

**Pinellas County Charter Review Commission
Meeting Agenda
April 22, 2024
Palm Room-Pinellas County Communications Building
333 Chestnut Street
Clearwater, Florida 33756
6:00 PM**

- I. Call to Order - Brian Aungst, Chairman**
- II. Roll Call**
- III. Public Comment**
- IV. Review/Approval of April 4, 2024 Meeting Minutes**
- V. New Business:**
 - a. Compilation and Comparison of Elected Executive Provisions for Selected Counties and Municipalities**
- VI. Old Business:**
 - a. Draft Ballot and Charter Language – Charter Amendment Revising Initiative Petition Process**
 - b. Compilation of Draft Charter Amendments to Date**
- VII. Other Business**
 - a. Updates from Facilitator and General Counsel**
- VIII. Update Re: Upcoming Meeting Dates**
 - a. Thursday, May 2, 2024**
 - b. Monday, May 13, 2024**
 - c. Thursday, May 23, 2024 (Proposed Hearing #1)**
 - d. Tuesday, May 28, 2024 (Hold in case needed)**
 - e. Thursday, June 6, 2024 (Proposed Hearing #2)**
 - f. Monday, June 10, 2024 (Hold in case needed)**
- IX. CRC Commissioner Comments**
- X. Adjournment**

Special Accommodations - Persons with disabilities who need reasonable accommodations to effectively participate in this meeting are asked to contact Pinellas County’s Office of Human Rights by e-mailing such requests to accommodations@pinellas.gov at least three (3) business days in advance of the need for reasonable accommodation. You may also call (727) 464-4882.

Appeals – Persons are advised that, if they decided to appeal any decision made at this meeting/hearing, they will need a record of the proceeding, and, for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be based.

**Charter Review Commission
Pinellas County
April 4, 2024 Meeting Minutes**

The Pinellas County Charter Review Commission (CRC), as created by Chapter 80-950, Laws of Florida, met in regular session at 6:03 PM on this date in the Palm Room at the Pinellas County Communications Building, 333 Chestnut Street, Clearwater, Florida.

Present

Brian Aungst, Jr., Pinellas County Board of County Commissioners (BCC) Appointee (Commissioner Chris Latvala), Chair
Linsey Grove, Public At-Large Citizen Appointee, Vice-Chair
Anne-Marie Brooks, Municipal Elected Official Appointee (appeared virtually)
Nick DiCeglie, Pinellas County State Legislative Delegation Appointee
Dave Eggers, County Commissioner, BCC Appointee
Terri Lipsey Scott, BCC Appointee (Commissioner René Flowers)
James Millican, Public At-Large Citizen Appointee
Ashley Overend, BCC Appointee (Commissioner Brian Scott)
Robert Posavec, BCC Appointee (Commissioner Dave Eggers)
Thomas Steck, BCC Appointee (Commissioner Charlie Justice)
Mark Strickland, BCC Appointee (Commissioner Janet Long)
Alan Swartz, BCC Appointee (Commissioner Kathleen Peters)
Mike Twitty, Property Appraiser Constitutional Officers Appointee

Others Present

Nancy McKibben, County Staff Liaison, Assistant to the County Administrator
Barry A. Burton, County Administrator
Wade C. Vose, Esquire, Vose Law Firm LLP, CRC Legal Counsel
Doug Thomas, Strategic Government Resources, Inc.
Tammy Burgess, Board Reporter, Deputy Clerk
Other interested individuals

All documents provided to the Clerk's Office have been filed and made a part of the record.

CALL TO ORDER

Chair Aungst called the meeting to order at 6:03 PM and welcomed the members.

ROLL CALL

At the Chair's request, those in attendance introduced themselves.

WELCOME NEW CRC MEMBERS

Chair Aungst explained that Richard Butler and Todd Jennings were recently elected to the City Councils of Pinellas Park and Belleair, respectively; whereupon, he noted that elected officials are prohibited from serving on the CRC, with the exception of those outlined in the Charter; and that the BCC appointed Mr. Swartz as Commissioner Peters' appointee, as a replacement for Mr. Butler and Mr. Millican, to represent the At-Large seat previously held by Mr. Jennings.

At the Chair's request, Messrs. Swartz and Millican introduced themselves and provided information regarding their backgrounds and experience; whereupon, Chair Aungst briefly discussed the work done by the CRC to this point.

PUBLIC COMMENT

In response to the Chair's call for public comment, David Ballard Geddis, Jr., Palm Harbor, appeared and expressed his concerns.

REVIEW/APPROVAL OF MINUTES OF FEBRUARY 26 AND MARCH 21, 2024, MEETING MINUTES

Mr. Twitty made a motion to approve the minutes. The motion was seconded by Ms. Lipsey Scott and carried unanimously.

NEW BUSINESS

Discussion with Barry Burton, County Administrator, Regarding CRC Items of Interest

Chair Aungst indicated that a potential topic of interest identified by the CRC relates to proposing an elected executive who would serve in what would essentially be a type of County mayoral role; whereupon, he related that Mr. Burton is present to provide his perspective regarding the current system, to explain management of County government from the executive side, and to answer questions from the members.

Mr. Burton related that he will not be able to provide comments regarding any policy on which the BCC has not expressed an opinion, as part of the ethical guidelines through which business is conducted; whereupon, he indicated that the BCC has not yet issued an opinion on this topic. Mr. Burton briefly discussed his background, experience, and role in day-to-day operations, noting that the BCC establishes policy direction related to operations. He suggested that a potential source of information could be found through the International City/County Management Association (ICMA), indicating that he

believes that the organization could delegate someone at the local level to speak with the members.

Chair Aungst expressed appreciation to Mr. Burton and his staff for their support of the CRC and opened the floor for questions.

In response to a query by Ms. Lipsey Scott regarding his feelings related to the County Administrator role becoming an elected position, Mr. Burton indicated that the form of government should be determined by elected officials and the citizens; and that he will not assume an opinion; whereupon, Commissioner Eggers provided comments related to the current structure of the County Administrator position and the resulting benefit to the complex nature of County operations.

Responding to queries by Mr. Posavec and Chair Aungst, Mr. Burton recommended that the CRC contact the ICMA, or a retired manager, for information related to pros and cons of an elected County executive position and commented on his methods for managing disagreements between the Commissioners.

Chair Aungst again thanked Mr. Burton and his staff for their support, clarifying that the discussion is not about him personally; that the CRC is also reviewing the process for hiring and terminating the County Attorney; and that referenda timeframes and citizen initiative petitions discussions have been held with the Supervisor of Elections.

Chair Aungst indicated that he believes that there is enough member interest to open the topic for discussion; whereupon, he requested that Mr. Thomas and Attorney Vose contact the ICMA or the Florida City and County Management Association, and a strong retired mayor, to determine if there would be a willingness to attend a CRC meeting.

In response to a query by Mr. Thomas regarding any additional operational items that he and staff feel should be reviewed by the CRC, Mr. Burton confirmed that he has no further recommendations.

OLD BUSINESS

Term Limits for County Commissioners

Chair Aungst noted that Attorney Vose has provided term limit draft ballot language and specified that it contains three key issues relating to years of service, potential cooling off period, and effective date.

Referring to a memorandum in the agenda packet, Attorney Vose provided detailed information regarding the draft language and options for consideration contained within the attached exhibits.

Chair Aungst related that a majority of the members informally voted at the last CRC meeting to move forward with a term limit discussion and solicited the members' input regarding the three aforementioned key issues, and a lengthy discussion ensued.

In response to queries by Mr. Strickland and Chair Aungst, Attorney Vose indicated that he could add Charter language that refers to a two-year election cycle, rather than an exact date, with regard to the cooling off period.

Obtaining a consensus from the members, Chair Aungst summarized that the following information will be added to the draft ballot language and will then be subject to a final discussion and vote:

- Term limit of twelve years starting from November 5, 2024
- Four-year cooling off period

In response to the Chair's call for public comment, David Ballard Geddis, Jr., Palm Harbor, appeared and expressed his concerns.

OTHER BUSINESS

Updates from Facilitator and General Counsel

Mr. Thomas indicated that the two remaining topics of interest to be resolved are with regard to ballot language and referendum timing and a County executive position; whereupon, he related that he will work to obtain speakers regarding the County executive discussion.

Attorney Vose related that, based on discussion from a previous meeting, language has been prepared which implements potential revisions to the initiative petition process. He indicated that he has provided the language to the Supervisor of Elections' Office, with a request for feedback; and that he anticipates having a memorandum prepared for discussion at the Board's next meeting.

Referencing the discussion earlier in the meeting regarding a County executive position, Attorney Vose indicated that he will provide a memorandum containing information related to strong mayoral forms of government contained within Florida charters, which was a part of materials obtained during his work with the Orange County CRC. In response to a query by Mr. Strickland, Attorney Vose indicated that the memorandum will

contain information regarding relevant charter provisions for the counties of Miami-Dade, Orange, and Duval, and for the cities of Miami, Tampa, Orlando, and St. Petersburg.

Mr. Thomas noted that the CRC previously discussed the topic of the appointment and removal of unclassified employees, as a BCC-delegated function of the County Administrator; and that the topic will be placed on hold pending the Board's level of interest in a County executive position; whereupon, discussion ensued.

In response to comments and queries by Mr. Steck and Chair Aungst, Attorney Vose indicated that most jurisdictions do not change their established forms of government; whereupon, Mr. Thomas related that he believes that the ICMA tracks movements regarding changes in types of government; and that he will attempt to locate data related to this topic.

UPDATE REGARDING UPCOMING MEETING DATES

Mr. Thomas indicated that he has discussed potential future meeting dates with the members; whereupon, he and Chair Aungst reviewed the slate of potential meeting dates and member availability. Discussion ensued wherein Chair Aungst encouraged members who cannot attend meetings in person to attend virtually via Zoom.

Attorney Vose related that he intends to provide Charter and ballot language for the CRC's discussed topics at the next meeting.

Mr. Thomas clarified that the members have agreed to meet on April 22, May 2, and May 13 and to hold the first and second public hearings on May 23 and June 6, respectively. In response to a query by Ms. McKibben, Chair Aungst requested that May 28 and June 10 remain on hold in the event that additional meetings are needed.

CRC COMMISSIONER COMMENTS

This item was not addressed.

ADJOURNMENT

Chair Aungst adjourned the meeting at 7:13 PM.

 **VOSE LAW FIRM** LLP
ATTORNEYS & COUNSELORS AT LAW

GRETCHEN R.H. (“BECKY”) VOSE[†]
WADE C. VOSE^{†‡}
NANCY A. STUPARICH
PAUL R. WATERS
GARRETT M. OLSEN
STEPHANIE M. VELO
CHLOE E. BERRYMAN

[†]BOARD CERTIFIED IN CITY, COUNTY &
LOCAL GOVERNMENT LAW

[‡]RATED AV PREEMINENT BY MARTINDALE-HUBBELL

OFFICES
WINTER PARK
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BRADENTON
COCOA BEACH

M E M O R A N D U M

TO: 2024 Pinellas County Charter Review Commission
FROM: Wade C. Vose, General Counsel
Chloe Berryman, Esq., Asst. General Counsel
DATE: April 9, 2024
SUBJECT: Compilation and Comparison of Elected Executive Provisions for Selected Counties and Municipalities

To facilitate discussion concerning elected county executives, this brief memorandum collects relevant county charter provisions from each county with an elected executive and collects similar provisions from the charters of selected large municipalities.

Three counties in Florida have elected executives: Miami-Dade County, Orange County, and Duval County. The county charter provisions outlining the powers of elected executives are attached as Exhibit “A” for Miami-Dade County, Exhibit “B” for Orange County, and Exhibit “C” for Duval County. All other relevant provisions in those charters relating to elected executives are attached as Exhibit “D” for Miami-Dade County, Exhibit “E” for Orange County, and Exhibit “F” for Duval County.

