item
Clay County Charter Review Commission

Clay County Administration Building
Monday, March 16 5:00 PM

TO: CRC DATE: 2/12/2026

FROM: Teresa
Capo

- SUBJECT:
- Repeal of County Charter
 - Utility Tax
 - CRC Frequency

AGENDA ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Article IV Section 4.2 B	Backup Material	3/9/2026	ARTICLE_IV.ADA_aw.pdf
▢ Memorandum Discussion - Repeal Charter	Backup Material	3/16/2026	Memorandum_Discussion_-_Repeal_Charter.ADA_aw.pdf

REVIEWERS:

Department	Reviewer	Action	Date	Comments
BCC	Capo, Teresa	Approved	2/12/2026 - 10:40 AM	Item Pushed to Agenda

ARTICLE IV

HOME RULE CHARTER TRANSITION, AMENDMENTS, REVIEW, SEVERANCE, EFFECTIVE DATE

Section 4.2: Home Rule Charter Amendments.

B. Amendments and Revisions by Charter Review Commission.

¹³(1) A Charter Review Commission consisting of 15 electors as members and 5 additional electors as alternate members of the Charter Review Commission shall be appointed by the Board of County Commissioners at least 12 months before the general election occurring in 1994 and at least 12 months before the general election of every four (4) years thereafter. To the extent reasonably possible, the Board of County Commissioners shall appoint the alternates such that an equal number of them reside within each District of the County. The Charter Review Commission shall review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the State Legislature or Board of County Commissioners shall be a member of the Charter Review Commission. If there is a vacancy in the office of a Charter Review Commission member, then the alternate residing in the same District in which the former member resided will automatically accede to the seat that was vacated, if such an alternate member is available. If there is not an alternate available who resides in the same District of the County as did the person who vacated the seat, then the alternate who resides in the next seat in numerical sequence will accede to the open position. Thus, for example, if a member who resides in District 1 vacates his or her seat and an alternate residing in District 1 is un-available, then the alternate residing in District 2 will automatically accede to the open seat. If there is also no alternate residing in District 2, then the alternate residing in District 3 will accede to the open seat, and so on. Addition-ally, and by way of example, if a member of the Commission residing in District 5 vacates his or her seat, and there is no available alternate residing in District 5, then the alternate residing in District 1, if available, will automatically accede to the open seat, and so on. If there are no available alternates, then the Board of County Commissioners upon request by the Charter Review Commission shall appoint such number of alternates as may be requested by the Charter Review Commission, not to exceed 5 alternates, within thirty (30) days of the request.

GLENN A. TAYLOR, P.A.

ATTORNEY & COUNSELOR AT LAW
C.P.A.

MEMORANDUM

TO: 2025-2026 Clay County Charter Review Commission
FROM: Glenn A. Taylor, Esq., General Counsel
DATE: March 16, 2026
SUBJECT: Repeal of Charter – Discussion

Pursuant to the CRC discussions at its February 9, 2026 and earlier meetings, the CRC is considering whether the CRC may propose an amendment which would repeal the charter. I have compiled various materials to assist you for the March 16, 2026 meeting of the CRC. In summary repeal is beyond the jurisdiction of the CRC.

Article VIII, Section 1(c) of the Florida Constitution provides for:

....a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election for that purpose.

However, Florida Statutes Chapter 125, Part II, Sections 125.60-125.64 does not provide a mechanism for submitting the repeal of the charter to the electorate. Section 125.64(2) provides:

... Such charter, once adopted by the electors, may be amended only by electors of the county. The charter shall provide a method for submitting future charter revisions and amendments to the electors of the county....

Similarly, the Clay County Charter Article IV, Section 4.2 B(1) – Amendments and Revisions by Charter Review Commission - Does not provide a mechanism for the submission of the amendment repealing the charter. It states:

....The Charter review Commission shall review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general ballot.

There is no authority on point interpreting this section of the Florida Constitution or Florida Chapter 125, beyond primarily the Florida Attorney General Opinions issued on October 7 1975 (AGO 75-259 and an Informal opinion dated March 17, 2004 which accompany this memo as **Exhibit "A-1 and A-2"**.

These Opinions state in summary there is no authority for repeal under General or specific law for the charters repeal. It may be the reason for this is because of the confusion which would occur and chaotic outcomes in such an event. Therefore, the strong implication is the legislature leaves the option of requiring a special law or act by the legislature.



