

# CLAY COUNTY HOME RULE CHARTER

2009 Interim Edition



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# CLAY COUNTY HOME RULE CHARTER

## PREAMBLE

We, the people of Clay County, in order to attain greater local self-determination, to exercise more control over our own destiny, to create a more responsible and effective government, and to guarantee equal civil and political rights to all, do avail ourselves of the opportunity afforded by the Florida Constitution to become a chartered County and do hereby ordain and establish by this Home Rule Charter a new form of government of and for Clay County.

## ARTICLE I

### CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT

#### **Section 1.1: Creation and General Powers of Home Rule Charter Government.**

Clay County shall be a home rule charter County, and, except as may be limited by this Home Rule Charter, shall have all County and municipal powers of self-government granted now or in the future by the constitution and laws of the State of Florida.

**History.**—Original.

#### **Section 1.2: Body Corporate, Name and Boundaries.**

Clay County shall be a body corporate and politic. The corporate name shall be Clay County. The County seat and boundaries shall be those presently designated by law.

**History.**—Original.

### **Section 1.3: Relation to State Law.<sup>†</sup>**

The provisions of this Home Rule Charter are not intended, and shall not be construed, to conflict with the constitution of the State of Florida, a general law, or special law approved by vote of the electorate.

**History.**—Original.

<sup>†</sup> Punctuation mark following caption added by editor for conformity.

### **Section 1.4: Relation to Municipal Ordinances.**

Municipal ordinances shall prevail over County ordinances to the extent of any conflict.

**History.**—Original.

### **Section 1.5: Casino Gambling.**

**A. Reservation of Power by the Electorate.** The citizens of Clay County reserve to themselves the power to approve or disapprove casino gambling of any nature within the boundaries of the County. Therefore, if and when casino gambling becomes lawful under the Constitution and Laws of the State of Florida, no action may be taken by the Board of County Commissioners, by the governing body of any municipality, or by any elected or appointed official or employee of either the County or any municipality the effect of which is to authorize, to approve, or in any manner to allow casino gambling to occur anywhere in the County unless and until casino gambling in the County is first authorized by an approving vote of a majority of the qualified electors residing in the County and voting on the question at referendum, and such referendum must be separate and apart from any State-wide or multi-County referendum on the question.

**B. Definition.** For purposes of this section, “casino gambling” means playing or engaging in any game of skill or chance for money or any other thing of value, regardless of how such game is named, labeled, or otherwise characterized, which game of skill or chance, when played for money or other thing of value, is unlawful under the Constitution or Laws of the State of Florida as of January 1, 2009.

**C. Referendum.** If and when casino gambling becomes lawful under the Constitution and Laws of Florida, the Board of County Commissioners may offer to the electorate at any primary, special, or general election, and upon petition from the governing body of a municipality in the County, the Board shall offer as soon as practicable to the electorate, the question of whether casino gambling shall be authorized in the County. Upon approval of the question at referendum, the County and any municipality may thereafter allow casino gambling to the extent lawful under the Constitution and Laws of the State of Florida, and at the option of the Board of County Commissioners, this section may then be deleted from this Charter. If the question is disapproved at referendum, it may be offered to the electorate again from time to time, but in no case more frequently than once in any period of 24 months.

D. **Enforcement.** The restrictions of this section may be enforced by the County, by a municipality in the County, or by any person substantially affected by any violation thereof.

E. **Municipal Referenda Not Prohibited.** Nothing in this section prohibits any municipality in the County, whether by Charter or municipal ordinance, from likewise requiring approval by its voters at referendum before casino gambling may be allowed within the boundaries of the municipality, but any such referendum requirement shall be in addition to, not in substitution of, the referendum approval required by Subsection A above.

