



## **APOPKA CITY COMMISSION WORKSHOP AGENDA**

**May 20, 2026 5:30 PM**

**Apopka City Hall Commission Chambers**

**APOPKA CITY COMMISSION WORKSHOPS WILL BE LIVE-STREAMED ON YOUTUBE. TO WATCH, PLEASE VISIT:**  
<https://www.youtube.com/CityofApopkaFL>

### **CALL TO ORDER**

### **INVOCATION**

### **PLEDGE**

### **CITY COMMISSION DISCUSSION (30 minutes)**

1. **Procedures on Meetings - Dates and Times**
2. **Planning Commission Board**

### **ITEMS FOR FUTURE WORKSHOP DISCUSSIONS**

1. **Appointments of Mayor/Commissioners to Boards (MetroPlan, LANGD, etc.)**
2. **Pioneering Agreement**
3. **Transportation (Traffic Signals, Crosswalks, Roundabouts, Planning, etc.)**
4. **Citizen Advisory Committees / Boards**
5. **Utility Infrastructure and Planning (water, wastewater, reuse)**
6. **Comprehensive Plan**
7. **Design/Implementation of Database Software for Commission Votes**

### **PUBLIC COMMENT PERIOD (30 minutes)**

The Public Comment Period is for City-related matters that are not on today's Agenda as business items or public hearings. If you are here to speak for a matter that requires a public hearing, please wait for that item to come up on the agenda. The Public Comment period will be held to a total of thirty (30) minutes. Each speaker will be given three (3) minutes to speak. If you are here for the Public Comment Period, please fill out a GREEN Intent to Speak Form and provide it to the City Clerk prior to the start of the meeting. When the Mayor calls for Public Comment Period, the City Clerk will read the submitted GREEN Intent to Speak Forms in the order they were received. Should a large number of citizens submit public comment period speaker cards, the speaking time per citizen may be reduced to a maximum of two (2) minutes per speaker, to give as many citizens an opportunity to speak as possible during the Public Comment Period. Groups of citizens who wish to speak on the same item or concern may elect a spokesperson to speak on their behalf, in which case an additional one (1) minute will be given to the spokesperson's time per citizen, up to six (6) minutes total. Citizens wishing to elect a spokesperson must be present during the public comment period, indicate the spokesperson on their Intent to Speak forms, and submit their forms together to the City Clerk. If you wish to speak on one of the business items or public hearing items, please fill out a WHITE Intent to Speak Form and provide it to the City Clerk prior to the start of the meeting. Once the item has been presented, the

Mayor will call for Public Comment on that specific item. At that time, the City Clerk will read the submitted WHITE Intent to Speak Forms for the current item, in the order they were received. Each speaker will be given three (3) minutes to speak. Please refer to Resolution No. 2025-19 for further information regarding Public Participation Policy & Procedures for addressing the City Commission.

**ADJOURNMENT**



## Memo

**Date:** May 13, 2026

**To:** Mayor & Commission

**CC:** Radley Williams, Interim CAO

**From:** Holli New, Asst. City Attorney

**Subject:** Removal of Members of the Apopka Planning Commission / Local Planning Agency

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### Issue Presented

What law governs the removal of appointed members of the City of Apopka Planning Commission, which also serves as the City's Local Planning Agency ("LPA") under Florida law?

### Short Answer

The better legal interpretation is that removal of members of the Apopka Planning Commission/LPA is governed by Section 112.501, Florida Statutes, rather than by the "without notice and without assignment of cause" language contained in the City's Land Development Code ("LDC").

### Analysis

The Planning Commission is not merely an advisory board created solely by local ordinance. Under Section 163.3174, Florida Statutes, every local government is required to designate a Local Planning Agency to perform statutory planning functions related to the preparation, amendment, and implementation of the local government comprehensive plan. The Apopka LDC expressly designates the



Planning Commission as the City's LPA. Because the Planning Commission therefore operates as a municipal board authorized and required by state law, its members fall within the definition of "municipal board members" under Section 112.501, Florida Statutes.