Also provided below is a table providing a comparison of relevant key provisions from each county charter.

(Please see the following page.)

Comparison of County Charter Provisions

Jurisdiction	Population (2022 Est.)	Mayor on Governing Body	Vote on Governing Body	Veto Authority	Veto Override	Appointment Authority	Removal Authority
Miami-Dade County	2,757,592	No (\$1.08)	No (§§1.08; 2.02(B))	Yes , any legislative, quasi-judicial, zoning, master plan, or land use decisions, including budget. (\$2.02(D))	Overridden by 2/3 of CC present (\$2.02(D))	Department Directors (unless 2/3 majority of CC disapproves) (\$2.02(C))	Department Directors (unilateral) (\$2.02(C))
Orange County	1,481,321	Yes (\$302)	Yes (\$302)	No	N/A	Department heads, County Admin. (w/ CC confirmation) (\$302(D)(6))	Department heads (unilateral) (\$302(D)(6))
Duval County (Jacksonville)	987,247	No (\$4.02)	No (\$4.02)	Yes , most ordinances and resolutions (including budget & appropriations) except for quasi-judicial decisions and other listed exceptions. (\$6.05)	Overridden by 2/3 of CC present (\$6.05)	Department Directors and Deputy Directors (w/ CC confirmation) (\$6.04)	Department Directors and Deputy Directors (unilateral) (\$6.04)

(Please see the following page.)

Compilation and Comparison of Elected Executive Provisions for Selected Counties and Municipalities

April 9, 2024

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Several municipalities in Florida also have elected executives, with the four largest being Miami, Tampa, Orlando, and St. Petersburg. The municipal charter provisions outlining the powers of elected executives are attached as Exhibit “G” for Miami, Exhibit “H” for Tampa, Exhibit “I” for Orlando, and Exhibit “J” for St. Petersburg. All other relevant provisions in those charters relating to elected executives are attached Exhibit “K” for Miami, Exhibit “L” for Tampa, Exhibit “M” for Orlando, and Exhibit “N” for St. Petersburg. Also provided below is a table providing a comparison of relevant key provisions from each municipal charter.

Comparison of Municipal Charter Provisions

Jurisdiction	Population (2022 Est.)	Mayor on Governing Body	Vote on Governing Body	Veto Authority	Veto Override	Appointment Authority	Removal Authority
Miami¹	459,224	No (§4(b)), but serves as “presiding officer” of city commission (§4(g)(1))	No (§4(b))	Yes , legislative, quasi-judicial, zoning, master plan, & land use decisions, including budget (§4(g)(5))	Overridden by 4/5 vote of CC present (§4(g)(5))	City Manager (w/ CC approval) (§4(g)(6))	City Manager (subject to being overcome by 4/5 majority vote of CC present after hearing) (§4(g)(6))
Tampa	401,512	No (§1.04)	No - (All non-legislative powers of “governing body” to be exercised by CC upon approval/ recommendation of Mayor) (§1.04)	Yes , ordinances, budget, & appropriations (§2.10; §7.02)	Overridden by 2/3 vote of all CC members (§2.10; §7.02)	Department heads (w/ CC approval of 4 of 7 members) (§6.03)	Can unilaterally remove officers except City Clerk. (§6.03)
Orlando	321,904	Yes (§1)	Yes (§1, §29)	Yes , ordinances (§29)	Overridden by 5 of 7 votes of CC (§29)	Officers and Department heads (w/ CC approval) (§3)	Officers (as provided by code) (§3)
St. Petersburg	264,220	No (§3.01)	No (§3.01)	Yes , ordinances (w/ limitations), “line items” in budget or appropriation ordinances (§4.04(c) & (d))	Overridden by 2/3 vote of all CC members (§3.05(d) & (e))	Employees and admin. officers w/ exceptions (unilateral) (§4.04(a) & (b)(1)) City Clerk, Admin., Council Admin. Officer, and Attorney (w/ CC confirmation) (§3.06; §3.10; §3.11; §3.15)	Employees and admin. officers w/ exceptions (unilateral) (§4.04(a) & (b)(1)) City Clerk, Council Admin. Officer, and Attorney (w/ CC approval of 5 of 8 members) (§3.06; §3.11; §3.15)

¹ While characterized as a “strong mayor” form of government in Florida League of Cities documentation, the City of Miami Office of Mayor lacks broad executive and administrative authority. Rather, the City Manager (who is appointed by the Mayor subject to Commission approval, and removed by the Mayor subject to Commission override) is named “the head of the administrative branch of city government”. §16, City of Miami Charter.

EXHIBIT "A"

Miami-Dade County – Powers of Elected Executive

SECTION 2.02. RESPONSIBILITIES OF THE MAYOR.

The Mayor shall serve as head of the county government with the following specific powers and responsibilities:

- A. The Mayor shall be responsible for the management of all administrative departments of the County government and for carrying out policies adopted by the Commission. The Mayor, or such other persons who may be designated by the Mayor, shall execute contracts and other instruments, and sign bonds and other evidences of indebtedness. The Mayor shall serve as the head of the County for emergency management purposes.
- B. The Mayor shall have the right to attend and be heard at any regular or special open session meeting of the Commission, but not the right to vote at such meetings.
- C. Unless otherwise provided by this Charter, the Mayor shall have the power to appoint all department directors of the administrative departments of the County. Appointment of these department directors shall become effective unless disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative department director, with or without cause.
- D. The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present.
- E. The Mayor shall prepare and deliver a report on the state of the county to the people of the county between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners.
- F. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall set forth the Mayor's funding priorities for the County.

EXHIBIT "B"

Orange County – Powers of Elected Executive

Sec. 302. County mayor.

The county mayor shall be a registered voter of and resident of Orange County at the time of election to office and throughout the term of office. The office shall be a full-time position combining both the duties of ceremonial head and operational head of those activities within the jurisdiction of the board of county commissioners.

- A. *Compensation.* The county mayor's salary shall be set by ordinance. The salary in effect at the beginning of a county mayor's term in office shall not be lowered during that term.

(Orange County Comptroller note: Ord. No. 96-40, §3, 12-19-96; salary effective 10/01/01 = \$127,146.54/year)

- B. *Vacancy, incapacity, or absence due to military service.* Vacancies in the office of the county mayor shall be defined and filled in accordance with state law. If the county mayor changes residence from Orange County, he or she shall be deemed to have vacated such office. If the county mayor becomes permanently incapacitated and unable to perform his or her duties, a successor shall be chosen in the manner prescribed by general law. If the county mayor becomes temporarily incapacitated, or if the county mayor is absent for a prolonged period due to military service, then to the extent not inconsistent with general law a temporary substitute shall be chosen to serve during the incapacity or absence, as follows:
1. The temporary substitute shall be chosen in the manner provided by ordinance enacted by the approving vote of no fewer than a majority plus one of the board members prior to the beginning of the incapacity or prolonged absence; or
 2. Absent such an ordinance, the temporary substitute shall be the person designated by the county mayor, if competent when the designation is made; or
 3. Absent such a designation, the temporary substitute shall be chosen by the approving vote of no fewer than a majority plus one of the commissioners.

The county mayor shall continue to receive his or her compensation during the absence or temporary incapacity. Unless defined otherwise by ordinance, temporary incapacity means a situation or condition that renders the county mayor unable to perform his or her duties for a period of more than 90 consecutive days, but does not constitute a vacancy in the office. In no event shall any temporary substitute serve beyond the term of the county mayor.

- C. *Terms.* The county mayor shall be elected for a term of four years and shall be limited to two full consecutive terms. The term of the county mayor shall commence the same day the terms of the commissioners from even-numbered districts commence.
- D. *Duties.* The county mayor shall have the following powers and duties:
1. Manage the operation of all elements of County Government under the jurisdiction of the board, consistent with the policies, ordinances and resolutions enacted by the board;
 2. Serve as chair of the board of county commissioners;
 3. Vote on all matters before the board;
 4. Be responsible for the execution of all contracts and legal documents, but may delegate this authority;
 5. Prepare and publish agendas for all meetings of the board and submit the annual budget estimate with a plan of action to meet the needs of the county for adoption by the board;

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6. Appoint and dismiss heads of county departments, divisions and other agencies under the jurisdiction of the board except that all such appointments shall be made annually and shall be subject to confirmation by the board;
 7. Assure the faithful execution of all ordinances, resolutions and orders of the board and all laws of the state which are subject to enforcement by the county mayor, or by officers who are subject under this Charter to the mayor's direction and supervision;
 8. Present annually at a time designated by the board, a "state of the county" message, setting forth programs and recommendations to the board;
 9. Supervise the daily activities of employees;
 10. Serve as the official representative and ceremonial dignitary for the government of Orange County, with prerogative to issue proclamations;
 11. Sign ordinances, resolutions and documents for the board;
 12. Call the board into regular and special session; and
 13. Carry out other powers and duties as required by this Charter or may be prescribed by the board.
- E. *Filling vacancies when permissible under Florida law.* If and to the extent that it should become lawful under the Constitution and laws of the State of Florida for this charter to prescribe a method for filling vacancies in the office of county mayor, this subsection shall immediately become effective.

If a vacancy occurs in the office of county mayor and the remainder of the term of office is one year or less, then such vacancy shall be filled for the remainder of the term by appointment by a majority vote of the board of county commissioners.

If a vacancy occurs in the office of county mayor and the remainder of the term of office exceeds one year, then such vacancy shall be filled by a special election. The board of county commissioners, after first consulting with the supervisor of elections, shall by resolution fix the time period for candidate qualifying, the date of the election, and the date of any runoff election. The date of the election shall be a date no later than one hundred twenty (120) days after the occurrence of the vacancy.

(Amended November 1988; November 2004; November 2012)

EXHIBIT “C”

Duval County (Jacksonville) – Powers of Elected Executive

Section 6.04. Powers and duties of mayor.

The executive power of the consolidated government (except such as is retained by the second, third, fourth, or fifth urban services districts) is vested in the mayor who is the chief executive and administrative officer of the consolidated government. He shall be responsible for the conduct of the executive and administrative departments of the consolidated government. The mayor shall administer, supervise, and control all departments and divisions created by this charter and all departments and divisions created by the council. The mayor shall appoint the directors and authorized deputy directors of each department and the chief of each division within each department, subject to confirmation by the council, and they shall serve at the pleasure of the mayor. The mayor is authorized to require any executive officer of the consolidated government to submit to him written or oral reports and information relating to the business and affairs of the consolidated government. The mayor shall from time to time submit reports and recommendations to the council with respect to the financial condition, business, and general welfare of the consolidated government and all offices, departments, and divisions thereof. The mayor shall submit to the council an annual budget for the consolidated government.

(Laws of Fla., Ch. 78-536, § 8; Ord. 84-1307-754, §§ 4, 5; Laws of Fla., Ch. 92-341, § 1)

Section 6.05. Mayor's veto power.

The mayor may veto any ordinance or resolution adopted by the council except ordinances and resolutions relating to:

- (a) Consolidation of the urban services districts.
- (b) Appointments to the zoning board and the building codes adjustment board.
- (c) Zoning exceptions and variances.
- (d) The auditor, the secretary of the council, or other employees of the council.
- (e) Internal affairs of the council.
- (f) Investigations by the council or any duly appointed committee thereof.
- (g) Quasi-judicial decisions made by the council.