**History.**—Section added effective January 1, 2009, on proposal by Bd.Co.Comm. in Ord. No. 2008-22.

## ARTICLE II

### ORGANIZATION OF COUNTY GOVERNMENT

#### Section 2.1: Elected Commission and Appointed County Manager Form of Government.<sup>†</sup>

Clay County shall operate under an appointed County Manager form of government with separation of legislative and executive functions in accordance with the provisions of this Home Rule Charter. The executive responsibilities and power of the County shall be assigned to and vested in the County Manager, who shall carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances, and regulations of the Board of County Commissioners, the County Charter, and all applicable general law, to assure that they are faithfully executed.

**History.**—Original.

<sup>†</sup> Punctuation mark following caption added by editor for conformity.

#### Section 2.2: Legislative Branch.

<sup>1</sup> A. **The County Commission.** The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four years. There shall be pursuant to general law one County Commissioner for each of the five County Commission Election Districts and each County Commissioner shall be elected only by vote of electors in the County Commissioner's own District. Each County Commissioner, during the term of office, shall reside in the district from which such Commissioner ran for office, provided that any Commissioner who is removed from a district due to redistricting may continue to serve during the balance of the term of office. No person elected for two consecutive full terms as a member of the Board of County Commissioners shall be eligible for election as member [sic] of the Board of County Commissioners in the next succeeding term. Only Board of County Commission terms commencing on or after the second Tuesday following the November, 2000 general election shall be considered terms for purposes of determining consecutive terms under this

section. This amendment shall be effective immediately upon approval by the electors of Clay County at a referendum to be held at the general election of November, 2008.

**B. Redistricting.** County Commission district boundaries shall be changed only after notice and a public hearing as provided by general law.

<sup>2</sup> **C. Salaries and Other Compensation.** [THE PROVISIONS OF SUBSECTION C ARE THE SUBJECT OF LITIGATION PENDING IN CASE NO. 2008-2339 CA, CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT, CLAY COUNTY, FLORIDA. THE OUTCOME OF THE LITIGATION MAY DETERMINE THE SPECIFIC LANGUAGE OF SUBSECTION C. THEREFORE, THIS INTERIM VERSION OF THE CHARTER DOES NOT INCLUDE SUBSECTION C. UPON THE CONCLUSION OF THE LITIGATION, INCLUDING ANY APPEALS, AN UPDATED VERSION OF THE CHARTER WILL BE PUBLISHED REFLECTING THE OUTCOME.]

**D. Authority.** The Board of County Commissioners shall exercise all legislative authority provided by this Home Rule Charter in addition to any other powers and duties authorized by general law or special law.

<sup>3</sup> **E. Code of Ethics.** Before July 1, 2007, the Board of County Commissioners shall enact by ordinance a Code of Ethics. The Code of Ethics shall prescribe standards of conduct for members of the Board, the County Manager, the County Attorney, the County Auditor, all other elected or appointed County Officers including the Superintendent of Schools and members of the School Board, and the deputies and employees of all such officers. The Code of Ethics shall supplement and not contradict or supersede any statutory or administrative standards of conduct which apply to any such officer or employee. The Code of Ethics may include, but is not limited to, provisions defining offenses, establishing an ethics board to hear and determine charges, and prescribing penalties within the limits allowed by law. The Code shall not conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office.

**F. Administrative Code.** The Board of County Commissioners shall adopt an Administrative Code in accordance with general law within twelve (12) months of the effective date of this Charter.

(1) The Administrative Code shall organize the administration of County government and set forth the duties and responsibilities and powers of all County officials and agencies.

(2) The Administrative Code shall not apply to the elected Constitutional Officers as set forth in Section 3.1 of this Charter.

**G. Vacancies.** A vacancy in the office of County Commissioner shall be

defined and filled as provided by general law.

H. **Recall.** The members of the Board of County Commissioners shall be subject to recall as provided by general law.

<sup>4</sup> I. **Initiative.**

(1) The electors of Clay County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition of the qualified electors in the County. The number of qualified elector signatures for a valid petition must equal at least ten percent (10%) of the electors who cast ballots in the last preceding general election.

(2) The Sponsor of an initiative ordinance shall, prior to obtaining any signatures, submit the text of the proposed ordinance to the Supervisor of Elections, with the form on which signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by County ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate one hundred and eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred and eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over into another identical or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within sixty (60) days verify the signatures thereon.