Section 112.501 establishes procedural and substantive protections governing the suspension and removal of municipal board members, including notice, an opportunity to be heard, and removal only upon specified statutory grounds. Although the City's LDC contains language authorizing removal of Planning Commission members without cause or notice, that provision is likely unenforceable to the extent it conflicts with the requirements of general law. Accordingly, the legally safest course is for the City to proceed under Section 112.501 if removal of a Planning Commission member is contemplated.

### **Relevant Law**

#### **I. Local Planning Agencies Are Required by State Law**

Part II of Chapter 163, Florida Statutes, commonly referred to as the Community Planning Act, requires each local government to adopt and maintain a comprehensive plan and establishes a statewide framework governing local planning and land development regulation.

Section 163.3174(1), Florida Statutes, requires each local government to "designate and in a manner consistent with its charter establish by ordinance a 'local planning agency.'" The statute further authorizes the governing body to create the agency or assign the responsibility to an existing municipal board or commission.

The statute assigns substantial responsibilities to the Local Planning Agency, including:

- preparing the comprehensive plan and plan amendments;
- monitoring and overseeing implementation of the comprehensive plan;
- conducting public hearings; and
- making recommendations to the governing body concerning planning and land development matters.

The City of Apopka has implemented these statutory requirements through its Land Development Code. Section 2.3.2.A of the LDC establishes the Planning Commission, and Section 2.3.2.B.3.a expressly provides that the Planning Commission “shall act as the Local Planning Agency for the City under State law.”

The LDC further assigns to the Planning Commission the precise statutory duties contemplated by Section 163.3174, including preparing and recommending comprehensive plan amendments, conducting public hearings, and monitoring the effectiveness of the comprehensive plan.

Accordingly, the Planning Commission functions not simply as a locally created advisory body, but as the City’s designated Local Planning Agency under a state-mandated statutory framework.

## **II. Section 112.501 Governs Removal of Municipal Board Members**

Section 112.501, Florida Statutes, governs the suspension and removal of “municipal board members.” The statute defines that term as:

“any person who is appointed or confirmed by the governing body of a municipality to be a member of a board, commission, authority, or council which is created or authorized by general law, special act, or municipal charter.”

The Apopka Planning Commission falls within this definition for several reasons.

First, the Planning Commission is expressly authorized by general law through Section 163.3174, Florida Statutes, which requires municipalities to establish an LPA.

Second, the City’s LDC expressly identifies the Planning Commission as the City’s LPA operating “under State law.”

Third, Planning Commission members are appointed by the Mayor and approved by the City Council pursuant to Section 2.3.2.C.1 of the LDC.

Section 112.501(2) authorizes suspension or removal of municipal board members only upon specified grounds, including:

- malfeasance;
- misfeasance;

- neglect of duty;
- habitual drunkenness;
- incompetence; or
- permanent inability to perform official duties.

The statute also requires:

- written notice sufficient to advise the member of the basis for the proposed action;
- a reasonable opportunity to be heard; and
- action by the governing body through resolution.

Importantly, subsection (8) of the statute provides:

“This section applies in the absence of a charter provision.”

The Apopka Charter does not contain a provision governing removal of Planning Commission members.

### **III. The City’s LDC Contains Conflicting Removal Language**

Section 2.3.2.C.6 of the LDC states:

“Members may be removed without notice and without assignment of cause by a majority vote of the City Council.”

Standing alone, this language appears inconsistent with Section 112.501, which requires notice, an opportunity to be heard, and statutorily recognized grounds for removal.

However, another provision of the same LDC states that the City Council has authority:

“To appoint and remove **in accordance with State law** members of the Planning Commission.”

That language strongly suggests that the City itself intended Planning Commission removals to comply with applicable provisions of state law.

When read together, Sections 2.3.1.A.4 and 2.3.2.C.6 create an internal inconsistency within the LDC. One provision references removal “in accordance with State law,” while the other purports to authorize removal without cause or procedural protections.

Under Florida municipal home rule principles, municipalities may exercise any power for municipal purposes except as otherwise provided by law. However, municipal ordinances may not conflict with general law. To the extent Section 2.3.2.C.6 authorizes removals in a manner inconsistent with Section 112.501, a court would likely conclude that the ordinance provision must yield to the statute.