Any ordinance or resolution adopted by the council over which the mayor has a veto power shall be presented to the mayor for his consideration and recommendations. If he approves the ordinance or resolution he shall sign it and it shall become effective according to the terms thereof. If he disapproves he shall return the ordinance or resolution to the council without his signature, accompanied by a message indicating the reasons for his disapproval and recommendations. Any resolution or ordinance so disapproved by the mayor shall become effective only if, subsequent to its return, it shall be adopted by two-thirds of all the members of the council present at any meeting; except that if the mayor vetoes any item in the consolidated budget appropriation, only a majority vote of the members of the council shall be required to adopt the same as law over the mayor's veto. Any resolution or ordinance shall become effective on the date provided therein unless it be disapproved by the mayor and returned to the council at or prior to the next regular meeting of the council occurring 10 days or more after the date when the ordinance or resolution was delivered to the mayor's office for consideration. The mayor may disapprove the sum of money appropriated by any one or more items, or parts of items, in any ordinance appropriating money for the use of the consolidated government or any independent agency, in any manner provided herein. The one or more items or parts of items disapproved or reduced shall be void to the extent that they have been disapproved or reduced, unless they shall be restored to the ordinance and become effective by the vote of a majority of the members of the council. (Laws of Fla., Ch. 72-572; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 98-467, § 1)

EXHIBIT "D"

Miami-Dade County – Other Elected Executive Provisions

SECTION 1.07. VACANCIES IN THE OFFICE OF MAYOR OR COUNTY COMMISSIONER.

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 90 days thereafter to fill the vacancy. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 90 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

Notwithstanding the foregoing, a vacancy in the office of Mayor or the members of the Board which will be created as a result of an irrevocable resignation to run for another office that is effective after the Primary or General Election in accordance with state law shall be filled by election as if the officer's term were otherwise scheduled to expire. A person elected to fill such vacancy shall take office on the effective date of the resigning officer's resignation and serve for the remainder of the unexpired term of office.

(Res. No. R-685-20, 11-3-2020)

SECTION 1.08. ORGANIZATION OF THE COMMISSION AND COMMISSION COMMITTEES.

The Mayor shall not be a member of the Commission. The Commission shall select the chairperson and vice-chairperson of the Commission. The Chairperson shall preside over commission meetings and perform such other duties set forth in the charter and ordinances of Miami-Dade County. The Vice-Chairperson shall perform the duties of the chairperson in the absence or incapacity of the Chairperson. Any member may be selected by the Commission to preside over commission meetings in the event of the absence of the Chairperson and the Vice-Chairperson.

The Commission may organize itself into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the Commission may appoint its members or authorize the Chairperson to appoint committee members. Commission committees may conduct public hearings, as authorized by ordinance of the Commission. The Clerk of the Circuit Court or a deputy shall serve as clerk of the Commission. No action of the Commission shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.

SECTION 2.01. ELECTION OF MAYOR.

There shall be elected by the qualified electors of the county at large a Mayor who shall be a qualified elector residing within the county at least three years before qualifying. The Mayor shall not serve as a member of the Commission.

SECTION 2.03. TEMPORARY TRANSFER OF MAYORAL POWERS AND RESPONSIBILITIES UPON A VACANCY OR INCAPACITY IN THE OFFICE OF MAYOR.

Upon a vacancy or incapacity in the Office of Mayor and until such time as the vacancy is filled in accordance with Section 1.07 of the Charter or the Mayor is no longer incapacitated, the powers and responsibilities vested by this Charter in the Office of Mayor to head the County for emergency management purposes, to hire department directors and to recommend waivers of competitive bidding shall be temporarily vested in the Office of the Chairperson of the County Commission as supplementary powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in the Office of Vice-Chairperson of the County Commission. If the Vice-Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in a commissioner chosen by a majority of those Board members present. The temporary removal and transfer of powers and responsibilities provided for in this Section shall not be construed to fill the vacancy in the Office of Mayor. Immediately upon filling the vacancy in the Office of Mayor the powers and responsibilities vested in the Office of Mayor shall be as provided in this Charter without regard to this Section. The Board shall by ordinance establish a definition of incapacity in the Office of Mayor for purposes of this Section.

SECTION 5.01. DEPARTMENTS.

There shall be departments of finance, personnel, planning, law, and such other departments as may be established by administrative order of the Mayor. All administrative functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Mayor.

SECTION 5.02. ADMINISTRATIVE PROCEDURE.

The Mayor shall have the power to issue and place into effect administrative orders, rules, and regulations. The organization and operating procedure of administrative departments shall be set forth in regulations, which the Mayor shall develop, place into effect by administrative orders, and submit to the Board.

SECTION 5.03. FINANCIAL ADMINISTRATION.

- A. The department of finance shall be headed by a finance director appointed by the Mayor and the Clerk of the Circuit and County Courts. The finance director shall have charge of the financial affairs of the county
- B. Between June 1 and July 15, the County Mayor should prepare a proposed budget containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. The budget prepared and recommended by the Mayor, shall be presented by the Mayor or his or her designee to the Commission on or before the Board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget on or before the dates required by law.
- C. No money shall be drawn from the county treasury nor shall any obligation for the expenditure of money be incurred except pursuant to appropriation and except that the Board may establish working capital, revolving, pension, or trust funds and may provide that expenditures from such funds can be made without specific appropriation. The Board, by ordinance, may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, subject to the provisions of ordinance. Any portion of the earnings or balance of the several funds, other than sinking funds for obligations not yet retired, may be transferred to the general funds of the county by the Board.

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- D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county. Notwithstanding any other provision of the Charter to the contrary, in circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.
 - E. Any county official or employee of the county who has a special financial interest, direct or indirect, in any action by the Board shall make known that interest and shall refrain from voting upon or otherwise participating in such transaction. Willful violation of this Section shall constitute malfeasance in office, shall effect forfeiture of office or position, and render the transaction voidable by the Board.
 - F. Such officers and employees of the county as the Board may designate shall give bond in the amount and with the surety prescribed by the Board. The bond premiums shall be paid by the county.
 - G. At the end of each fiscal year the Board shall provide for an audit by an independent certified public accountant designated by the Board of the accounts and finances of the county for the fiscal year just completed.
 - H. The Budget Commission created by Chapter 21874, Laws of Florida, 1943, is hereby abolished, and Chapter 21874 shall no longer be of any effect.

SECTION 5.09. RESTRICTION ON THE COMMISSION MEMBERS.

- A. No Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by any subordinate of the Mayor, or take part in the appointment or removal of officers and employees in the administrative services of the County, nor shall any subordinate of the Mayor accede to such direction or request.
- B. Except where otherwise prohibited by Ordinance, Commissioners shall be permitted to communicate and make inquiries of the administrative services for the purpose of transmitting constituent inquiries or assisting Commissioners in the exercise of their powers as set forth in Section 1.01A. Except as provided elsewhere in this Charter, Commissioners shall not be permitted to give orders, either publicly or privately, to any subordinate of the Mayor.

No County employee or official, other than the County Mayor or his or her designee, shall respond to or undertake any action to comply with any request by any Commissioner which violates the provisions of the preceding paragraph. The County Mayor shall not knowingly allow any Commissioner to deal with the administrative services in violation of the provisions of this section.

SECTION 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS.

- A. On May 1, 1958, the following offices are hereby abolished and the powers and functions of such offices are hereby transferred to the Mayor, who shall assume all the duties and functions of these offices required under the Constitution and general laws of this state: County Tax Collector, County Surveyor, County Purchasing Agent, and County Supervisor of Registration. The Mayor may delegate to a suitable person or persons the powers and functions of such offices.

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- B. In the event that other elective officers are abolished by the Board, the Board shall provide that any person duly elected to such office shall if he so desires remain in the same or similar position and receive the same salary for the remainder of the term for which he was elected, and shall provide for the continuation of all duties and functions of these offices required under the Constitution and general laws.
 - C. On November 9, 1966, the Office of Sheriff is hereby abolished and the powers and functions of such office are hereby transferred to the Mayor, who shall assume all the duties and functions of this office required under the Constitution and general laws of this state. The Mayor may delegate to a suitable person or persons the powers and functions of such office.

EXHIBIT “E”

Orange County – Other Elected Executive Provisions

Sec. 108. Division of powers.

This Charter hereby establishes the separation between the legislative and executive functions of this government; the establishment and adoption of policy shall be the responsibility of the legislative branch, and the execution of that policy shall be the responsibility of the executive branch.

(Amended November 1988; Ord. No. 96-3, § 2, 3-12-96)

Sec. 201. Board of county commissioners.

The legislative branch of Orange County shall be the board of county commissioners, composed of the county mayor and the county commissioners.

(Repealed and reserved November 1988; Amended November 2004)

Sec. 202. Commission districts.

There shall be six commission districts of contiguous territory as nearly equal in population as practicable. The districts shall be reconsidered after each decennial census and adjusted by the board after one or more public hearings.

(Amended November 1988; November 1992; November 2004)

State law reference(s)—Commission districts, Fla. Const. art. VIII, § 1(e).

Sec. 203. Structure of board.

The number of commissioners shall be six, with each member elected from single member districts and a county mayor elected county-wide. Each commissioner shall be a registered voter of and resident of the particular district he or she represents at the time of election to office and throughout the term of office.

(Amended November 1988; November 1992; November 2004)

Sec. 208. Organization.

The board shall annually elect from among its members a vice mayor. Except as provided otherwise in section 302, in the absence of the county mayor, the vice mayor shall serve as the official representative and ceremonial dignitary for the board; shall preside during the board of county commissioners' meetings and may execute documents approved by the board. The vice mayor shall be elected by majority vote during the month of December of each calendar year.

(Amended November 1988; November 1992; November 2004)

Sec. 209. Meetings.

- A. *Meetings of the board.* The board shall meet regularly, at such times and places as the board may prescribe by rule. The board shall determine its own rules and order of business, including establishing rules to enable the board to conduct orderly and efficient meetings while preserving the opportunity for citizen input.

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- B. *The right to be heard and the right to public input.* Any citizen has the right to appear before the board on an agenda item for the presentation, adjustment or determination of an issue, matter or request within the county's authority and jurisdiction, so far as the orderly conduct of public business permits. Matters shall be reasonably scheduled for the convenience of the general public, and specific portions of each agenda shall provide for designated times so that the public may know when a matter has been scheduled. In addition, to encourage and ensure citizen participation in county government and to afford citizens an opportunity to speak to the board, the board shall set aside at least fifteen (15) minutes at the beginning of each regular meeting of the board for citizens to speak to the board on any matter of public interest under the board's authority and jurisdiction regardless of whether the public issue is on the board's agenda. The provisions of this subsection, however, shall not be construed to supersede, supplement, or modify any citizen participation process established in state law for public hearings before the board, such as the procedures for quasi-judicial hearings. Nor shall the provisions of this subsection be used to avoid, supersede or modify the county's procurement and lobbying ordinances, including, but not limited to, the "protest process" and the "black-out period."
- C. *Special meetings.* Special meetings may be held on the call of the county mayor or of three (3) or more board members, upon no less than twelve (12) hours' effective notice to each board member, except in the event of an emergency. Effective notice is notice served personally, or left at the usual place of residence or place of business of the particular board member sought to be notified.
- D. *Reservation of citizen rights.* Nothing in this section shall be construed to limit or restrict a citizen's rights created by local or state statute, law, ordinance, or regulation.

(Amended November 1988; November 2004; November 2008)

State law reference(s)—Public meetings required, F.S. § 286.011.

Sec. 212. Noninterference.

Except for purposes of inquiry and information, commissioners are prohibited from interfering with employees, officers, or agents under the direct or indirect supervision of the county mayor.

(Amended November 1988; November 2004)

Sec. 214. Filling offices during suspensions when permissible under Florida law.