(3) Within forty-five (45) days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board of County Commissioners shall notice and hold according to general law a public hearing on the proposed ordinance and vote on it. If the Board of County Commissioners fails to enact the proposed ordinance at the public hearing, it shall at the public hearing, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least ninety (90) days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by resolution of the Board of County Commissioners to be enacted and shall become effective on the date specified in the ordinance, or, if not so specified, on January 1 of the succeeding year. The Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative for a period of one year after the effective date of such ordinance.

(4) The consideration of adoption by the electors of a proposed ordinance

under this Section 2.2.I shall only be scheduled at a general election as provided under state law.

(5) The power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to administrative, or judicial functions of County government, including but not limited to, County budget, debt obligations, capital improvement programs, salaries of County officers and employees, the levy and collection of taxes, and the re-zoning of an individual parcel of land.

<sup>5</sup> **J. Non-Interference.** County Commissioners shall not give directions to or interfere with any employee, officer or agent under the direct or indirect supervision of the County Manager, the County Attorney or the Commission Auditor. Such action shall be malfeasance within the meaning of Article IV, Section 7(a) of the State Constitution. County Commissioners may communicate with employees, officers or agents under the direct or indirect supervision of the County Manager, the County Attorney or the County Auditor [sic] for the purpose of inquiry or information. Nothing in this provision shall prevent a County Commissioner from referring a citizen complaint or request to the County Manager, the County Attorney or the Commission Auditor. The Commission may make investigations of County affairs, inquire into the conduct, accounts, records and transactions of any department or office of the County, and for these purposes require reports from all County officers and employees, subpoena witnesses, administer oaths, and require the production of records.

**History.**—Subsection I, formerly subsection H, amended effective January 1, 1999, on proposal by 1997-98 Ch.Rev.Comm.; subsection A amended effective January 1, 2001, on initiative proposal approved November 7, 2000; subsection A further amended effective January 1, 2005, on initiative proposal approved November 2, 2004; subsection A further amended, subsection C amended, subsection E added and former subsections E through I redesignated F through J effective November 7, 2006, and subsection J amended effective January 1, 2007, on proposals by 2005-06 Ch.Rev.Comm.; subsection A further amended effective November 4, 2008, on initiative proposal approved November 4, 2008.

<sup>1</sup> **Note.**—See Historical Notes for versions in effect through December 31, 2000, December 31, 2004, November 6, 2006, and November 3, 2008.

<sup>2</sup> **Note.**—See Historical Notes for version in effect through November 6, 2006.

<sup>3</sup> **Note.**—Effective November 7, 2006.

<sup>4</sup> **Note.**—See Historical Notes for version in effect through December 31, 1998.

<sup>5</sup> **Note.**—See Historical Notes for version in effect through December 31, 2006.

## **Section 2.3: Executive Branch.**

### **A. The County Manager.**

(1) The County Manager shall be appointed by and may be terminated with or without cause by a majority of the membership of the Board of County Commissioners. The County Manager shall be the chief executive officer of the County and all executive responsibilities and power shall be assigned to and vested in the County Manager, and shall consist of the following powers and duties:

(a) Report annually to the Board of County Commissioners and to the



citizens on the state of the County, the work of the previous year, recommendations for action or programs for improvement of the County, and the welfare of its residents.

- (b) Prepare and submit the annual budget and capital programs to the Board of County Commissioners and execute the budget and capital programs in accordance with appropriations and ordinances enacted by the Commission.
- (c) Ensure that all ordinances, resolutions and orders of the Board of County Commissioners and all laws of the State which are subject to enforcement by the County Manager, or by officers who are subject under this Charter to the County Manager's direction and supervision, are faithfully executed.
- (d) Carry into execution such other powers or duties, as are required by this Charter or may be prescribed by the Board of County Commissioners.
- (e) The County Manager shall exercise all executive authority provided by this Home Rule Charter in addition to all other powers and duties authorized by general or special law.
- <sup>6</sup> (f) The County Manager shall be the clerk of the Board of County Commissioners, auditor and custodian of all county funds within the meaning of Article VIII, §1(d), Constitution of the State of Florida, and shall exercise all powers and perform all duties and functions as may be provided by law with respect thereto.

