

Issue No. 4
Primary Elections
(City Charter – Related Laws, Article I, s. 1-1)

Current Language

City Charter, Sec. 134. [Charter review committee.]

A City of Tallahassee Charter Review Committee shall be appointed in the month of January, 2009, for the purpose of reviewing the role, duties, and functions of the mayor and city commissioners and shall make recommendations to the city commission for any amendments to the City Charter which the committee deems appropriate and necessary. The committee shall complete its review process within 60 days of appointment and shall make a formal written report to the city commission. The city commission shall conduct at least one public hearing on the recommendations of the committee. The committee shall consist of ten electors of the city with each city commissioner and the mayor/commissioner appointing two such members. The committee shall meet pursuant to bylaws established by the city commission.

(Ord. No. 04-O-24AA, § 1, 3-31-2004)

[Staff note: s. 134 of the Charter is now obsolete]

City Code, Ch. 2, Art. VI (Boards & Committees), Division 3 (Charter Review Committee)

Sec. 2-251. - Meetings; report.

A city charter review committee shall convene in the month of November 2003, for the purpose of reviewing the role, duties, and functions of the mayor and city commissioners and shall make recommendations to the city commission for any amendments to the city Charter which the committee deems appropriate and necessary. The charter review committee shall complete its review process within 60 days of appointment and shall make a formal written report to the city commission. The city commission shall conduct at least one public hearing on the recommendations of the charter review committee.

Sec. 2-252. - Composition.

The charter review committee shall consist of ten electors of the city with each city commissioner and the mayor/commissioner appointing two such members. The charter review committee shall meet pursuant to bylaws established by the city commission.

(Ord. No. 96-O-0027AA, § 3, 9-11-1996)

[Staff note: s. 2-251 & 2-252 of the Code is now obsolete]

Abbreviated History of Tallahassee's previous Charter Review Committees

1996 Leadership Mayor Advisory Committee

In 1996, discussions surfaced regarding abandoning a rotating mayor system and seeking a charter amendment to allow voters to directly elect a mayor to serve as the chairman of the city commission. This topic was referred to an ad-hoc advisory committee in 1996, and the committee was known as the Leadership Mayor Advisory Committee. At the conclusion of the committee's work, their recommendation was to have the City Commission place the Directly Elected Leadership Mayor question on the ballot as a charter amendment referendum. In addition, the committee's recommendation was also to, eight years later, hold another referendum to either retain the Directly Elected Leadership Mayor or revert back to a rotating mayor system. Only the amendment relative to electing a mayor was sent to the ballot by the City Commission.

The Commission later provided for a Charter Review Committee to convene after the first 5 years of a Leadership Mayor. That 10-person committee would meet in 2003, with the express purpose of reviewing the "... role, duties, and function of the mayor and city commissioners...". This requirement was enacted via Ordinance 97-O-27AA.

2003 Charter Review Committee

The 2003 panel meet for a period of 60 days, consistent with the requirements set forth in City Ordinance s. 2-251 & 2-252. Upon conclusion of their work, the committee submitted a written report of recommendations to the city commission. Of the several recommendations, the Commission ratified only one, which was to convene another charter review committee in five years.

This resulted in the adoption of Ordinance 04-O-24AA, which created s. 134 of the City Charter. This Charter provision rendered the City Code provisions of s. 2-251 & 2-252 obsolete.

2009 Charter Review Committee

In 2009, consistent with the requirements set forth in Charter s. 134, another 10-person panel meet for 60 days. At the conclusion of the committee's work, it submitted a written report of recommendations to the city commission. Of the items submitted, none were sent to the ballot. As the requirements of s. 134 of the Charter were satisfied, the language of s. 134 is now rendered obsolete.

How Charters may be Amended

In Florida, Ch. 166, F.S., the "Municipal Home Rule Powers Act," governs how city charters may be amended. In simplistic terms, the two triggers to initiate a charter amendment are either (1) a vote of the governing body after public input at a public hearing, or (2) submission of a sufficient number of signatures on a citizen-led petition effort.