If and to the extent that it should become lawful under the Constitution and laws of the State of Florida for this charter to prescribe a method for filling the office of county commissioner or county mayor during a period of suspension by the Governor pursuant to Article IV, Section 7 of the Florida Constitution, then such office shall be filled by appointment for the period of suspension, by a vote of a majority plus one of the board of county commissioners.

(Created November 2012)

Sec. 301. County administration.

There shall be an executive branch having jurisdiction over all operations of the county government not herein assigned to the legislative branch or otherwise provided by this Charter. The executive branch shall be composed of an elected county mayor, an appointed county administrator, the officers and employees of the administrative offices and executive divisions established by this Charter or created by the board, and the administrative offices and employees of all adjustment, regulatory and advisory boards and commissions, except as otherwise provided in this Charter.

(Amended November 1988; November 2004)

Sec. 303. County administrator.

There shall be a county administrator who shall be appointed by the county mayor and confirmed by the board and shall serve at the pleasure of the mayor. The county administrator shall be nominated and selected on the basis of professional training and executive and administrative experience as set forth by ordinance. The county administrator shall be employed on a full-time basis to assist the county mayor in the daily management of the county.

- A. *Compensation.* The county administrator's salary will be established by resolution of the board after recommendation by the county mayor.
- B. *Vacancy.* The county mayor may designate a qualified county administrative officer or county employee to exercise the powers and perform the duties of the county administrator during the county administrator's absence or disability. If there is a vacancy in both the offices of county mayor and the county administrator, the board shall designate by resolution a qualified person to perform the duties of the county administrator.

(Amended November 2004)

Sec. 401. General provisions.

The activities under the direction and supervision of the county mayor shall be distributed among such initial divisions and agencies as are established by this Charter or may be established, merged or abolished thereunder by the administrative regulations. Except as provided by this Charter, each such division or agency shall be administered by an officer appointed by and subject under this Charter to the direction and supervision of the county mayor.

(Amended November 1988; November 2004)

Sec. 402. Initial divisions and administrative regulations.

- A. *[Initial divisions.]* The following initial divisions are hereby established:
 - 1. Community rehabilitative services.
 - 2. Fire and rescue services.
 - 3. Public utilities.
 - 4. Administrative support.
 - 5. Health and human services.
 - 6. Public works and development.
 - 7. Civic facilities.
 - 8. Legal services.
- B. *Administrative regulations.* The county mayor shall prepare administrative regulations and submit same to the board for review, amendment and adoption, which regulations shall set forth the organization of Orange County government and the nature and scope of each division together with rules, procedures and personnel for operation of said divisions.

(Amended November 1988; November 2004)

EXHIBIT “F”

Duval County (Jacksonville) – Other Elected Executive Provisions

Section 4.02. Allocation of certain powers and duties.

Where the consolidated government has any power or duty and the responsibility for the exercise of such power or the performance of such duty is not fixed by this charter or by general or special law, the power or duty shall be exercised or performed as follows: All powers and duties of the consolidated government which are legislative in nature shall be exercised and performed by the council. All powers and duties which are executive in nature shall be exercised or performed by the mayor or such other executive officer of the consolidated government as the mayor may designate, except as otherwise specifically provided herein. All powers and duties of the consolidated government which are judicial in nature shall be exercised and performed by the circuit court of the fourth judicial circuit of Florida and such courts as are provided by this charter, the Constitution, and the general laws of the State of Florida. In the event the nature of any power or duty is uncertain, or the law creating such power or duty requires a combination of branches of the consolidated government, the president of the council, the mayor, and the presiding judge of the circuit court shall affix the responsibility for the exercise of such power or the performance of such duty.

(Laws of Fla., Ch. 92-341, § 1)

Section 6.01. Qualifications and term of office.¹

The mayor shall be a qualified elector of Duval County and a resident of Duval County, and shall have resided in and been a qualified elector of Duval County for at least 365 consecutive days immediately before the date on which he or she qualifies to run for the office of mayor. If he or she shall cease to possess any such qualifications during his or her term of office, he or she shall forthwith forfeit the office, and the council shall remove him or her therefrom. He or she shall be elected for a period of 4 years and shall assume office on the first day of July following his or her election and serve until his or her successor is elected and qualified. No mayor elected and qualified for two consecutive terms shall be eligible for election as mayor in the next succeeding term. The mayor shall devote his or her entire time to the performance of the duties of his or her office and shall hold no other public office or public employment.

(Ord. 79-821-516, § 2; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

Section 6.02. Elected constitutional officer.

The mayor shall be considered an elected constitutional officer for purposes of s. 8 of Article II, of the Florida Constitution.

(Laws of Fla., Ch. 77-582; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

Section 6.03. Compensation.

The mayor shall receive a salary fixed by the council, but no ordinance shall be effective to reduce the salary of the mayor during any term of the mayor unless adopted or approved by the council at least 90 days prior to the consolidated government election, immediately preceding such term. If any member of the council shall later be elected to the office of mayor or assume the duties and powers of the office of mayor, said member of the council

¹**Case law annotations**—The initial term of office provided for in § 6.01 does not constitute a term of office as set forth in this section, *Vieria v. Slaughter*, 318 So.2d 490 (D.C.App., 1975).

shall not receive a benefit of any increase in the salary of the mayor which he voted for while serving as a member of the council.

(Laws of Fla., Ch. 77-580; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

Section 6.06. Vacancy in the office of mayor.

If the mayor should die, resign, or remove his residence from Duval County during his term of office, or be removed from office, the office of mayor shall become vacant. A vacancy in the office of mayor shall be filled in the following manner:

- (a) An incumbent mayor who resigns in order to seek a state or federal office in the general statewide election held in November immediately preceding the last year of his term, shall submit his resignation at least 10 days prior to the first day of the qualifying period for the office to which he seeks election and his resignation shall be effective no later than the date on which the general statewide election is held. A vacancy in the office of mayor shall exist as of the effective date of the resignation. In the event a mayor's resignation should be effective before the date of the general statewide election, then the vacancy in the office of mayor shall be temporarily filled in the following succession. The president of council, the vice president of council, the chairman of the council committee on rules, and the chairman of the council committee on finance are established as successors to the office of mayor for the purpose of filling a vacancy in the office. In the event a vacancy should occur, the president of council shall serve as mayor until a successor mayor is qualified and elected, and, if there is no president of council, then the vice president shall so serve. If there is no vice president, then the chairman of the council committee on rules shall serve, and, if there is no chairman of the council committee on rules, then the chairman of the council committee on finance shall serve. If none of these successors can serve as acting mayor, the council shall by ordinance designate an acting mayor until the office of mayor shall be filled as provided herein. If any elected official in the line of succession should refuse to serve as acting mayor or if any such official who is serving as acting mayor should qualify to run for the office of mayor, then he shall no longer serve as acting mayor and the official next in line of succession shall assume the duties of acting mayor. A candidate seeking election to fill the vacancy created by this resignation of an incumbent mayor seeking other elected office shall qualify to run in a special mayoral election to be held as part of and at the same time as the general statewide election. The time period during which such candidates may qualify to run in this special mayoral election shall commence at the same time as does the qualifying period for candidates seeking office in the general statewide election and shall terminate on noon of the seventh day following the date on which the qualifying period for the general statewide election ends. A mayor elected to fill an unexpired term shall take office and assume and exercise all duties of office immediately as of the date of certification of the election returns by the supervisor of elections as provided by law.
- (b) In the event that a vacancy in the office of mayor occurs other than as provided in subsection (a), then such a vacancy shall be filled for the remainder of the unexpired term by election of a mayor at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs. This special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A resignation by the mayor shall be submitted to the supervisor of elections (with a copy to the secretary of the city council), shall specify the date on which it is effective, and shall be irrevocable. If a mayor submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, this special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the resignation is effective; and such special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A vacancy in the office

of mayor occurring as contemplated in this subsection shall be temporarily filled in the same manner established in subsection (a). The acting mayor shall exercise all the powers of the office of mayor until a successor mayor is qualified, elected, and assumes office. If an acting mayor should qualify to run for the office of mayor at this special election, then he shall no longer serve as acting mayor and the official next in line of succession shall assume the duties of acting mayor. Should a special mayoral election not be held at the same time as any other election scheduled to be held within the county, then the special primary election for nominations of candidates of political parties for the office of mayor to be voted upon in the special election shall be held at the times specified by the council in the resolution calling the special mayoral election, provided that at least 2 weeks shall intervene between the dates set for the first and second primary elections and at least 2 weeks shall intervene between the second special primary election and the special mayoral election. The time period during which candidates may qualify to run in the special primary elections and special mayoral elections shall be specified by the council in the resolution calling the special election, provided that at least 7 calendar days shall be fixed for the qualifying period and that the last date on which candidates may qualify shall occur not less than 3 weeks before the date of the first special primary election.

(Laws of Fla., Ch. 77-576; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 85-433, § 1; Laws of Fla., Ch. 92-341, § 1)

Note(s)—At the City's direction, "President pro tempore" was changed to "Vice President."

Section 6.07. Mayor's staff.

- (a) The mayor may appoint administrative aides and one personal secretary to have such duties as he may determine and to serve at his sole pleasure. The mayor's aides and secretary shall be excluded from the civil service provisions of the charter and ordinances of the City of Jacksonville.
- (b) The mayor shall appoint a Chief Administrative Officer (CAO) who shall be responsible for overseeing all operating departments; managing the day-to-day affairs of the City of Jacksonville; and overseeing the implementation of the City's annual operating budget and capital improvement plan. The Chief Administrative Officer shall have a bachelor's degree from an accredited post-secondary institution in business administration, public administration, or a similar field, and seven (7) years' experience in an administrative capacity in municipal government, three of which are in a management capacity, and a thorough understanding of the principles of municipal administration and of applicable provisions of the Laws of the State of Florida; or an equivalent combination of education and experience. The mayor shall fill any vacancy in the position of Chief Administrative Officer within 60 days of such position becoming vacant.

(Laws of Fla., Ch. 71-694; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1; Ord. 2015-51-E, § 1)

Section 6.08. Mayor's absence, incapacity or suspension.

During any absence of the mayor from Duval County, the president of the council shall automatically become acting mayor, with emergency powers to act only when the public interest requires and with such additional powers to act only when the public interest requires and with such additional powers as the mayor may designate. If the mayor becomes incapable of acting as the mayor and incapable of delegating his duties, or in the event that the mayor is suspended in the exercise of his office, and in either case as long as the incapacity or suspension lasts, the president of the council shall automatically become acting mayor, with all the powers of the office. If the mayor and the president of the council are simultaneously absent from Duval County, or simultaneously incapable of acting as mayor and incapable of delegating the duties of the office of mayor, or simultaneously suspended in the exercise of the office of mayor, the vice president of the council shall automatically become acting mayor with the same powers as the president of the council would have had in like circumstances. The council may by ordinance provide for further succession to the same powers as provided in this section.

(Laws of Fla., Ch. 70-748; Laws of Fla., Ch. 77-576; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

Note(s)—At the City's direction, "President pro tempore" was changed to "Vice President."

Sec. 7.03. Selection and term of general counsel.