(2) The County Manager shall be qualified by administrative and executive experience and ability to serve as the chief executive of the County. Minimum qualifications for the County Manager shall be established by County ordinance. The County Manager need not be a resident of the County at the time of appointment but during the term of appointment shall reside within the County.

(3) The compensation for the County Manager shall be fixed by the Board of County Commissioners.

(4) The office of County Manager shall be deemed vacant if the incumbent moves his residence from the County or is, by death, illness, or other casualty, unable to continue in office. A vacancy in the office shall be filled in the same manner as the original appointment. The Board of County Commissioners may appoint an acting County Manager in the case of vacancy, temporary absence or disability until a successor has been appointed and qualified or the County Manager returns.

#### **B. County Department Heads.**

- <sup>7</sup> (1) The County department heads shall be appointed by the County Man-

ager, shall be employees at will and shall be responsible to the County Manager.

(2) The County Manager shall have the sole authority to terminate any department head with or without cause. The decision of the County Manager may be appealed to the Board of County Commissioners within ten (10) days of the notification of termination.

**C. County Attorney.**

(1) The County Attorney shall be appointed and may be terminated with or without cause by a majority of the membership of the Board of County Commissioners. The County Attorney shall be a member in good standing of the Florida Bar. The County Attorney shall reside within the County during the term of appointment.

(2) Assistant County Attorneys shall be appointed by and be responsible to the County Attorney. The County Attorney shall have the sole authority to suspend or terminate any Assistant County Attorney with or without cause.

(3) The County Attorney shall provide legal services to the Board of County Commissioners, County departments, County boards and agencies as specified by County ordinance.

<sup>8</sup> **D. Commission Auditor.**

(1) The Commission Auditor shall be appointed by and may be terminated with or without cause by a majority of the membership of the Board of County Commissioners. The Commission Auditor shall be responsible for the maintenance of the internal controls employed to monitor and document financial, performance, efficiency and compliance matters related to all components and programs of County government directly under the Board of County Commissioners, and for interfacing with all external auditors engaged by the Board of County Commissioners.

(2) At the time of his or her appointment, and throughout his or her tenure, the Commission Auditor shall be a certified public accountant holding an active license to practice public accountancy in the State of Florida, or shall be qualified by education and experience in governmental accounting, internal auditing practices and fiscal controls, and shall meet such other qualifications as may be established by the Board of County Commissioners.

(3) To the degree necessary to fulfill his or her responsibilities under Paragraph (1), the Commission Auditor:

- (a) Shall have the power and authority to conduct financial and compliance, economy and efficiency, and performance and post audits of all components and programs of County government directly under the Board of County Commissioners.

- (b) Shall have free and unrestricted access to all of the employees, officials, records, and reports of the components and programs of County government directly under the Board of County Commissioners, and, where appropriate, may require all branches, departments, and officials of the components and programs of County government directly under the Board of County Commissioners to provide oral and written reports and to produce documents, files and other records.

(4) Assistant Commission Auditors shall be appointed by and be responsible to the Commission Auditor. The appointment of any Assistant Commission Auditor shall be subject to the appropriation of funds therefor by the Board of County Commissioners. The Commission Auditor shall have the sole authority to suspend or terminate any Assistant Commission Auditor with or without cause.

**History.**—Paragraph B(1) amended effective January 1, 1995, on proposal by 1993-94 Ch.Rev.Comm.; subparagraph A(1)(f) added effective October 1, 1999, on proposal by 1997-98 Ch.Rev.Comm.; subsection D added effective October 1, 1999, on proposal by 1997-98 Ch.Rev.Comm.

<sup>6</sup> **Note.**—Effective October 1, 1999.