With respect to amendments initiated by the governing body, the body is not required by Ch. 166 to conduct a "charter review" or form any body or group to review or consider proposals. Prior to the 1973 Home Rule Powers Act, approximately 50 city charter amendments occurred. From 1973 until 1996, the City Commission initiated 15 amendments to the Charter and proctored 2 more initiated by citizen petitions. After 1996, another 11 Charter amendments were initiated by the City Commission and another 2 were prompted by citizen-led initiatives.

Charter Review Models

A review of the most populous cities indicates a mixture of approaches. Some jurisdictions, like Tallahassee, do not have a requirement that a charter review be performed at any fixed interval. Instead, these jurisdictions form a committee if a need arises or utilize staff to perform the work. For much of Tallahassee's history, city management and the city commission have identified needed changes to the Charter and have initiated amendments.

From the Florida League of Cities presentation at the January 25th meeting, it was noted that newer cities tend to implement a short review cycle – perhaps 5 years – but for older, established cities the interval was longer -- 10 to 20 years -- if there was any requirement at all. (*FLC presentation, slide 12*). It was also noted that newer cities tended to enact a review due to a “starter charter” sentiment. In Florida, the Florida Constitution Revision Committee convenes every 20 years. In 2022, a measure to repeal the revision committee was supported by 53% of voters statewide but failed to achieve the required 60% threshold for passage.

Of the peer cities that have a standing review requirement, the interval is set at either 6, 8, or 10 years. In considering a fixed interval, thought should be given to which ballot or election cycle future referenda may appear (i.e. presidential or gubernatorial). Thought should also be given to the length of city commission terms, which are presently 4-year terms.

Of the peer cities that have a standing requirement, some committees are structured as advisory-only while other committees' recommendations advance straight to the ballot. Some require only a simple majority of the committee to advance a recommendation, while one peer requires a supermajority. Some procedures require the committee to reduce its recommendations to ordinance form (i.e. the exact language to be adopted and the ballot language) and do not permit the advancement of an idea or concept that is not in a ballot-ready format. While most of the provisions provide only a general framework, several cities codified detailed procedures covering a variety of details on how the committee is seated, and how the committee may operate.

Leon County

Effective in 2002, Leon County became a Home Rule Charter county. This 2002 charter would be considered a “starter charter.” In the County Charter, there is a requirement for a charter review committee every 8 years, with past committees organized in 2009/10 and 2017/18. The 2017 committee was comprised of 14 members and convened for 120 days. The county panel is advisory only and any recommendation from the group is elevated to the County Commission for review. It requires the vote of least 5 of the 7 county commissioners to place an amendment on the ballot.

Observations

Charter reviews may be performed directly by the elected body.

Charter reviews may use a separately appointed committee to make recommendations to the elected body.

Charter reviews can be specified in charter, required by ordinance, or left to the discretion of the elected body.

If a standing review interval is deemed advisable, thought should be given as to whether the body should remain an advisory only body, or whether the body's recommendations should go directly to the ballot. Of the peer cities, a few cities send committee recommendations directly from the review committee to the ballot; however, the significant majority of cities require ratification of committee recommendations by the governing body prior to the recommendation proceeding to the ballot. Note that Gainesville has a hybrid model where committee recommendations to go to the ballot unless vetoed by a supermajority of the governing body.

6 of 16 peer cities conduct charter review as needed while 10 specify periodic review. Of those that require periodic review, 6 do so every 10 years while 4 do so every 6 or 8 years. If a fixed review interval is deemed advisable, a review period of 10 to 20 years would seem more appropriate than a shorter cycle given Tallahassee's mature Charter. We are not in a "starter charter" phase. A 12 or 16-year interval would synch with the 4-year terms of city commission seats.