The general counsel shall be an attorney licensed to practice law in the State of Florida and shall have at least 10 years' experience as a practicing attorney or judge. The general counsel shall be selected according to the following procedure. Upon the commencement of each mayoral term of office and upon any vacancy in the position of the general counsel not at the commencement of a mayoral term, the mayor shall appoint a qualification review committee comprised of five attorneys licensed to practice in the State of Florida. The qualification review committee shall consist of the following: The Jacksonville Bar Association President or if he or she is unable to serve their designee, two former general counsels of the city selected by the mayor, and two members of the Florida Bar Board of Governors who are currently serving and representing the 4th Circuit. In the selection of the general counsel, the mayor shall give due consideration for the needs of the entire consolidated government, and may seek input from the Constitutional Offices and Independent Agencies in the selection of a general counsel for the consolidated government. The qualification review committee shall consider any candidates suggested by the mayor and may consider candidates of its own choosing. The committee shall review the qualifications of the candidate(s) to serve as general counsel and shall make a recommendation to the mayor who may appoint that person or ask the qualification review committee to make a separate recommendation. This procedure shall continue until the mayor has made his selection. The person selected to serve as general counsel by the mayor shall require confirmation by resolution approved during such mayor's term of office by no less than 13 members of the council serving during that mayoral term. The Mayor's appointment shall be acted upon by the Council within 60 days of first reading. The term of the general counsel shall coincide with the term of the appointing mayor.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 2014-723-E, § 1)

Section 14.03. Transfer of appropriations.

The mayor may transfer any amount appropriated to any consolidated government division within such division but may not:

- (a) Transfer funds that are appropriated to any consolidated government division, department, agency, or nondepartmental account to any other division, department, agency, or nondepartmental account unless the council has adopted a general ordinance, approved by at least 13 members of the council, that authorizes the mayor to make such transfers. Repeal or modification of such ordinance shall require the concurrence of at least 13 members of the council. The ordinance must specify:
 - (1) The type and manner of mayoral transfers that are permitted.
 - (2) Whether the council must be given prior notice of a proposed transfer.
 - (3) Whether the council must be given an opportunity to override a proposed transfer within a specified timeframe and by a specified vote.

To the extent the provisions of the general ordinance are consistent with these standards, they shall be deemed to be a grant of additional powers to the executive branch not in violation of section 4.01 of this charter; or

- (b) Transfer funds appropriated to any services district to any other services district.

(Ord. 84-1307-754, § 11; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 2006-331, § 1)

Sec. 24.01. Directors of departments.

- (a) There shall be a director of each department who shall be the principal officer of the department and responsible for all of its operations. Each director shall be appointed by the mayor and shall be confirmed by the council and shall serve until removed by the mayor. Each director shall conduct the affairs of his department in accordance with the rules and regulations made by the mayor. Each director shall be subject to the supervision and control of the mayor in all matters and shall be responsible for the conduct of the officers and employees of his department, for the performance of its function, and for the custody of books, records, papers, and property under its control. The mayor may also appoint such deputy directors of each department as he deems advisable and the council may approve.
- (b) The mayor shall fill any vacancy in any director's position within 60 days of such position becoming vacant.
- (c) The Director of the Finance Department (or such other department as designated by the council) shall be responsible for overseeing the Finance Department of the City of Jacksonville, including the Office of Treasurer and the Budget Office; establishing, controlling, and directing the City of Jacksonville's annual operating and capital improvement budgets; and overseeing and managing the authorized financial borrowing of the City of Jacksonville. The Director of the Finance Department shall have a bachelor's degree from an accredited post-secondary institution in finance, accounting, business administration, public administration, or a similar field, and seven (7) years' experience in public or governmental finance, three of which are in a management capacity, and a thorough understanding of the principles of municipal finance, budgeting, and accounting, and of applicable provisions of the Laws of the State of Florida; or an equivalent combination of education and experience.

(Ord. 2015-98-E, § 2)

EXHIBIT "G"

Miami – Powers of Elected Executive

Sec. 4. Form of government; nomination and election.

- (a) *General description.* The form of government of the City of Miami, Florida, provided for under this Charter shall be known as the "mayor-city commissioner plan," and the city commission shall consist of five citizens, who are qualified voters of the city and who shall be elected from districts in the manner hereinafter provided. The city commission shall constitute the governing body with powers (as hereinafter provided) to pass ordinances adopt regulations and exercise all powers conferred upon the city except as hereinafter provided. The mayor shall exercise all powers conferred herein and shall appoint as provided in section 4(g)(6) of this Charter a chief administrative officer to be known as the "city manager."
- (b) *Election of mayor and city commission; terms of office; recall.* There shall be elected by the qualified electors of the city at large a mayor who shall be a qualified elector residing within the city at least one (1) year before qualifying and must maintain a residence in the city for the duration of his or her term. The mayor shall not serve as a member of the city commission.

The city commission shall consist of five members who shall be elected from districts within the city, numbered 1 through 5. All persons desiring to run for the office of city commissioner shall file in the district, numbered 1 through 5, for which they are qualified as provided in subsection (c) of this section of the Charter. City commissioners in districts numbered 3 and 5 shall be elected at the general municipal election or runoff election to be held in the year 2001 and at the general municipal election or runoff election each four years thereafter. City commissioners in districts numbered 1, 2, and 4 shall be elected at the general municipal election or runoff election to be held in the year 2003 and at the general municipal election or runoff election each four years thereafter.

The mayor shall be elected at large by the electors of the city and shall hold office for a term of four years.

The mayor and all city commissioners [are] to hold office from twelve o'clock noon five days after the canvass of the vote by the supervisor of elections and the declaration of the result of either 1) the general municipal election or 2) runoff election and until their successors are elected and qualified. Commencing with the election to be held in November 2001, and all elections subsequent thereto, no mayor or city commissioner elected and qualified for two consecutive full terms shall be eligible for reelection in the next succeeding term. The mayor and all other members of the city commission shall be subject to recall. Vacancies shall be filled as provided in section 12[.] of the.

If a candidate for office of mayor or city commissioner receives a majority of votes in the general municipal election for that office, the candidate shall be considered elected upon and after the canvass of the vote and the declaration of the result of the election as provided. If no candidate receives a majority of the votes for that office, the two candidates for the respective office who received the greatest number of votes for that office in the general municipal election shall be placed on the ballot at the runoff election. The candidate receiving the greatest number of votes in the runoff election, shall be considered elected to the office for which the candidate has qualified.

- (c) *Qualifications of mayor and city commission; mayor, city commissioners, and other officers and employees not to be interested in contracts, etc.; franks, free tickets, passes or service.* Candidates for mayor shall be residents of the city for at least one (1) year prior to qualifying and shall be electors therein. Further, candidates for the city commission shall have resided within the district at least one (1) year before qualifying and be electors in that district, and shall maintain residence in that district for the duration of their term of office. The mayor, city commissioners, and other officers and employees shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. The mayor or any city commissioner who shall cease to possess any of the qualifications herein required shall forthwith forfeit his or her office, and any such contract in which any member is or may become interested may be declared void by the city commission.

No mayor, city commissioner, or other officer or employee of said city shall accept any frank, free ticket, pass or service directly or indirectly, from any person, firm or corporation upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor. Such prohibition of free service shall not apply to police or fire personnel in uniform or wearing their official badges, where same is provided by ordinance.

- (d) *City commission to be judge of its own elections; neither mayor nor city commission nor any committees nor members thereof to dictate appointments by or interfere with city manager.* The city commission shall be the judge of the election and qualifications of the mayor and its own members, subject to review by the courts. Neither the mayor nor the city commission, nor any committees nor members thereof shall direct, request, take part in or dictate the appointment or removal of any person in office or employment by the city manager or subordinates or in any manner interfere with the city manager or prevent the city manager from exercising his/her own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry and as may be necessary as provided in section 14, the mayor, the city commission, any committees and members thereof shall deal with the administrative service solely through the city manager, and neither the mayor nor the city commission, nor any committees nor members thereof shall give orders to any of the subordinates of the city manager, city attorney, city clerk and independent auditor general, either publicly or privately. Any such dictation, prevention, orders or other interference or violation of this section on the part of the mayor or a member of the city commission or committees shall be deemed to be violation of the Charter, and upon conviction before a court of competent jurisdiction any individual so convicted shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term of not exceeding sixty days or both, and in the discretion of the court shall forfeit his or her office. Any willful violation of the provisions to this section by the mayor or any city commissioner shall be grounds for his or her removal from office by an action brought in the Circuit Court by the state attorney of this county.
- (e) *Election of officers by city commission; rules of city commission; quorum.* The city commission shall elect a city clerk and a city attorney. No member of the city commission or the mayor shall be chosen as city manager or as a member of the civil service board or appointed to any other city office or employment. The city commission may determine its own rules of procedure, may punish its own members for misconduct and may compel attendance of members. A majority of all the members of the city commission shall constitute a quorum to do business, but a smaller number may adjourn from time to time.
- (f) *Meetings of city commission; ordinance to be read by title only.* At twelve o'clock noon on the day the mayor or city commissioners take office, they shall meet at the city hall. Thereafter, the city commission shall meet at such time and place as may be prescribed by ordinance or resolution. The meetings of the city commission and all sessions of committees of the city commission shall be public. Ordinances shall be read by title only. No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, or where his or her financial interests are involved.
- (g) *Powers and duties of mayor.* The mayor shall serve as the chief executive officer and head of the city government with the following specific powers and duties:
- (1) The mayor shall be the presiding officer of the city commission with the authority to designate another member of the city commission to serve as presiding officer.
 - (2) The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes.
 - (3) In time of public danger or emergency, the mayor may declare a state of emergency as provided in state law and may with the consent of the city commission, take command of the police and maintain order and enforce the laws.
 - (4) During the temporary absence or disability, the mayor shall appoint a member of the city commission to perform the duties of the mayor. However, in the event that the mayor does not or is unable to

make such designation, the city commission shall designate a member of the city commission to perform the duties of the mayor during the temporary absence or disability of the mayor by a four-fifths vote of the city commissioners then in office.

- (5) The mayor shall, within ten days of final adoption by the city commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the city commission, including the budget or any particular component contained therein which was approved by the city commission; provided, however that if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed. The city commission may, at its next regularly scheduled or special meeting after the veto occurs, override that veto by a four-fifths vote of the city commissioners present, notwithstanding any provisions to the contrary contained in the Charter and city code. Said veto power shall include actions pursuant to sections 29-B through 29-D of the Charter.
 - (6) When one person succeeds another in the position of mayor, the successor shall have the right to appoint the city manager, subject to the approval within 14 days of a majority of the city commissioners then in office. In the event of a vacancy in the office of city manager, the mayor shall appoint the city manager, subject to the approval within 14 days of a majority of the city commissioners then in office. The mayor may remove the city manager subject to the city commission's conducting a hearing within 10 days of said removal and the city commission's overriding the mayor's action by a four-fifths vote of those city commissioners then in office. Additionally, the city commission by a four-fifths vote of those city commissioners then in office shall be able to remove the city manager.
 - (7) The mayor shall establish and appoint the members of all standing and special committees of the city commission and the chairperson and vice-chairperson of each committee. There shall be as many standing and special committees of the city commission as deemed necessary by the Mayor. Standing or special committees of the city commission shall mean those comprised of city commission members only.
 - (8) The mayor shall prepare and deliver a report on the state of the city to the people of the city between November 1 and January 31 annually. Such report shall be prepared after consultation with the city commissioners and the city manager.
 - (9) The mayor shall prepare and deliver a budgetary address annually to the people of the city between July 1 and September 30. Such report shall be prepared after consultation with the city manager.
- (h) *Salaries of the mayor and commission.* Effective on November 4, 2003, there shall be paid to the city commissioners the sum of \$58,200, which is equal to sixty percent of the mayor's salary in effect on July 16, 2003. Such salary shall be paid per year for each commissioner, in twelve equal installments. The compensation of the mayor shall be determined by the commission.