<sup>7</sup> **Note.**—See Historical Notes for version in effect through December 31, 1994.

<sup>8</sup> **Note.**—Effective October 1, 1999.

## ARTICLE III

### ELECTED COUNTY CONSTITUTIONAL OFFICES

#### Section 3.1: Elected County Constitutional Offices.

<sup>9</sup> The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices and the powers, duties and functions shall not be altered by this Home Rule Charter, except that the powers, duties and functions of the Clerk of the Circuit Court shall be limited to those of clerk of the circuit court and recorder as described in Article VIII, §1(d), Constitution of the State of Florida. The Constitutional officers shall perform their executive and administrative functions as specified by law, except that the Clerk of the Circuit Court shall perform only the executive and administrative functions as specified by law with respect to those powers, duties and functions of the Clerk of the Circuit Court described in Article VIII, §1(d), Constitution of the State of Florida, as clerk of the circuit court and recorder.

**History.**—Amended effective October 1, 1999, on proposal by 1997-98 Ch.Rev.Comm.

<sup>9</sup> **Note.**—See Historical Notes for version in effect through September 30, 1999.

#### Section 3.2: Recall.

Each of the constitutional offices described in Section 3.1 of this Article shall be subject to recall in the same manner, under the same procedures, and for the same grounds as are provided by general law for the members of the Board of County Commissioners.

**History.**—Added effective January 1, 1999, on proposal by 1997-98 Ch.Rev.Comm.

## ARTICLE IV

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

#### Section 4.1: Home Rule Charter Transition.

A. **General Provisions.** Unless expressly provided otherwise in this Home Rule Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Clay County; the validity of any of its laws, ordinances, regulations, and resolutions; or the terms of office of any elected County officer, whose term shall continue as if this Charter had not been adopted.

B. **Initial County Commissioners.** The persons comprising the Clay County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the Charter Government and shall perform the functions thereof until the normal expiration of their terms or until the election and qualification of their successors as provided by law.

C. **Outstanding Bonds.** All outstanding bonds, revenue certificates, and other financial obligations of the County outstanding on the effective date of this Charter shall be obligations of the Charter Government. All actions taken by the former government relating to the issuance of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not taken effect.

D. **Employees Continuation.** All employees of the former County government shall on the effective date of this Charter become employees of the County government created by this Charter. All existing wages, benefits, collective bargaining certifications and agreements, and conditions of employment shall continue, until modified by lawful action of the Board of County Commissioners or joint agreement of the Board and the appropriate bargaining agent when a collective bargaining agreement exists and controls.

**History.**—Original.

#### Section 4.2: Home Rule Charter Amendments.

##### <sup>10</sup> A. **Amendments Proposed by Petition.**

(1) The electors of Clay County shall have the right to initiate proposed amendments to this Home Rule Charter upon petition of the qualified electors in the County. The number of qualified elector signatures for a valid petition must equal at least ten percent (10%) of the electors who cast ballots in the last general election.

(2) Each such proposed amendment shall embrace but one subject and

matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of ninety (90) days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified.

(3) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which the signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by County ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate one hundred and eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred and eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within sixty (60) days verify the signatures thereon.

(4) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

#### **B. Amendments and Revisions by Charter Review Commission.**

(1) A Charter Review Commission consisting of 15 electors of the County 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. 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. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(2) The Charter Review Commission shall meet for the purpose of organization within thirty (30) days after the appointments have been made. The Charter Review Commission shall elect a chairman and vice chairman from among its membership. Further meetings of the Charter Review Commission shall be held upon the call of the chairman or a majority of the members of the Charter Review Commission. All meetings shall be open to the public. A majority of the members of the Charter Review Commission shall constitute a quorum. The Charter Review Commission may adopt such other rules for its

operations and proceedings as it deems desirable. Members of the Charter Review Commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to general law.

(3) Expenses of the Charter Review Commission shall be verified by a majority vote of the Charter Review Commission and forwarded to the Board of County Commissioners for payment from the general fund of the County. The Charter Review Commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary to accomplish its assigned task.