Additional consideration may be given to when future county charter reviews may occur so any City review would not overlap to any County review process. Future county charter reviews will occur in 2025/26, 2033/34, 2041/42 with any County amendments appearing on the general election ballots of 2026, 2034, and 2042.

Attachments:

A - Matrix of most-populous cities

B – Example review cycles matrix

Other Large Florida Cities (cities w/ populations 120K – 460K)

| <u>City</u> | <u>Has Charter Review Requirement</u> | <u>How Often</u> | <u>Description</u> |
|----------------|---|--|--|
| Miami | No. | Conducted as needed | Last effort was in 2014 lasted approximately 2 years. Per news outlets, Miami is currently mulling a CRC. |
| Tampa | Yes. City Charter s. 10.10 (requirement enacted in 2018). | Every 10 years, with the first committee to be seated in 2027. May summon CRC at any other time via ordinance. | Body is advisory only. The Council may accept, reject, or amend any proposal. 9-person board with 2 alternates. 1 each by the council members and 2 by mayor. |
| Orlando | No. | Conducted as needed | No record of any CRC being empaneled in modern history could be found. |
| St. Petersburg | Yes. City Charter s. 8.01 | Every 10 years, in November of each year ending in '8' | Any amendments must go directly to the ballot for referendum. Panel has 9 months to complete its work. |
| Hialeah | Yes. City Charter s. 8.01 | Every 10 years, in each year ending in '9' | Body is advisory only. The Council may accept, reject, or amend any proposal. Any recommendations presented must be in ordinance form, ready for placement on the ballot should the Council endorse any proposal. 3-member panel appointed by the Council. Review provision was added to present Charter to trigger a review on its 10 th anniversary and every 10 years thereafter. The last effort lasted approximately 2 months. |
| Port St. Lucie | No. | Conducted as needed | A council-led review occurred in 2022, which was the first significant review since 2002. The effort lasted approximately 3 months. |
| Cape Coral | Yes. City Charter, s. 10.03 | As of 2016 and every 6 years thereafter. | Body is advisory only. The Council may accept, reject, or amend any proposal. 7-member panel. |
| Tallahassee | No. | Conducted as needed | Body is advisory only. The Commission may accept, reject, or amend any proposal. |

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| | | | Has conducted 3 reviews of specific aspects in 1996, 2003, & 2009. 10-member panel. |
| Fort Lauderdale | Standing Advisory Committee. Ordinance, s. 2-231 & 2-232 | Standing. | Body is advisory only. The Council may accept, reject, or amend any proposal. Board appears to meet monthly. 5-member panel, appointed to 1-year terms. |
| Pembroke Pines | Yes. City Charter, Article VII | As of May 2016 and every 6 years thereafter. Additional CRCs may be called as needed. | Body is advisory only. The Council may accept, reject, or amend any proposal. A supermajority is required to advance a recommendation to the Council. 11-member board, with mayor appointing 3 and council members appointing 2 each. Members serve a 1-year term. |
| Hollywood | Yes. City Charter, Article XI | As of March 2017 and every 6 years thereafter. | Any item advanced by a supermajority of the panel must be placed on the ballot for referendum. Such items are due, in ordinance form, by June prior to the general election. 9-to-11-member panel. Terms begin in March of required year of appointment and expire the day after the following General election (gubernatorial election year). Term may be extended by resolution of the council. |
| Gainesville | Yes. City Charter, s. 5.01(2) | As of 2020, must be empaneled 12 – 18 months prior to the Nov. 2020 general election, and every 10 years thereafter. | Any recommendation advanced must be placed on the ballot for referendum, unless vetoed by a 2/3 vote of the Council. Recommendations due at least 6 months prior to the general election. 11-member panel. |
| Miramar | No. | Conducted as needed | Last review occurred in 2009. |
| Coral Springs | Optional. City Charter, s. 7.01 | As of May 2013, and every 10 years thereafter, a panel <u>may</u> be organized. | Body is advisory only. The Council may accept, reject, or amend any proposal. Any recommendation advanced must be in ordinance form. |