(Laws of Fla., ch. 15344(1931); Laws of Fla., ch. 23401(1945); Laws of Fla., ch. 26022(1949); Laws of Fla., ch. 31000(1955); Char. Amend. No. 2, § 1, 1-1-60; Char. Amend. No. 1, 12-1-63; Char. Amend. No. 1, 12-1-65; Ord. No. 88-541, § 2a, 6-9-88/9-6-88; Res. No. 97-447, § 2, 7-3-97; Res. No. 99-613, § 3, 8-2-99; Res. No. 01-843, § 2, 8-9-01; Res. No. 03-918, § 3, 9-5-03)

Editor's note(s)—Res. No. 01-843, § 2, adopted August 9, 2001, amended § 4 in its entirety to read as herein set out. Formerly, § 4 pertained to form of government. The historical notation has been retained for reference purposes.

Case law reference(s)—Officials provided for in subsection (e) shall be elected and none of them shall hold office at the will of the city commission when elected, but the city manager when appointed shall hold office subject to the will of the commission. *State v. Bloodworth*, 134 Fla. 369, 184 So. 1.

Where resolution adopted by the city commission appointing the city clerk failed to fix or state the period of time he was to hold the said office, clerk was entitled to hold office until the next regular city election provided for in this charter unless lawfully removed. *Id.* See also, *State v. Bloodworth*, 135 Fla. 525, 185 So. 339.

EXHIBIT “H”

Tampa – Powers of Elected Executive

Section 2.10. Veto.

Every ordinance that may be passed by the council shall be presented to the mayor before becoming a law; if the Mayor approves it the Mayor shall sign it, but if not the Mayor shall return it with their objections to the council and such objections shall be entered upon the minute book, and the council thereupon shall proceed to reconsider the ordinance at its next regular meeting at which there is a quorum. If after reconsideration it shall be passed by two-thirds vote of all members, the vote shall be entered upon the minute book, and it shall become a law. If any ordinance shall not be returned to the council within fourteen days after it is presented to the mayor, the same shall become effective in like manner as if the Mayor had signed it.

(Ord. No. 2023-73, § 3, 5-18-23, election of 3-5-19)

Section 4.01. Mayor.

There shall be a mayor in whom all executive power of the city shall be vested and who shall be the administrative head of the municipal government. Responsibility for the proper administration of the city government shall be solely that of the mayor. The mayor shall be elected at large and shall have been a resident and elector of the city for one year immediately preceding the commencement of the term of office and shall continue to be a resident and elector of the city during the term of office. No person who has, or but for resignation would have, served as mayor for two consecutive, full terms shall be elected as mayor for the succeeding term. The mayor shall be responsible to the people of the city for the proper administration of the affairs of the city and to that the mayor's powers and duties shall include, but shall not be limited to, (1) the administration and enforcement of all laws, ordinances, contracts, and franchises, (2) the negotiation of all contracts, franchises, acquisition, and disposition of property and, upon approval thereof by the city council, the execution on behalf of the city of all agreements, leases, deeds, and other instruments in connection therewith, (3) the exercise of direct control and supervision over all departments and divisions of the municipal government, (4) except as herein otherwise expressly provided, the appointment and removal and the fixing of the compensation of all officers and employees of the city, the employment and compensation of whom are not otherwise provided for herein, all such appointments to be made upon merit and fitness alone and in accordance as nearly as possible with civil service requirements, with the exception of officers, directors, managers, and supervisors who are not subject to civil service, (5) the general charge, management, control, and supervision of all property of the city, (6) the promulgation by executive order of such administrative directives, decisions, and codes and personnel rules and regulations as the mayor shall deem necessary and proper, all of which executive orders of a formal, general, and permanent nature shall be filed with the city clerk, (7) the representation of the city on all public occasions where such representation shall be right and proper, (8) cognizance of the relation of the city to the county, state, federal, and other municipal governments, (9) periodically advising council as to the financial conditions and needs of the city, (10) furnishing to the council such available information, data, and advice pertaining to the affairs of the city as may be reasonably requested, (11) making such recommendations as the mayor may deem necessary or expedient in the interests of the city to the council relative to the adoption of ordinances and resolutions; provided, however, that nothing herein contained shall prevent the city council in the exercise of its legislative functions and powers from calling into consultation the boards or departments and other officers and employees of the city wherever in the judgment of the council it may be necessary[,] but neither the council nor any member thereof shall interfere with the conduct of any department, officer, or employee in the discharge of that person's duty.

(Ord. No. 8148-A, § 4, 1-6-83; Ord. No. 2018-129, § 6, 8-23-18, election of 3-5-19)

EXHIBIT "I"

Orlando – Powers of Elected Executive

Sec. 3. Mayor-Commissioner's Duties and Powers.

The Mayor-Commissioner shall be the executive officer of the City of Orlando and possess all the powers and duties incident thereto and shall be charged with the enforcement of all the ordinances and laws thereof and the carrying out and exercising of the powers and duties heretofore possessed by the City of Orlando, or, heretofore belonging to it; the Mayor-Commissioner shall make appointments of the Chief Administrative Officer, Deputy Chief Administrative Officer, Assistant Chief Administrative Officer, and all heads of offices and departments set forth in Section 2.35 of the Code of the City of Orlando subject, however, to a confirmation by the City Council; the Mayor-Commissioner shall appoint the members of his/her personal staff; the Mayor-Commissioner shall have direct charge of every department of the City government and shall be responsible for the proper functioning of each department; the Mayor-Commissioner shall be required to devote all of his/her time to the work and business of the City of Orlando and shall have his/her office in the City Hall and keep regular office hours in the same. Should the City Council decline to confirm any appointment made by the Mayor-Commissioner it shall be his/her duty to send in a new appointment to the Council within ten (10) days of* such rejection, and shall not again submit to the Council the name of any person rejected, except on request of a** majority of the Council. The Mayor-Commissioner shall have the right to remove any officer as provided in Section 2.05 of the Code of the City of Orlando, provided, however, that nothing in this section shall in any manner abridge the rights, powers, duties and privileges of the*** Orlando Utilities Commission. In case of the temporary disability or absence of the Mayor, the City Council may designate one of its members to act as Mayor Pro Tem; provided, however, that the City Council may also designate another one of its members to act in the capacity of Mayor Pro Tem should both the Mayor and first-designated Mayor Pro Tem be absent or temporarily disabled.

(Laws of Fla. ch. 6739(1913), § 2; Laws of Fla. ch. 10976(1925), § 2; Ord. of 2-11-1985, Doc. #19188; Ord. of 7-18-1988, Doc. #22233; Ord. of 12-7-1992, Doc. #26218)

*The word "of" appeared as "on" in the original act.

**The article "a" did not appear in the original act.

***The article "the" did not appear in the original act.

EXHIBIT “J”

St. Petersburg – Powers of Elected Executive

Sec. 4.04. Powers and Duties of the Mayor.

- (a) In addition to the appointment of any individual officer or employee that requires confirmation of City Council under this Charter (e.g., the City Administrator), the Mayor shall also appoint, with the confirmation of City Council, each member of a City board or commission unless otherwise provided by this Charter.
- (b) The Mayor shall:
 - (1) Appoint, and when the Mayor deems necessary for the good of the City, suspend, demote or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or this Charter. The Mayor may authorize any administrative officer or employee who is subject to the Mayor's direction and supervision to exercise these powers with respect to subordinates in that officer's or employee's department, office or agency. The Mayor shall establish written Personnel Rules and Regulations to the end that appointments and promotions of employees within specified classifications shall be made solely on the basis of merit and fitness demonstrated by examinations or other evidence of competence and to the end that upon their suspension for a period in excess of fifteen (15) calendar days, demotion or removal, employees within specified classifications shall have a right of appeal to a Civil Service Board appointed by City Council.
 - (2) Create and establish and discontinue any department, division or board in the administrative affairs of the City; to determine, combine and distribute the function and duties of all departments, divisions and boards in the administrative affairs of the City; to consolidate and combine any departments, divisions and boards as the Mayor may deem necessary and/or expedient. The Mayor shall be responsible for the continuity and preparation of all books, records, papers and property under the control of the administrative officers and employees of the City. The directors of departments and heads of divisions or boards in the administrative affairs of the City shall manage and control such departments, divisions and boards, and are subject to the supervision and control of the Mayor.
 - (3) Attend, or cause a representative of the Mayor to attend, all Council meetings and the Mayor or the Mayor's representative shall have the right to take part in discussion but may not vote.
 - (4) See that all laws, provisions of this Charter and Ordinances of the Council, subject to enforcement by the Mayor or by officers subject to the Mayor's direction and supervision, are faithfully executed provided however no ordinance may infringe upon the administrative powers of the Mayor granted by this Charter.
 - (5) Prepare and submit a proposed balanced annual budget and capital program to the Council in a form provided by ordinance.
 - (6) Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
 - (7) Make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to the Mayor's direction and supervision.
 - (8) Keep the Council fully advised as to the financial condition and future needs of the City and make recommendations to the Council concerning the affairs of the City.
 - (9) Sign contracts on behalf of the City pursuant to the provisions of appropriations ordinances. The Mayor shall administer the approved budget in such a manner as not to exceed Council approved appropriations. No liability shall be enforceable against the City upon any contract not supported by the previous appropriations, nor shall the City be liable for any service, material or supplies furnished to the City or to any department, office or division thereof, the financial requirements of which are to be made use of the proceeds of taxes or any other funds controlled by the Council, unless the Council shall previously have made an appropriation therefor. All contracts for public works or improvements

shall be awarded in the manner provided by ordinance which must provide opportunity for competition.

- (10) Perform such other duties as are specified in this Charter or may be required by the Council provided such duties and Council's direction to perform such duties [as] are consistent with this Charter.
- (11) The Mayor shall be recognized as head of City government for all ceremonial purposes, by the governor for purposes of military law, for service of process, and upon the authorization of Council, shall act as the City official designated to represent the City in agreements with other governmental entities or certifications to other governmental entities, execute contracts, deeds and other documents. The Mayor may delegate the signature authority contained herein to members of the City Administration by filing a written memo with the City Clerk indicating the person to whom the authority is delegated and the limits of such authority.
- (c) The Mayor may veto any ordinance passed by Council, except an emergency ordinance as defined in Florida Statutes, those ordinances passed as a result of quasi-judicial proceedings when such proceedings are mandated by law and ordinances proposing Charter amendments, which the Council is required by law or by this Charter to place on the ballot. The Mayor must exercise the veto prior to 5:00 p.m. on the fifth business day after the day Council adopts the ordinance. On the day the Mayor vetoes an ordinance, the Mayor shall deliver or caused to be delivered specific written objections to Council at the Council's office.
- (d) The Mayor may: Veto any "line item" in a budget or appropriation ordinance. The Mayor must exercise his veto prior to 5:00 p.m. on the fifth business day after the Council adopts the ordinance. On the day the Mayor vetoes a "line item", the Mayor shall deliver or cause to be delivered specific written objections to Council at the Council's office. If the total effect of all vetoes of the Mayor would be to cause expenditures to exceed revenues as projected and contained in the adopted budget, then all vetoes of the Mayor with respect to line items of the budget shall be null and void and all items vetoed by the Mayor shall remain in the budget.

(Ord. No. 1012-F, §§ 11—15, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.7, 2-25-1993, ratified 3-23-1993; Ord. No. 366-G, § 1, 1-7-1999, ratified 3-23-1999; Ord. No. 367-G, § 1, 1-7-1999, ratified 3-23-1999; 2000 Charter Review Commission, Amendment 5, Amendment 6, Amendment 10, 8-10-2000, ratified 3-27-2001; Ord. No. 810-G, §§ 11, 12, 1-18-2007, ratified 3-13-2007; 2011 Charter Review Commission, Amendment 5, § 1, Amendment 6, §§ 4, 5, 8, 7-26-2011, ratified 11-8-2011; 2021 Charter Review Commission, Amendment 5, § 5, ratified 11-2-2021)

EXHIBIT “K”

Miami – Other Elected Executive Provisions

Sec. 7. Election of city commissioners and mayor.