(4) The Charter Review Commission shall hold at least three (3) public hearings at intervals of not less than ten (10) days or more than twenty (20) days on any proposed Charter amendment or revision, and no Charter amendment or revision shall be submitted to the electorate for adoption unless favorably voted upon by a majority of the entire membership of the Charter Review Commission.

(5) No later than ninety (90) days prior to the general election, the Charter Review Commission shall deliver to the Board of County Commissioners the proposed amendments or revisions, if any, to the Home Rule Charter. Each proposed amendment shall embrace but one subject and matter directly connected therewith. The Board of County Commissioners shall by resolution place such amendments or revisions as approved by the Charter Review Commission on the next general election ballot. If a majority of the electors voting on the amendments or revisions favor adoption, such amendments or revisions shall become effective on January 1 of the succeeding year or such other time as the amendment or revision shall provide.

(6) If the Charter Review Commission does not submit any proposed Charter amendments or revisions to the Board of County Commissioners at least ninety (90) days prior to the general election, the Charter Review Commission shall be automatically dissolved. Otherwise, upon acceptance or rejection of the proposed amendments or revisions by the electorate, the Charter Review Commission shall be automatically dissolved. Upon dissolution of the Charter Review Commission, all property of the Charter Review Commission shall thereupon become the property of the County.

### **C. Amendments Proposed by the Board of County Commissioners.<sup>†</sup>**

(1) Amendments to this Home Rule Charter may be proposed by ordinance enacted by the Board of County Commissioners by an affirmative vote of a majority of the membership of the Board of County Commissioners. Each proposed amendment shall only become effective upon approval by a majority of the electors of Clay County voting in a referendum at the next general election or special election, if called by the Board of County Commissioners. The Board of County Commissioners shall give public notice of such referendum election as required by general law.

(2) If approved by a majority of those electors voting on the amendment at the general or special election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

**History.**—Subsection A amended effective January 1, 1999, on proposal by 1997-98 Ch.Rev.Comm.

<sup>10</sup> **Note.**—See Historical Notes for version in effect through December 31, 1998.

† Punctuation mark following caption added by editor for conformity.

**Section 4.3: Severance.**

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Charter which can be given effect without the invalid provision or application, and to this end the provisions of this Charter are declared severable.

**History.**—Original.

**Section 4.4: Home Rule Charter Effective Date.**

This Charter shall become effective on January 1, 1991.

**History.**—Original.



## HISTORICAL NOTES

The version of subsection 2.2.A in effect from January 1, 1991, through December 31, 2000, provides:

**A. The County Commission.** The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be pursuant to general law one County Commissioner for each of the five (5) County Commission election districts and each County Commissioner shall be elected on a countywide basis by the electors of the County. Each County Commissioner during the term of office shall reside in the district from which such Commissioner ran for office, provided that any Commissioner who is removed from a district due to redistricting may continue to serve during the balance of the term of office.



The version of subsection 2.2.A in effect from January 1, 2001, through December 31, 2004, provides:

**A. The County Commission.** The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be pursuant to general law one County Commissioner for each of the five (5) County Commission election districts and each County Commissioner shall be elected on a countywide basis by the electors of the County. Each County Commissioner during the term of office shall reside in the district from which such Commissioner ran for office, provided that any Commissioner who is removed from a district due to redistricting may continue to serve during the balance of the term of office. No person elected for two consecutive full terms as a member of the Board of County Commissioners shall be eligible for election as a member of the Board of County Commissioners in the next succeeding term. Only Board of County Commission terms commencing on or after the second Tuesday following the November, 2000, general election shall be considered terms for purposes of determining consecutive terms under this Section.