JAMES UTHMEIER

[Home](#) > [AG Opinions](#) > [County Charter and Initiative and Referendum](#)

[View PDF](#)

COUNTY CHARTER AND INITIATIVE AND REFERENDUM

Number: AGO 75-259

Issued October 07, 1975

Subject: County charter and initiative and referendum

VOLUSIA COUNTY CHARTER--MAY NOT BE REPEALED BY INITIATIVE AND REFERENDUM

To: Edgar M. Dunn, Jr., Senator, 10th District, Daytona Beach

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTION:

Is the Volusia County Charter subject to repeal via the initiative and referendum process?

SUMMARY:

Section 1302 of Volusia County Home Rule Charter, Ch. 70-966, Laws of Florida, authorizing *amendments* to the charter to be initiated by the county council or by petition of the voters, does not impliedly authorize the charter to be repealed by that initiative and referendum process; and, under the present provisions of Art. VIII, s. 1, State Const., and ss. 125.60-125.64, F. S. 1973, the Volusia County Charter may be repealed only by special act of the Legislature approved by vote of the electors.

Your question is answered in the negative.

Article VIII, State Const., relating to home rule for counties and cities, provides in s. 1(c) thereof as follows:

"Exhibit A-2"

"Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose."

Provision is made by general law, ss. 125.60-125.64, F. S., for the adoption, by initiative and referendum, of a county home rule charter. (The proposal may be initiated by resolution of the board of county commissioners or by petition of at least 15 percent of the qualified electors of the county. Section 125.61.) Subsection (2) of s. 125.64 provides that:

". . . *Such charter*, once adopted by the electors, may be amended only by the electors of the county. The charter shall provide a method for submitting future charter revisions and amendments to the electors of the county." (Emphasis supplied.)

The Volusia County Home Rule Charter was not adopted pursuant to the provisions of this general law but as a special act of the Legislature (Ch. 70-966, Laws of Florida), approved by vote of the electors as required by Art. VIII, s. 1(c), *supra*. Section 1302 of the charter provides for the *amendment* of the charter by initiative and referendum (amendments may be proposed either by the council or by a petition of the electors) and for a periodic review of the charter and ordinances by a Charter Review Commission. It does not, however, provide a method for the *repeal* of the charter. So the real question here is whether the authority to *amend* the charter by initiative and referendum was intended to authorize the *repeal* thereof by that process.

It is settled in this state that an amendment to a statute or to the Constitution may have the effect of impliedly repealing existing provisions that are so irreconcilably repugnant to the later enactment as to clearly demonstrate an intent to repeal. See *Jackson v. Consolidated Government of City of Jacksonville*, 225 So.2d 497 (Fla. 1969), and *Orange City Water Co. v. Town of Orange City*, 255 So.2d 257 (Fla. 1971), as to statutes; and *Board of Public Instruction of Polk County v. Board of County Commissioners*, 50 So.

574 (Fla. 1909), *Wilson v. Crews*, 34 So.2d 114 (Fla. 1948), and *Gray v. Golden*, 89 So.2d 785, 789 (Fla. 1956), as to constitutional provisions. *Accord*: Black's Law Dictionary, 4th Ed. p. 1463, defining "repeal" to include not only an express repeal but also one that is implied when the later law is "so contrary to or irreconcilable with those of the earlier law that only one of the two statutes can stand in force . . ." But an "implied repeal" is not an "amendment" within the purview of the constitutional requirements for amending or revising laws. *Buchanan v. State*, 111 So.2d 51 (1 D.C.A. Fla., 1959); *Van Pelt v. Hilliard*, 78 So. 693 (Fla. 1918); *City of St. Petersburg v. English*, 45 So. 483 (Fla. 1908). And no decision has been found in which it was ruled that the words "repeal" and "amend" are interchangeable in the present or any other context. They are, in fact, two entirely different concepts. As noted in Black, *supra*, citing *State v. Moore*, 99 S.W.2d 17, 19 (Mo. 1936):

"'Repeal' of a law means its complete abrogation by the enactment of a subsequent statute, whereas the 'amendment' of a statute means an alteration in the law already existing, leaving some part of the original still standing."