A general municipal election for the mayor and city commissioners shall be held on the first Tuesday after the first Monday in November in odd-numbered years. A runoff election for the mayor and city commissioners shall be held on the third Tuesday after the first Monday in November in odd-numbered years. All elections held in said city shall be conducted and held according to the provisions of the general election laws of the State of Florida, except as otherwise provided for in the Charter. The name of any person qualified as provided in section 4 of this Charter shall be printed upon the ballot as a candidate for the office of mayor or city commissioner upon paying to the City of Miami the sum as prescribed by ordinance to be accepted by the city clerk as a qualifying fee along with the sum for election assessment as prescribed by state law during the qualifying period as prescribed in this Charter prior to the date of such general municipal election or special election to fill a vacancy. Any person qualified to run for mayor or city commissioner shall file an affidavit of candidacy in the form provided by the city clerk including his or her name, address, occupation and willingness to serve if elected, accompanied by the requisite documents and fees as provided in state law and section 7 of this Charter. An affidavit of candidacy shall be filed not earlier than 60 days and not later than 45 days prior to the date of the general municipal election or during the qualifying period for a special election to fill a vacancy.

All such qualifying documents and fees shall be deposited with the city clerk no later than 6:00 pm. on the forty-fifth day prior to the general municipal election or the last day for qualifying in a special election to fill a vacancy.

(Laws of Fla., ch. 15339(1931); Laws of Fla., ch. 19974(1939); Laws of Fla., ch. 21387(1941); Laws of Fla., ch. 22395(1943); Laws of Fla., ch. 23408(1945); Char. Amend. No. 1, 3-14-72; Char. Amend. No. 6, 11-6-73; Res. No. 97-447, § 2, 7-3-97; Res. No. 01-843, § 2, 8-9-01; Res. No. 16-0350, § 2, 7-29-16)

Editor's note(s)—Res. No. 01-843, § 1, adopted August 9, 2001, amended § 7 in its entirety to read as herein set out. Formerly, § 7 pertained to regular and primary elections of commissioners. The historical notation has been retained for reference purposes.

Sec. 12. Filling vacancies for mayor and commission.

- (a) A vacancy on the city commission or in the office of mayor caused by death, resignation, forfeiture, suspension, removal, or other action or causes shall be filled within ten days after such vacancy occurs by a majority of the remaining city commissioners. The person appointed must meet the qualifications of the office as required in section 4 of this Charter. The term of office of the person so appointed, except in the circumstances detailed in section (c) below, shall be until the successor in office is elected and qualified at whichever of the following occurs first:
- (1) the odd-year general municipal election for mayor and city commissioners held pursuant to section 4 of the Charter, or
 - (2) the even-year State of Florida general election, at which election national, state and county offices are filled,

The candidates for such election shall be qualified as provided in section 4 of this Charter and the qualifying period and requirements for such election shall be as provided in section 7 of this Charter. The person elected as provided in (a)(1) or (a)(2) of this Section shall serve for the remainder of the unexpired term of that office.

- (b) If the remaining city commissioners shall fail or refuse to fill such vacancy within ten days after it occurs, as provided herein, the city commission shall call a special election to fill the vacancy to be held at a date not less than thirty-eight or more than forty-five days after the expiration of the ten-day period and the five day qualifying period. The qualifying period for such special election shall be for the five days not including

Saturday, Sunday or legal holidays before the thirty-eighth day before the date of the election and the procedure for the election not otherwise provided for in this section shall be as provided in section 7 of this Charter. Except in the circumstances detailed in section (c), effective November 7, 2017, the person who receives the greatest number of votes for the office in said special election is elected to fill the vacancy for the remainder of the unexpired term of that office.

- (c) If a vacancy in any elected office is caused by forfeiture, suspension, or removal, the vacancy shall be filled in the same manner as described in sections (a) and (b) above, provided that if the elected official who has so vacated his or her seat is later absolved of the allegations of wrong-doing, that elected official shall be entitled to resume his or her elected position for the remainder of the unexpired term, if any. The term of the individual who assumed the position previously vacated by that elected official shall automatically terminate upon the restoration to office of the original seat-holder.
- (d) If the city commissioners shall fail to comply with their duties as set forth in this section, then, and in that event, the court is hereby empowered and authorized to enforce compliance with this act or to call an election itself to fill such vacancy or vacancies on the city commission or in the office of mayor.

(Laws of Fla., ch. 22393(1943); Laws of Fla., ch. 27724(1951); Ord. No. 8287, 11-5-74; Res. No. 97-447, § 2, 7-3-97; Res. No. 01-843, § 2, 8-9-01; Res. No. 17-0318, § 2, 7-13-17)

EXHIBIT “L”

Tampa – Other Elected Executive Provisions

Section 1.04. Separation of Powers.

There shall be a distinct separation of legislative and executive powers; and, except as otherwise herein expressly provided, all legislative powers shall be vested in and exercised by the city council and all executive and administrative powers shall be vested in and exercised by the mayor. Any power, except a purely legislative power, authorized or required by general law to be exercised by a governing body of a municipality shall be exercised by the city council upon the recommendation or with the approval of the mayor.

Section 3.01. City Clerk.

There shall be a city clerk who shall be at least eighteen years of age and shall be a resident of the city. As an independent custodian of all records, the clerk shall keep and have the care and custody of the books, records, papers, legal documents, journals of proceedings, and any artifacts of the city, and shall carry out such additional duties as determined by the City Code. The term of office of city clerk shall be for four years. The city clerk shall be appointed by the mayor and confirmed by no fewer than four members of the entire city council. Not later than the ninetieth day after the commencement of each term of or a vacancy in the office of city clerk, the mayor shall appoint and submit a city clerk nominee to the city council for confirmation. The city council, within fifteen days after such submission, shall confirm or disapprove such appointment, and the failure of the city council to act upon such appointment within said time shall be confirmation thereof. In the event of disapproval by the city council of said appointment, the mayor, may within ninety days thereafter, shall submit to the city council another appointment. Before assuming the duties of office, the city clerk shall qualify by giving such bond and making and filing such oath of office as shall be prescribed by law or ordinance. The city clerk shall remain in office until the clerk's successor is appointed and confirmed. The city clerk may be removed by the mayor but only with the approval of the city council. The salary of the city clerk shall be fixed by the mayor with the approval of the city council. The city clerk shall be entitled to all benefits now provided to all unclassified employees similarly situated.

(Ord. No. 2018-129, § 5, 8-23-18, election of 3-5-19)

Section 4.02. Absence and Succession.

During the temporary disability, disqualification, or inability of the mayor to serve, the chair of the city council shall discharge the duties of the mayor and while so acting shall not have the right to act as a member or preside over meetings of the city council. During the period the chair is discharging the duties of the mayor, the chair pro tem shall preside over meetings of the city council. If it shall be necessary for the chair to discharge the duties of the mayor for more than 10 successive days the acting mayor shall, as acting mayor, receive the mayor's salary during such time as the acting mayor may act. If the office of the mayor becomes permanently vacated by the death, resignation or otherwise, the chair shall discharge the duties of the mayor until a successor for the unexpired term shall take office. In the event that by operation of law the chair shall become acting mayor until a successor is elected at a special election then the chair pro tem shall become the acting chair of the city council and the council shall immediately choose an acting chair pro tem.

(Ord. No. 2018-129, § 7, 8-23-18, election of 3-5-19)

Section 5.01. Departments.

The mayor may, by executive order approved by the city council by a two-thirds vote of the entire city council, establish, create, combine or abolish departments, or boards, which executive order shall direct by whom and in what manner the duties of any such departments or boards combined or abolished shall be performed, except that this power shall not extend to the legal department, department of revenue and finance, internal audit

department, police department, fire department, the civil service board, the board of trustees of the city employees retirement fund, and the fire fighters and police officers pension fund. Changes to the excepted departments and boards (not established by a special act of the Florida Legislature) shall be subject to a voter referendum initiated by an ordinance of the city council, before any of the functions of the excepted departments, listed above may be accomplished.

Section 501(f) Department of Public Works; (g) Department of Sanitation; and (h) Purchasing Department shall be removed as no longer necessary to be in the City Charter, and will be included as amended from time to time by an ordinance of the City Council, as provided for herein, to be included in the City of Tampa Code. Sections 501(f), (g) and (h) will be designated as reserved in the Revised Charter of the City of Tampa, Florida 1975, as amended.

- (a) Legal Department, which shall have cognizance of all legal affairs of the city and of all matters appertaining to the office of the city attorney. The city attorney shall be an attorney licensed to practice in the State of Florida and shall be head of this department; and it shall be their duty to take the management, charge and control of all the legal business of the city and to be, in regard to all municipal affairs, the legal advisor of the mayor, the city council and committees thereof, and all of the several departments, officers and boards of the city government; and when required the city attorney shall furnish written or verbal opinions to them upon any subject in which the city is interested. The city attorney shall collect all delinquent taxes and assessments upon realty, but the city attorney shall commence no suit on account thereof without first giving at least ten days written notice, by registered mail, of their intention so to do. Said notice shall be addressed to the record owner as particularly as it shall be known to the city attorney, and if unknown, then to the record owner, general delivery, Tampa, Florida. The city attorney shall draft all bonds, deeds, obligations, contracts, leases, covenants, agreements and other legal instruments of whatever nature, which may be required of the city attorney by ordinance, order of the mayor or city council or which by law, usage or agreement, the city is to be at the expense of drawing. It shall be the city attorney's duty to commence and prosecute all actions and suits brought by the city before any tribunal in this state, and also to appear, advocate and defend the rights and interests of the city, or any officer of the city, in any suit or prosecution for any act in the discharge of their official duties wherein any estate, right, privilege, ordinance or act of the city government may be brought into question; and the city attorney shall perform all other duties that may be imposed upon them by charter or ordinance. The city attorney shall be the final official legal representative for the city. The city attorney shall be furnished with such assistant attorneys and clerical help as the city council may authorize, their salaries to be fixed by said city council. The city attorney's office shall be in the city hall, and the city attorney shall take no other employment or work that interferes with the speedy, efficient transaction and handling of the city's business.
- (b) Department of Revenue and Finance, which shall have cognizance of all financial matters of the city, the collection, receipt, and deposit of all monies and other revenues from whatever source derived, received or to be received by or due and owing to the city. The director of finance shall be head of this department; and it shall be the duty of the director of finance to issue all warrants for payments of money by the city, to keep accurate accounts of all taxes, revenues, and assessments, of all receipts and disbursements by the city, of its assets and liabilities, and of all appropriations, fund and account balances, and expenditure thereof as provided in the annual budget. The director of finance shall (1) keep available at all times for inspection by the mayor, city council, and heads of departments inventories of all property of the city which shall be revised monthly, (2) issue monthly statements to each of such offices showing expenditures and balances in and for all budgeted funds and accounts, (3) manage and control the operations of the department to assure that all moneys received or to be received by or due and payable to the city are properly collected and accurately accounted for, and (4) to devise and maintain appropriate books of account or accounting systems accurately showing on a daily basis all receipts and disbursements of the department. The director of finance shall be the custodian of the bonds, notes, choses in action and other like assets in the possession of the city.
- (c) Internal Audit Department, which shall have cognizance of all internal auditing for the city. The internal auditor shall be the head of the department, and it shall be the duty of the internal auditor to audit for each

fiscal year all books, records and accounts of the city and all accounts in which the city has an interest. The internal auditor shall perform such other audits as may be required by the mayor. In addition, the city council shall have the right to request the internal auditor to perform additional internal audits with a supermajority vote of the city council as provided for pursuant to ordinance.