The version of subsection 2.2.A in effect from January 1, 2005, through November 6, 2006, provides:

**A. The County Commission.** The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be pursuant to general law one County Commissioner for each of the five (5) County Commission election districts and each County Commis-



sioner shall be elected by vote of the electors in the County Commissioner's own District. Each County Commissioner during the term of office shall reside in the district from which such Commissioner ran for office, provided that any Commissioner who is removed from a district due to redistricting may continue to serve during the balance of the term of office. No person elected for two consecutive full terms as a member of the Board of County Commissioners shall be eligible for election as a member of the Board of County Commissioners in the next succeeding term. Only Board of County Commission terms commencing on or after the second Tuesday following the November, 2000, general election shall be considered terms for purposes of determining consecutive terms under this Section.



The version of subsection 2.2.A in effect from November 7, 2006, through November 3, 2008, provides:

**A. The County Commission.**

† (1) The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered terms of four (4) years. Five County Commissioners shall reside one in each of five County Commission Districts, the Districts together covering the entire County and as nearly equal in population as practicable, and each District Commissioner shall be nominated and elected only by the qualified electors who reside in the same County Commission District as the Commissioners. Each District Commissioner during the term of office shall reside in the District from which such Commissioner ran for office, provided that any Commissioner who is removed from a District due to redistricting may continue to serve during the balance of the term of office. The Chair of the Commission and one Commissioner shall be nominated and elected at large. No person elected for two consecutive full terms as County Chair or a member of the Board of County Commissioners shall be eligible for election as County Chair or a member of the Board of County Commissioners in the next succeeding term.

†† (2) Duties of the County Chair. The office of the County Chair shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida, this Charter, or county ordinance, provided that such powers shall be exercised in a manner consistent with this charter. The County Chair shall have the specific powers and duties to:

- (a) Preside as Chair of and in all other respects participate in the meetings of the Board of County Commissioners and have an equal vote on all questions coming before it.

- (b) Serve as the official and ceremonial representative of the government.
- (c) Issue proclamations on behalf of the government, which shall be reported to the Board of County Commissioners upon issuance.
- (d) Execute ordinances, resolutions and other authorized documents of the government.
- (e) Serve ex-officio as the county government’s representative, and appoint other Commissioners to serve in the county chair’s stead, on other bodies external to county government.
- (f) Place items on the agenda of meetings of the Board (in addition to those items so placed by the County Manager).
- (g) Report annually to the Board and the citizens of the County the activities of county government for the previous year and the status of accomplishment of existing goals and objectives. The report shall set forth new and revised goals and objectives for future action. Subsequently, the Board shall meet to consider adoption of a plan of action for implementation of the goals and objectives.
- (h) Appoint committees and committee chairs of the Board of County Commissioners and, with the advice and consent of the Board, appoint the chairs and members of advisory boards and committees internal to the County government.

The Board of County Commissioners shall elect or re-elect at its annual organizational meeting a member to serve at its pleasure for a one-year term as Vice Chair of the Board to preside at meetings of the Board in the temporary absence, disqualification or disability of the County Chair and to perform such other duties as are assigned by the County Chair.

<sup>†</sup> Punctuation mark following paragraph number deleted by editor for conformity.

<sup>††</sup> Punctuation mark following paragraph number deleted by editor for conformity; lettering of subparagraphs (a) through (h) at discretion of editor for conformity.



The version of subsection 2.2 in effect from November 7, 2006, through November 3, 2008, includes the following transitional provisions:

***Transitional Provisions.***

- (a) At the general election in November 2008, the electors of the County shall elect a County Chair at large for a term of four years, and a Commissioner at large for a term of two years. At the general election in November 2010, the electors of the County shall elect or

re-elect a Commissioner at large for a term of four years.

(b) This transition section 3 shall have no effect upon the terms of office of incumbent Commissioners elected from existing districts one through five. The change in the compensation of commissioners shall take effect with the first term to which that commissioner is elected, or any earlier vacancy, following the effective date of this amendment.

(c) For purposes of the limitation on successive full terms as Chair or other member of the Board of County Commissioners, no term of office beginning before November 2000 shall be considered.

(d) When all of the provisions for transition have been completed, this Transitional Section 3 of the amendment shall be automatically repealed.