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| | | | 15-member body, with each council member appointing 3 persons, each to 1-year terms. |
| Palm Bay | Yes. City Charter, s. 9.01 | As of 1990, and every 10 years thereafter, after each federal census. | Body is advisory only. The Council may accept, reject, or amend any proposal. A panel of at least 10 members. The last panel met twice per month for 4 months. |
| Lakeland | Yes. City Charter, s. 97 | As of January 2024, and every 8 years thereafter. | Body is advisory only. The Council may accept, reject, or amend any proposal. 15-member panel, with 1-year terms. |
| West Palm Beach | No. | Conducted as needed | Last review occurred in 2011 and lasted approximately 6 months. |

Observations

Authority

- 9 charter review panels are advisory only.
- 3 charter review panels advance recommendations directly to the ballot.

Size

- 15 members – 2
- 11 members – 2
- 10 members - 3
- 9 members - 1
- 7 members - 1
- 3 members - 1

Frequency

- As needed – 6
- Every 10 years – 6
- Every 8 years – 1
- Every 6 years – 3
- 1 has a standing committee that meets continuously

Language

- 3 require ballot language as recommendations advance directly to the ballot.
- 2 requires ordinance language for presentation to elected body.

Issue No. 4
Charter Review Models
(City Charter – Related Laws, Article I, s. 1-1)

At the February 15th meeting, the CRC requested that staff provide sample options for implementing a recurring, periodic review of the city charter, to be empaneled with sufficient lead time before a regular election.

Charter Review Models

Using the Florida League of Cities information, staff recommends that a future review be implemented per one of the methods described below, or a similarly structured method as the committee may deem appropriate. Overarching goals would be to:

- Provide for future reviews, but not have those reviews scheduled too frequently. As the Charter is the “city constitution,” it should be a lasting framework.
- Conduct a full “top to bottom” review at the next review cycle. If so, more time may be needed for a committee to complete their work. If an exhaustive review is conducted, subsequent reviews may be less frequent or more focused.
- Future reviews should not overlap with a county charter review, which convenes every 8 years, and are afforded 120 days to work.
- If maximum voter participation is desired, then review cycles should be timed to place any proposed amendments on a presidential-year ballot.
- If a review cycle is codified in the Charter, the procedures for the committee’s appointment, operations, meetings, etc. should be set forth in ordinance.

Observations

An 8-year review cycle is not recommended by staff due to being too short an interval. This is supported by Florida League of Cities data showing review frequencies of less than 10 years to be uncommon.

A 10-year review cycle will result in amendments being placed on a presidential ballot in one cycle and on a gubernatorial ballot the next. In certain years, the city charter review will overlap with a county charter review. For peer cities with periodic reviews, 10 years is the most common interval.

A 12-year review cycle can be structured to always coincide with a presidential ballot cycle where maximum voter turnout is likely to be achieved, while also not conflicting with a county review cycle.

As an alternative, the committee could suggest a top-to-bottom style comprehensive review in 10 years as a one-time event, with reviews thereafter to be conducted per the call of the city commission.

Sample Charter Language

Sec. 134. – Charter Amendments; Charter Review Committee

Amendments to the City Charter may be proposed by any method authorized by law, including but not limited to petition of electors or by ordinance.

A charter review committee shall be convened in June _____ and every _____ years thereafter. The committee shall conduct a review of the charter and present a final report of recommendations to the city commission not later than March 30th of the following year. The charter review committee shall consist of registered electors of the city, appointed by the city commission, who shall serve without compensation. The membership, duties, and responsibilities of the committee shall be established by ordinance.

The City Commission shall have the authority to convene a charter review committee at other times, as it deems necessary.

Sample Cycle Timing

Sample cycles are provided for 8, 10 and 12-year intervals. For each, schedules are provided beginning with the 2030 election cycle.

