



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

June 1, 2020

Honorable J.K. "Jess" Irby, Esq.  
Clerk of the Circuit Court  
Alachua County  
201 East University Avenue  
Post Office Box 939  
Gainesville, Florida 32602

Attention: Steve Donahey

Dear Mr. Irby:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of the Alachua County Ordinance No. 2020-12, which was filed in this office on June 1, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

1  
2 ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

3 ORDINANCE 2020- 12

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6 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
7 OF ALACHUA COUNTY, FLORIDA, PROPOSING AN AMENDMENT  
8 TO SECTION 1.4 OF THE ALACHUA COUNTY HOME RULE  
9 CHARTER REGARDING CONFLICTS BETWEEN COUNTY AND  
10 MUNICIPAL ORDINANCES RELATING TO CERTAIN NATURAL  
11 RESOURCE PROTECTION STANDARDS; PROVIDING FOR A  
12 REFERENDUM ON THE QUESTION OF ADOPTION OF THE  
13 PROPOSED AMENDMENT TO THE COUNTY CHARTER;  
14 PROVIDING AN EFFECTIVE DATE AND COUNTYWIDE EFFECT OF  
15 THE CHARTER AMENDMENT, IF APPROVED BY A MAJORITY OF  
16 ELECTORS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS  
17 AND ORDINANCES OF ALACHUA COUNTY AND CORRECTION OF  
18 SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY;  
19 PROVIDING FOR LIBERAL CONSTRUCTION AND  
20 INTERPRETATION; ALLOWING FOR MODIFICATION OF THE  
21 LANGUAGE OF THE ORDINANCE DUE TO CONSIDERATIONS  
22 ARISING AT A PUBLIC HEARING; PROVIDING AN EFFECTIVE  
23 DATE.

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26 WHEREAS, Alachua County established a charter form of government pursuant to  
27 the provisions of Chapter 125, Part IV, Florida Statutes, effective January 1, 1987; and

28 WHEREAS, the Alachua County Board of County Commissioners adopted an ordinance to  
29 approve the Alachua County Home Rule Charter ("Charter") on September 9, 1986, and the  
30 Charter was approved by a majority of all voters voting in the special election held as part of the  
31 general election on November 4, 1986; and

32 WHEREAS, the Charter provides that amendments to the Charter may be proposed  
33 by an ordinance adopted by the Board of County Commissioners by an affirmative vote of a

34 majority plus one of the membership of the Board of County Commissioners; and

35           **WHEREAS**, the Florida Constitution, Article VIII, Section 1(g) provides that a County  
36 Charter shall provide which ordinance shall prevail in the event of conflict between County and  
37 municipal ordinances, and

38           **WHEREAS**, the Board of County Commissioners desires to propose an ordinance for  
39 adoption to amend the Alachua County Charter Section 1.4, Relation to Municipal Ordinances,  
40 to add ordinances protecting listed species habitat, significant geologic features, strategic  
41 ecosystems, or significant habitat, all of which are defined in the Alachua County  
42 Comprehensive Plan, to the existing Charter provision which provides that if both county and  
43 municipal ordinances establish different standards for the purpose of protecting the environment  
44 by prohibiting or regulating air or water pollution, then the ordinances imposing more stringent  
45 standards shall prevail to the extent of the difference and be enforceable within the boundaries  
46 of municipalities, and

47           **WHEREAS**, the proposed amendment serves the important county purpose of  
48 providing for the protection of natural resources countywide regardless of whether they are  
49 located within unincorporated areas or municipalities by ensuring that, if there are conflicts  
50 between County and municipal ordinances concerning the protection of certain natural  
51 resources, the more stringent of those ordinances shall prevail to the extent of the conflict, and be  
52 enforceable within the boundaries of municipalities. and

53           **WHEREAS**, the Board of County Commissioners has determined that this  
54 amendment, if approved by the electors of the County, shall be effective county-wide.

55           **NOW THEREFORE, BE IT ORDAINED BY THE COUNTY**  
56           **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:**

57           **SECTION 1. Authorization and Legislative Findings.** This Ordinance is authorized  
58           by Chapter 125, Part IV, Florida Statutes, and Article IV, Sections 4.2(C) and 4.2(D), Alachua  
59           County Charter, and other applicable law. The Board of County Commissioners finds and  
60           declares that all the statements set forth in the preamble of this ordinance are true and correct  
61           and are incorporated herein.

62           **SECTION 2. Amendments to the Alachua County Home Rule Charter.** The  
63           proposed amendment to the Alachua County Charter, set forth in Exhibit “A”, attached  
64           hereto and incorporated herein, is proposed for adoption in accordance with Subsection  
65           4.2(C)(1), Alachua County Charter.