The version of subsection 2.2.C in effect from January 1, 1991, through November 6, 2006, provides:

**C. Salaries and Other Compensation.** Salaries and other compensation of the County Commissioners shall be set the same as those set by general law for the County Commissioners of non-charter counties and shall not be lowered during the term of office.



The version of subsection 2.2.I, formerly subsection 2.2.H, in effect from January 1, 1991, through December 31, 1998, provides:

**H. Initiative.**

(1) The electors of Clay County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition of the qualified electors in the County. The number of qualified elector signatures for a valid petition must equal at least ten percent (10%) of the electors qualified to vote in the last preceding general election. The qualified elector signatures must be gathered in such a manner so that not less than three (3) of the five (5) County Commission election districts contribute at least ten percent (10%) of their qualified electors to the foregoing ten percent (10%) countywide total.

(2) The Sponsor of an initiative ordinance shall, prior to obtaining any signatures, submit the text of the proposed ordinance to the Supervisor of Elections, with the form on which signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified

by County ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate one hundred and twenty (120) days after that date. In the event sufficient signatures are not acquired during that one hundred and twenty (120) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over into another identical or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within sixty (60) days verify the signatures thereon.

(3) Within forty-five (45) days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board of County Commissioners shall notice and hold according to general law a public hearing on the proposed ordinance and vote on it. If the Board of County Commissioners fails to enact the proposed ordinance at the public hearing, it shall at the public hearing, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least ninety (90) days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by resolution of the Board of County Commissioners to be enacted and shall become effective on the date specified in the ordinance, or, if not so specified, on January 1 of the succeeding year. The Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative for a period of one year after the effective date of such ordinance.

(4) The consideration of adoption by the electors of a proposed ordinance under this Section 2.2.H shall only be scheduled at a general election as provided under state law.

(5) The power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to administrative, or judicial functions of County government, including but not limited to, County budget, debt obligations, capital improvement programs, salaries of County officers and employees, the levy and collection of taxes, and the re-zoning of an individual parcel of land.



The version of subsection 2.2.J, formerly subsection 2.2.I, in effect from January 1, 1991, through December 31, 2006, provides:

I. **Non-Interference.** County Commissioners may communicate with employees, officers, or agents under the direct or indirect

supervision of the County Manager or County Attorney for the purpose of inquiry or information. Except for the purposes of inquiry or information, a County Commissioner shall not give directions to or interfere with any employee, officer, or agent under the direct or indirect supervision of the County Manager or County Attorney. Nothing contained herein shall prevent a County Commissioner from referring a citizen complaint or request to the County Manager or County Attorney.



The version of paragraph 2.3.B(1) in effect from January 1, 1991, through December 31, 1994, provides:

(1) The County department heads shall be appointed by and shall be responsible to the County Manager.



The version of Section 3.1 in effect from January 1, 1991, through September 30, 1999, provides:

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices and the powers, duties and functions shall not be altered by this Home Rule Charter. The Constitutional officers shall perform their executive and administrative functions as specified by law.



The version of subsection 4.2.A in effect from January 1, 1991, through December 31, 1998, provides:

**A. Amendments Proposed by Petition.**

(1) The electors of Clay County shall have the right to initiate proposed amendments to this Home Rule Charter upon petition of the qualified electors in the County. The number of qualified elector signatures for a valid petition must equal at least ten percent (10%) of the electors qualified to vote in the last general election. The qualified elector signatures must be gathered in such a manner so that not less than three (3) of the five (5) County Commission election districts contribute at least ten percent (10%) of their qualified electors to the foregoing ten percent (10%) total.

(2) Each such proposed amendment shall embrace but one subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of ninety (90) days from the certification by the Super-

visor of Elections that the requisite number of signatures has been verified.

(3) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which the signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by County ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate one hundred and twenty (120) days after that date. In the event sufficient signatures are not acquired during that one hundred and twenty (120) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within sixty (60) days verify the signatures thereon.

(4) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.



## NOTES

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