Although there does not appear to be a Florida appellate decision directly addressing this precise issue in the context of local planning agencies, the better reading of the statutory framework is that Section 112.501 governs in the absence of a contrary charter provision.

### **Conclusion**

The Apopka Planning Commission serves as the City’s Local Planning Agency pursuant to Section 163.3174, Florida Statutes, and exercises statutory planning functions required by state law. As a result, Planning Commission members are likely “municipal board members” within the meaning of Section 112.501, Florida Statutes.

Because the City Charter does not establish a separate removal process, Section 112.501 likely governs the suspension or removal of Planning Commission members. Accordingly, the provision in Section 2.3.2.C.6 of the LDC authorizing removal without notice and without assignment of cause would likely be unenforceable to the extent it conflicts with the procedural and substantive requirements of Section 112.501.

If the City contemplates removal of a Planning Commission member, the legally safest course is to proceed in compliance with Section 112.501 by:

1. identifying one or more statutory grounds for removal;
2. preparing a factual basis supporting the proposed action;

3. providing adequate written notice;
4. allowing the member a reasonable opportunity to be heard; and
5. acting through formal resolution of the City Council.

## Fla. Stat. § 112.501

\*\*\*Current through the 2026 Regular Session.\*\*\*

### § 112.501. Municipal board members; suspension; removal.

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(1) For the purposes of this section, the term “municipal board member” is defined as any person who is appointed or confirmed by the governing body of a municipality to be a member of a board, commission, authority, or council which is created or authorized by general law, special act, or municipal charter.

(2) By resolution specifying facts sufficient to advise a municipal board member as to the basis for his or her suspension or removal and after reasonable notice to the municipal board member and an opportunity for the member to be heard, a governing body of the municipality may:

(a) Suspend or remove from office any municipal board member for malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform his or her official duties.

(b) Suspend from office any municipal board member who is arrested for a felony or for a misdemeanor related to the duties of office or who is indicted or informed against for the commission of any federal felony or misdemeanor or state felony or misdemeanor.

(3) In addition to the authority granted under subsection (2), the governing body of a municipality may remove from office any municipal board member who is convicted of a federal felony or misdemeanor or state felony or misdemeanor. For the purposes of this subsection, any person who pleads guilty or nolo contendere or who is found guilty shall be deemed to have been convicted, notwithstanding a suspension of sentence or a withholding of adjudication.

(4) A suspended municipal board member may, at any time before his or her removal, be reinstated by the governing body of the municipality in its discretion.

(5) The suspension of a municipal board member by the governing body of a municipality creates a temporary vacancy in such office during the suspension. Any temporary vacancy in office created by the suspension of a municipal board member under the provisions of this section shall be filled by a temporary appointment to such office for the period of the suspension, not to extend beyond the term of the suspended municipal board member. Such temporary appointment shall be made in the same manner and by the same authority as provided by law for the filling of a permanent vacancy in such office. If no provision for filling a permanent vacancy in such office is provided by law, special act, or municipal charter, the temporary appointment shall be made by the governing body of the municipality.

(6) No municipal board member who has been suspended from office under this section may perform any official act, duty, or function during his or her suspension; receive any pay or allowance during his or her suspension; or be entitled to any of the emoluments or privileges of his or her office during suspension.

(7) If the municipal board member is acquitted or found not guilty or is otherwise cleared of the charges which were the basis of the arrest, indictment, or information by reason of which he or she was suspended under the provisions of this section, the governing body of the municipality shall forthwith revoke the suspension and restore such municipal board member to office; and the member shall be entitled to and be paid full back pay and other emoluments or allowances to which he or she would have been entitled for the full period of time of the suspension. If, during the suspension, the term of office of the municipal board member expires and a successor is either appointed or confirmed, such back pay, emoluments, or allowances shall only be paid for the duration of the term of office during which the municipal board member was suspended under the provisions of this section, and he or she shall not be reinstated.

(8) This section applies in the absence of a charter provision.

## History

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S. 1, ch. 84-245; s. 718, ch. 95-147.

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