8-Year Sample Cycles:

| Panel Meets | Ballot Type | City Election | County Review Overlap? |
|------------------------|---------------|------------------------|------------------------|
| June 2029 – March 2030 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2037 – March 2038 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2045 – March 2046 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2053 – March 2054 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2061 – March 2062 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |

| Panel Meets | Ballot Type | City Election | County Review Overlap? |
|------------------------|--------------|---------------|------------------------|
| June 2031 – March 2032 | Presidential | Seats 1 & 2 | |
| June 2039 – March 2040 | Presidential | Seats 1 & 2 | |
| June 2047 – March 2048 | Presidential | Seats 1 & 2 | |
| June 2055 – March 2056 | Presidential | Seats 1 & 2 | |
| June 2063 – March 2064 | Presidential | Seats 1 & 2 | |

| Panel Meets | Ballot Type | City Election | County Review Overlap? |
|------------------------|---------------|------------------------|------------------------|
| June 2033 – March 2034 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |
| June 2041 – March 2042 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |
| June 2049 – March 2050 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |
| June 2057 – March 2058 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |
| June 2065 – March 2066 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |

10-Year Sample Cycles:

| Panel Meets | Ballot Type | City Election | County Review Overlap? |
|------------------------|---------------|------------------------|------------------------|
| June 2029 – March 2030 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2039 – March 2040 | Presidential | Seats 1 & 2 | |
| June 2049 – March 2050 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |
| June 2059 – March 2060 | Presidential | Seats 1 & 2 | |
| June 2069 – March 2070 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |

| Panel Meets | Ballot Type | City Election | County Review Overlap? |
|------------------------|---------------|------------------------|------------------------|
| June 2031 – March 2032 | Presidential | Seats 1 & 2 | |
| June 2041 – March 2042 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |
| June 2051 – March 2052 | Presidential | Seats 1 & 2 | |
| June 2061 – March 2062 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2071 – March 2072 | Presidential | Seats 1 & 2 | |

| Panel Meets | Ballot Type | City Election | County Review Overlap? |
|------------------------|---------------|------------------------|------------------------|
| June 2033 – March 2034 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |
| June 2043 – March 2044 | Presidential | Seats 1 & 2 | |
| June 2053 – March 2054 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2063 – March 2064 | Presidential | Seats 1 & 2 | |
| June 2073 – March 2074 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |

12-Year Sample Cycle:

| Panel Meets | Ballot Type | City Election | County Review Overlap? |
|------------------------|---------------|------------------------|------------------------|
| June 2029 – March 2030 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2041 – March 2042 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2053 – March 2054 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2065 – March 2066 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2077 – March 2078 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |

| Panel Meets | Ballot Type | City Election | County Review Overlap? |
|------------------------|--------------|---------------|------------------------|
| June 2031 – March 2032 | Presidential | Seats 1 & 2 | |
| June 2043 – March 2044 | Presidential | Seats 1 & 2 | |
| June 2055 – March 2056 | Presidential | Seats 1 & 2 | |
| June 2067 – March 2068 | Presidential | Seats 1 & 2 | |
| June 2079 – March 2080 | Presidential | Seats 1 & 2 | |

| Panel Meets | Ballot Type | City Election | County Review Overlap? |
|------------------------|---------------|------------------------|------------------------|
| June 2033 – March 2034 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |
| June 2045 – March 2046 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2057 – March 2058 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |
| June 2068 – March 2070 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | |
| June 2081 – March 2082 | Gubernatorial | Seats 3, 4 (Mayor) & 5 | YES |

| Panel Meets | Ballot Type | City Election | County Review Overlap? |
|------------------------|--------------|---------------|------------------------|
| June 2035 – March 2036 | Presidential | Seats 1 & 2 | |
| June 2047 – March 2048 | Presidential | Seats 1 & 2 | |
| June 2059 – March 2060 | Presidential | Seats 1 & 2 | |
| June 2071 – March 2072 | Presidential | Seats 1 & 2 | |
| June 2083 – March 2084 | Presidential | Seats 1 & 2 | |