

LEE COUNTY ORDINANCE NO. ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING ORDINANCE 08-15, PURSUANT TO THE PROVISIONS OF SECTION 125.80 FLORIDA STATUTES, ET SEQ., "THE OPTIONAL COUNTY CHARTER LAW"; RELATING TO THE LEE COUNTY CHARTER AND THE PROVISIONS THEREOF ON ELECTED COUNTY CONSTITUTIONAL OFFICES TERM LIMITS; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION, SCRIVENER'S ERRORS, AND INCLUSION IN CODE; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 1.(c) & (g), Florida Constitution, provides that a county government may, pursuant to general law be established by charter, as adopted by vote of the electors of the county; and,

WHEREAS, the Board of County Commissioners (the "Board") is the governing body in and for Lee County, a political subdivision and Charter County of the State of Florida ("County"); and

WHEREAS, Florida Statutes Section 125.80, et al., provides a statutory method whereby a county not having a charter form of government may locally initiate a county Home Rule Charter; and,

WHEREAS, the Board of County Commissioners, on January 3, 1996, duly passed and adopted Ordinance No. 96-01, which called for an election referendum to determine whether the Charter should be adopted; and,

WHEREAS, on November 5, 1996, the Proposed Charter of Lee County, Florida was presented to the qualified Lee County electorate by placing the question of whether to adopt same on the Ballot at a Special Referendum Election; and,

WHEREAS, the Proposed Charter was voted for adoption by Ballot at the Special Referendum Election and became effective on January 1, 1997; and,

WHEREAS, Article IV, Section 4.1 C. provides for a Board of County Commissioners' method of amending the Lee County Charter whereby proposed Amendments are directed by the Board of County Commissioners to ballot; and,

WHEREAS, the Board of County Commissioners proposes to amend Lee County Ordinance No. 08-15, Article III., relating to Elected Constitutional Offices; and

WHEREAS, the proposed amendment would limit Elected Constitutional Officers to serving no more than three (3) consecutive terms.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:

SECTION ONE:

This Ordinance amends Lee County Ordinance 08-15, as set forth herein. The amendments and revisions set forth in the following Section is hereby adopted, with strike through type being the language deleted and underlined text being language added.

SECTION TWO:

Article III, Elected County Constitutional Offices, Section 3.1: Elected County Constitutional Offices of Lee County Ordinance 08-15, is hereby further amended to read as follows:

**ARTICLE III
ELECTED COUNTY CONSTITUTIONAL OFFICES**

Section 3.1: Elected County Constitutional Offices

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independent, elected constitutional officers and the powers, duties and functions shall not be altered by this Home Rule Charter, except as provided in ~~Section 3.2: Non-Partisan Elections (below)~~ 3.3: Terms of Elected County Constitutional Officers (below). The Constitutional officers shall perform their executive and administrative functions as specified by general law.

Section 3.3: Terms of Elected County Constitutional Officers

County Elected Constitutional Officers who have held the same county constitutional office shall serve no more than three (3) full consecutive terms in that office. No previous term in office which is in progress as of November 2026, shall be considered a term of service for purposes of the limitations contained herein.

SECTION THREE: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of other lawfully adopted Ordinance or Statute, the most restrictive requirements will apply.

SECTION FOUR: SEVERABILITY

It is declared to be the legislative intent that if any section, subsection, sentence, clause or provision of this Ordinance is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS

The Board intends that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing, by filing a corrected or recodified copy of same with the Clerk of Circuit Court.

SECTION SIX: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION SEVEN: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State, but the Amendment at Section 3.3 shall be of no further force or effect if the Proposed Amendment is not duly approved at the November 3, 2026, Special Referendum Election.

Commissioner ____ made a motion to adopt the foregoing ordinance, seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	_____
Cecil L. Pendergrass	_____
David Mulicka	_____
Brian Hamman	_____
Trish Petrosky	_____

DULY PASSED AND ADOPTED this 5th day of May 2026.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Cecil L. Pendergrass, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Office of the County Attorney

CAO Draft (4/21/26)