In an analogous situation, the Florida Supreme Court has ruled that the method provided by the Florida Constitution for proposing and adopting an amendment of its provisions may not be used in proposing and adopting a "revision" thereof. See *Rivera-Cruz v. Gray*, 104 So.2d 501 (Fla. 1958), ruling that Art. XVII, s. 1, State Const. 1885, relating to the "amendment" of the Constitution, "was meant to deal with the change of parts, not the whole, of the Constitution," and that the two methods (amendment and revision) of changing the Constitution provided by ss. 1 and 2 of Art. XVII, *id.*, "still obtain and . . . may not be intermingled." The court quoted with approval the California Supreme Court in *Livermore v. Waite*, 36 P.424, and *McFadden v. Jordan*, 196 P.2d 787, stating that an amendment is "such an addition or change *within the lines of the original instrument* as will effect an improvement or better carry out the purposes for which it was framed." *Accr* 'ams *v. Gunter*, 238 So.2d 824 (Fla. 1970), striking down an initiative petition proposing an "amendment" to the Florio

Constitution to create a unicameral legislature on the ground that it was, in fact, a proposal for a "revision" which had not been proposed in the manner prescribed by the Constitution.

If a revision and an amendment may not be interpreted as synonymous insofar as the procedure for effecting changes in the state's organic law is concerned, a fortiori a repeal and an amendment are not the same insofar as the county's organic law -- its charter -- is concerned. And, as the two words may not be used interchangeably under the decisions referred to above, the application of the rule *expressio unius est exclusio alterius* -- the inclusion of one thing impliedly excludes others -- leads to the conclusion that there is no authority to initiate a repeal in the manner prescribed for an amendment by the special act, Ch. 70-966, *supra*. This conclusion is reinforced by the fact that the provision of the charter act relating to the adoption of ordinances and resolutions (s. 308) provides that a majority of the full council "shall constitute a quorum and shall be required to adopt, amend *or repeal* any ordinance," and that a majority of those present "shall be required to adopt, amend *or repeal* a resolution or motion under the terms of this provision." (Emphasis supplied.) Plainly, had the Legislature intended that the charter could be repealed by the initiative and referendum process provided for an amendment, it would have been a simple matter to so provide, as it did in providing for the adoption, amendment, or repeal of county ordinances.

It should be noted also that the Volusia County Home Rule Charter was initiated by the Legislature itself, prior to its submission to the electorate for approval, rather than under the provisions of the general law, ss. 125.60-125.64, *supra*. And it seems clear that a legislative intent that its special home rule act could be repealed without its consent by action initiated by the county council or by the electorate should be expressly stated and not inferred.

It must be concluded, therefore, that the Volusia County Charter may be repealed only by action initiated by the Legislature itself and not by the initiative and referendum process prescribed in the charter for amendments thereto. (The vote of the electors is, of course, required by Art. VIII, s. 1(c), *supra*, for either a repeal of or an amendment to a county charter.) Thus, under existing law, a proposal to repeal the Volusia County Charter Act should be adopted as a special act of the Legislature prior to its submission to the electorate for approval.

Resources

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CHARTER REVIEW COMMISSION

Number: INFORMAL

Issued March 17, 2004

Mr. C. Allen Watts
Commission Counsel
Brevard County Charter Review Commission
211 East Rich Avenue
DeLand, Florida 32724

Dear Mr. Watts:

This is in response to your request on behalf of the Brevard County Charter Review Commission as to whether the commission may propose an amendment to the county's charter which would repeal the charter.

This office does not offer legal interpretations or opinions on the provisions of a local charter, code or ordinance.[1] While it appears that the question posed involves the resolution of the semantics between an amendment and a repeal, ultimately it involves an interpretation of the authority granted under the Brevard County Charter. In an attempt to provide assistance, however, the following informal comments are offered.

Section 1(c), Article VIII, Florida Constitution, states:

"Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose."

You state that the charter for Brevard County was proposed using the process established in sections 125.60-125.64 Florida Statutes, and adopted by referendum in November 1994. Section 125.64(2), Florida Statutes, states:

"Exhibit A-2"

"If a majority of those voting on the question favor the adoption of the new charter, it shall become effective January 1 of the succeeding year or at such other time as the charter shall provide. Such charter, once adopted by the electors, may be amended only by electors of the county. The charter shall provide a method for submitting future charter revisions and amendments to the electors of the county."