66           **SECTION 3. Referendum.**

67           a.       The proposed amendment to the Alachua County Charter in Section 2 of this  
68           ordinance shall be presented to the County electorate on the ballot at the general election to be  
69           held on November 3, 2020.

70           b.       The Supervisor of Elections of Alachua County shall cause the following  
71           question to be placed on the ballot at the general election to be held on November 3, 2020:  
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79                    **RELATIONSHIP BETWEEN COUNTY AND MUNICIPAL ORDINANCES**  
80                    **FOR PROTECTION OF CERTAIN NATURAL RESOURCES**

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82                    SHALL THE ALACHUA COUNTY HOME RULE CHARTER SECTION 1.4 BE AMENDED TO  
83                    AUTHORIZE COUNTYWIDE PROTECTION OF CERTAIN NATURAL RESOURCES BY  
84                    ESTABLISHING THAT THE MORE PROTECTIVE OF COUNTY OR MUNICIPAL ORDINANCES  
85                    FOR SUCH PURPOSE SHALL PREVAIL TO THE EXTENT OF ANY CONFLICT AND BE  
86                    ENFORCEABLE COUNTYWIDE?

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88                     YES

89                     NO

90                    **SECTION 4. Effective Date of Charter Amendment.**

91                    This amendment to the Alachua County Charter adopted as set forth in Exhibit "A" shall  
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93                    be effective on January 1, 2021, only if approved by a majority of the electors voting in the general  
94                    election to be held on November 3, 2020.

95                    **SECTION 5. Inclusion in the Code, Scrivener's Error.** It is the intention of the Board

96                    of County Commissioners of Alachua County, Florida, and it is hereby provided that the  
97                    provisions of this ordinance shall become and be made a part of the Code of Laws and  
98                    Ordinances of Alachua County, Florida; that the sections of this ordinance may be renumbered  
99                    or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to  
100                    "section," "article," or other appropriate designation. The correction of typographical errors  
101                    which do not affect the intent of the ordinance may be authorized by the County Manager or  
102                    designee without public hearing, by filing a corrected or recodified copy of the same with the  
103                    Clerk of the Circuit Court.

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105           SECTION 6. **Severability.** It is the declared intent of the Board of County  
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107   Commissioners that, if any section, sentence, clause, phrase or provision of this ordinance is for  
108   any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of  
109   competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the  
110   remaining provisions of this ordinance, and the remainder of this ordinance after the exclusion  
111   of such part or parts shall be deemed to be valid.

112           SECTION 7. **Liberal Construction and Interpretation.** This ordinance shall be  
113   liberally construed in order to effectively carry out the purposes hereof which are deemed to  
114   be in the best interest of the public health, safety, and welfare of the citizens and residents of  
115   Alachua County, Florida.

116           SECTION 8. **Modification.** It is the intent of the Board of County Commissioners that  
117   the provisions of this ordinance may be modified as a result of considerations that may arise  
118   during public hearings. Such modifications shall be incorporated into the final version of the  
119   ordinance adopted by the Board and filed by the Clerk to the Board.

120           SECTION 9. **Effective Date.** A certified copy of this ordinance shall be filed with the  
121   Department of State by the Clerk of the Board of County Commissioners within ten (10) days  
122   after enactment by the Board of County Commissioners, and this ordinance shall take effect  
123   upon filing with the Department of State.

124           **DULY ADOPTED** in regular session by an affirmative vote of a majority plus one  
125   of the membership of the Board of County Commissioners this 26th day of May, 2020.

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BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By:   
Robert Hutchinson, Chair

ATTEST:

  
J.K. "Jess" Irby, Esq., Clerk

APPROVED AS TO FORM:

  
Alachua County Attorney



## EXHIBIT A

**Section 1.4, Relation to Municipal Ordinances**, of the Alachua County Home Rule Charter is hereby amended to read:

### **ARTICLE I. CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER AND GOVERNMENT**

#### **Sec. 1.4. - Relation to municipal ordinances.**

Except as otherwise provided in this Charter, Mmunicipal ordinances shall prevail over county ordinances to the extent of any conflict. Effective countywide and Notwithstanding the foregoing, if the county and a municipality enact ordinances establishing different standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution, or for the purpose of protecting listed species habitat, significant geologic features, strategic ecosystems, or significant habitat, all of which are defined in the Alachua County Comprehensive Plan, the ordinances imposing more stringent standards shall prevail to the extent of the difference and be fully enforceable within the boundaries of such municipality; however, the ordinances imposing less stringent standards shall not be deemed to conflict with ordinances imposing more stringent standards and shall also be fully enforceable within the boundaries of such municipality.