The adopted charter contains three methods for its amendment, including extraordinary vote by the board of county commissioners, petition by a specified number of the electorate, and upon recommendations by a charter review commission.[2]

Section 7.4 of the Brevard County Charter provides:

"Not later than July 1 of the year 1997 and every sixth year thereafter, the Board of County Commissioners shall appoint a Charter Review Commission to review the Charter of the County. Each Charter Review Commission shall consist of fifteen (15) persons, with not less than two (2) members residing in each Commission district. The Commission shall otherwise be appointed in the manner provided by law for the appointment of charter commissions in counties without charters. The Commission shall be funded by the Board of County Commissioners and shall be known as the 'Brevard County Charter Review Commission.' It shall, within one (1) year from the date of its first meeting, present to the Board of County Commissioners its recommendations for amendment of the Charter or its recommendation that no amendment is appropriate. If amendment is to be recommended, the Charter Commission shall conduct three (3) public hearings, at intervals of not less than ten (10) days, immediately prior to the transmittal of its recommendations to the Board of County Commissioners. The Board of County Commissioners shall schedule a referendum on the proposed charter amendments concurrent with the next general election. The Charter Review Commission may remain in existence until the general election for purposes of conducting and supervising education and information on the proposed amendments."

The charter further provides for an independent review of any proposed charter amendments, whereby the county commission empanels three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law, and the charter. The persons serving on the panel must have demonstrated experience in local government law and must be licensed to practice law in Florida or have retired from a Florida law practice or the Florida judiciary within the past five years.[3] In the event two of the three members of the panel find that the amendment embraces a single subject and conforms to the Florida Constitution, general law and the charter, the county commission "shall place the proposed charter amendment on the ballot for consideration at a referendum at a special election held concurrently with the next countywide election or at an earlier special election called for that purpose."

The sitting charter review commission was appointed in 2003 and proposes to deliver its final report to the Brevard County Board of County Commissioners in July 2004. The charter review commission has been requested to recommend repeal of the county's charter, but questions its authority to do so. You have advised the charter review commission that its authority is limited to recommending amendments to the charter and would not appear to extend to recommending its repeal.

This office was asked to consider a substantially similar issue in Attorney General Opinion 75-259. In that opinion this office ✓ was asked to determine whether the provisions in the Volusia County Home Rule Charter allowing amendments to be proposed by an initiative petition included the authority to propose a repeal. The charter also provided for the periodic review of the county's charter and ordinances by a charter review commission. The charter, however, did not provide a method for its repeal. Thus, the question there, as in the instant situation, was whether the authority to amend initiative and referendum was intended to authorize the repeal of the charter in the same manner.

While recognizing that amendment of a statute or the Constitution may have the effect of impliedly repealing existing provisions that are "irreconcilably repugnant" to the later enactment, this office found that an "implied repeal" is not an "amendment" as contemplated by the constitutional requirements for amending or revising laws. No court decision was found that had ruled that the words "repeal" and "amend" are interchangeable; rather they are entirely different concepts. As noted in the opinion, Black's Law Dictionary distinguishes "repeal" from "amendment" as follows:

"'Repeal' of a law means its complete abrogation by the enactment of a subsequent statute, whereas the "amendment" of a statute means an alteration in the law already existing, leaving some part of the original still standing." [4]

The opinion further cited to a Florida Supreme Court decision, *Rivera-Cruz v. Gray*, [5] in which the Court ruled that the method provided in the Florida Constitution for proposing and adopting an amendment of its provisions could not be used in proposing and adopting a "revision" thereof. This office concluded, therefore, that absent a legislative provision for the repeal of the charter, it could not be repealed in the same manner by which it could be amended. In that instance, the charter for Volusia County was initiated by the Legislature, which further supported the conclusion that the manner in which the special act might be repealed would have to be expressly stated and not inferred.

Similarly, in the instant case, neither sections 125.60-125.64, Florida Statutes, nor the provisions of the Charter of Brevard County provide a manner for the repeal of the county charter. [6]

I trust that these comments will assist you in the resolution of this issue.

Sincerely,

Lagran Saunders
Assistant Attorney General

ALS/tgk

[1] See Statement Concerning Attorney General Opinions, Annual Report of the Attorney General.

[2] See ss. 7.3.1., 7.3.2. and 7.4., Charter of Brevard County.

[3] Section 7.4.A., Charter of Brevard County.

[4] Black's Law Dictionary, Fifth Ed. (1981), p. 1167. It is noted that the opinion referred to the Fourth Edition of Black's Law Dictionary containing the same definition.

[5] 104 So. 2d 501 (Fla. 1958).

[6] Cf. Op. Att'y Gen. Fla. 90-09 (1990) (charter commission created pursuant to s. 125.61, Fla. Stat., must present proposed charter to county commission for approval or disapproval by referendum).