- (d) Police Department, which shall have cognizance of all matters relating to law enforcement. The chief of police shall be the head of this department and, under the control and supervision of the mayor, shall have general charge of the police forces; and it shall be the duty of the chief of police (1) to preserve the peace and enforce all ordinances of the city, (2) to manage the police department, (3) to protect and preserve the property of the city assigned to the department, and (4) to prescribe from time to time, by and with the advice and consent of the mayor, rules and regulations for the orderly and efficient conduct of the department and its forces.
- (e) Fire Department, which shall have cognizance of all matters relating to fire protection and prevention. The fire chief shall be head of this department and, under the control and supervision of the mayor, shall have the general charge of the fire forces of the city; and it shall be the duty of the fire chief (1) to preserve the safety of persons and property from fire and related hazards, (2) to enforce the fire protection and prevention ordinances and codes of the city, (3) to protect and preserve the property of the city assigned to the department, and (4) to prescribe from time to time, by and with the advice and consent of the mayor, rules and regulations for the orderly and efficient conduct of the department and its forces.
- (f) Reserved.
- (g) Reserved.
- (h) Reserved.

(Ord. No. 7497-A, § 3, 9-18-80; Ord. No. 2016-114, § 1, 8-4-2016; Ord. No. 2018-129, § 8, 8-23-18, election of 3-5-19; Ord. No. 2023-73, § 5, 5-18-23, election of 3-5-19)

Section 6.03. Appointment.

The mayor, within ninety days after taking office or after a vacancy shall exist, shall nominate and submit to the city council for appointment, by no fewer than four votes of the entire council, heads of departments and any administrative personnel with administrative authority or responsibility equal to or greater than that of a department head. The city council, within fifteen days after such submission, shall appoint or disapprove such nomination; and the failure of the city council to act upon any such nomination within said time shall constitute appointment of the mayor's nominee. In the event of disapproval by the city council of any said nomination, the mayor, within ninety days thereafter, shall submit to the city council the name of another nominee. The mayor may make an interim appointment of an existing city employee who may serve until the appointment of the mayor's nominee by city council, which interim appointment shall be for a period not to exceed ninety days, but which can be extended by the mayor for an additional ninety days. The power of removal of such officers shall be vested exclusively in the mayor, with the exception of the city clerk as provided in Section 3.01 herein.

(Ord. No. 94-263, § 1, 12-1-94; Ord. No. 2018-129, § 12, 8-23-18, election of 3-5-19; Ord. No. 2023-2, § 1, 1-5-23, election of 3-7-23)

Section 6.06. Salaries.

The salary or salaries of officers of the city may be increased or decreased at any time by the concurrence of the mayor and a majority of no fewer than four votes of the entire city council, which concurrence shall be documented by resolution, or ordinance of the council recommended or approved in writing by the mayor.

(Ord. No. 2018-129, § 14, 8-23-18, election of 3-5-19)

Section 6.08. Changes.

The mayor, by executive order approved by the city council by two-thirds vote of the entire council, may establish, create, combine or abolish offices, departments, or boards, which order shall direct by whom and in what manner the duties of any such offices, departments, or boards combined or abolished shall be performed, except that this power shall not extend to the legal department, department of revenue and finance, internal audit department, police department, fire department, the civil service board, the board of trustees of the city employees retirement fund, and the fire fighters and police officers pension board.

Section 7.02. Budget.

No money may be disbursed from the city treasury except in pursuance of appropriations made by the city council. The mayor shall prepare an annual budget for the operation of the municipality, which budget shall be presented to the city council not less than forty-five (45) days before the expiration of each fiscal year, and which shall be classified according to the departments and divisions of the municipal government, shall list the salaries of all officers and employees or the position where no officer or employee may exist, and shall be further subdivided as to personal services; supplies, materials, and minor equipment; contractual services; other services and charges; debt services; and capital outlay; and such proposed budget shall show in the same detail the comparative disbursements in all sections for the current and the two (2) previous years, if any. On receipt of the budget, a public hearing shall be called and held by the council upon one (1) week's notice published in at least two (2) newspapers of general circulation published in the city, said notice to fix the time, place and purpose of the hearing, to permit any and all citizens who may desire to do so to submit their criticisms, recommendations or suggestions relative to said annual budgets; and such hearing shall be held at least three (3) days prior to the final adoption of said budget. The council is authorized to make such changes in said budget as it deems necessary for the proper and economical operation of the municipal government, and the budget as adopted by the city council then shall be presented to the mayor for approval as provided for all other ordinances of the city council. In exercising the power of veto, the mayor shall have the authority to disapprove the budget or any appropriation passed by the city council, in whole or by sections or by specific items, and any item, section, part of the budget or any appropriation vetoed by the mayor shall not become effective unless passed over their veto by a two-thirds ($\frac{2}{3}$) majority vote of all members of the city council.

(Ord. No. 94-262, § 1, 12-1-94; Ord. No. 2000-211, § 1, 8-17-00; Ord. No. 2023-73, § 6, 5-18-23, election of 3-5-19)

Editor's note(s)—The provisions of this section are affected by the notice and time requirements set out in F.S. § 200.065.

Section 7.04. Interim Budget.

In the interim between the beginning of the fiscal year and the adoption of the annual budget, the city council upon recommendation in writing of the mayor may make appropriations for the purpose of paying fixed salaries, the principal, interest and sinking fund requirements of indebtedness, the stated compensation of officers and employees and for the usual ordinary expenses of the city, which appropriations so made shall be chargeable to the several appropriations, respectively, thereafter made in the annual budget for that fiscal year.

Section 7.07. Budget Changes.

The city council upon the recommendation of the mayor shall have the power from time to time during any fiscal year after adoption of the annual budget therefor, by resolution, to reappropriate to any municipal purpose

any funds not needed for the purpose originally appropriated or to appropriate any unappropriated cash surplus to any municipal purpose.

Section 7.11. Audits.

The mayor, with the concurrence or subject to the approval of the city council, shall appoint and negotiate each year a contract with an independent certified public accountant, meeting the criteria therefor as is now or as shall hereafter be prescribed by ordinance, for the performance of an annual post audit of all the financial accounts of the city in accordance with the requirements of law and ordinances then appertaining. Failure of the mayor and city council to cause the audit to be made as herein provided shall be grounds for recall of said officers.

Section 8.01. Contracts—Form and Execution.

Every contract made by the city shall be in writing, approved by the council upon recommendation of the mayor, and signed by the mayor, and attested and the official city seal affixed thereto by the city clerk; otherwise any such instrument shall be void.

Section 10.02. Succession.

In the event the office of mayor becomes vacant, the chair of the city council or, if such position is vacant, the chair pro tem, shall succeed to the office of mayor until a successor is elected as required by law.

(Ord. No. 8148-A, § 6, 1-6-83; Ord. No. 2023-73, § 8, 5-18-23, election of 3-5-19)

EXHIBIT "M"

Orlando – Other Elected Executive Provisions

Sec. 1. City Council.

There shall be a City Council of the City of Orlando, Florida, consisting of a Mayor-Commissioner representing the City at-large and six (6) City Commissioners each representing the district in which they reside. The members of the City Council shall be elected for a term of four (4) years in the manner herein provided, unless the term is altered due to an election date change authorized by ordinance. The Mayor-Commissioner shall be elected by the majority of the votes cast by the qualified electors of the City at large. Each of the six (6) other City Commissioners shall be elected by the majority of the votes cast by the qualified electors of the respective districts which they represent on the City Council.

City elections shall be nonpartisan and shall be held at the time designated by ordinance. Such municipal elections so held shall be general municipal elections and no other municipal primary or general election shall be necessary, any local or general law to the contrary notwithstanding.

It is contemplated by this section that there may be a "run-off" municipal election; that is, if there should be more than two (2) candidates for any office and no one candidate receives a majority of the votes cast in the general municipal election, then the two (2) candidates receiving the highest vote in the first election shall run again in a run-off municipal election to be held at the time designated by ordinance in the same year and then the candidate receiving the majority of the votes cast at such election shall be elected.

If a City Commissioner ceases to be a bona fide resident of the district from which he was elected or the Mayor-Commissioner ceases to be a bona fide resident of the City, his office shall immediately become vacant, provided that the district residency requirement shall not apply to a City Commissioner who, for the duration of his term, ceases to be a resident of his district due to action of City Council which redesignates district boundaries pursuant to Section 4-1 of this chapter.

If any vacancy occurs in the office of any member of the City Council and the unexpired term is less than one year, then the remaining members of said City Council shall, within forty (40) days from the date of such vacancy, by a majority vote, elect a person to fill such vacancy. If the unexpired term exceeds one year and the vacancy should be that of the office of Mayor-Commissioner, the remaining members of the City Council shall within ten (10) days after such vacancy or notice of an upcoming vacancy due to an irrevocable resignation call a special municipal election to be held within forty-five (45) days from such call to fill such vacancy or at the next regularly scheduled general election if one will occur within ninety (90) days. If the unexpired term exceeds one year and the vacancy should be that of the office of a City Commissioner other than the Mayor-Commissioner then the Mayor-Commissioner shall within ten (10) days after such vacancy or notice of an upcoming vacancy due to an irrevocable resignation occurs, call a special municipal election to be held within forty-five (45) days from such call to fill such vacancy or at the next regularly scheduled general election if one will occur within ninety (90) days. In all such cases, the person so elected, either by the remaining members of the City Council or by popular vote, as the case may be, shall hold office for the unexpired term.

(Ord. of 8-14-1978, § 1; Ord. of 1-10-2000, § 1, Doc. #32603)

Editor's note(s)—Ord. of 8-14-1978, § 1, amended ch. 2, § 1, to read as herein set out. Until Oct. 31, 1980, the city council shall continue to be organized and the city government shall continue to be operated under the provisions of Charter ch. 2 in effect on Jan. 1, 1978. Prior to amendment by Ord. of 8-14-1978, § 1, ch. 2, § 1, was derived from Laws of Fla. ch. 31073(1955), § 1, and provided:

"Sec. 1. City Council.

"There shall be a city council of the City of Orlando, Florida, consisting of a mayor-commissioner and four (4) other city commissioners. The members of the city council shall be elected for a term of four (4) years in the manner herein provided and the mayor-commissioner shall be elected from the city at large and each of the four (4) other

city commissioners shall be elected by the vote of all of the qualified electors of the city at large but each of the four (4) city commissioners shall reside in the respective district which he represents on the city council.

"City elections shall be nonpartisan and shall be held at the same time as the holding of regular state and county primary elections every two (2) years, beginning in May of 1956 and in the event that the time for holding such state and county primary elections should be changed by law, then the time for holding such municipal elections shall be changed to the same time as the time designated for holding regular state and county primary elections. Such municipal elections so held shall be general election municipal elections and no other municipal primary or general election shall be necessary, any other local or general law to the contrary notwithstanding.

"In order to harmonize the terms of the present members of the city council with the procedures established by this act, it is hereby specifically provided as follows, to wit:

"The terms of the present mayor-commissioner and the city commissioner representing Commissioners District No. 4 be and the same are hereby respectively extended to November 1, 1956, and candidates to succeed to these offices shall run for election in the municipal election of 1956, as hereinabove provided. Successful candidates in said municipal election of 1956 shall take office on November 1, 1956 and serve for a term of four (4) years and thereafter their successors shall serve for terms of four (4) years.

"The terms of the city commissioners representing Commissioners District No. 1 and Commissioners District No. 3 are hereby extended to November 1, 1958 and candidates to fill these offices shall run in the municipal election as hereinabove described in 1958 and the successful candidates shall take office on November 1, 1958 and serve for a term of four (4) years and thereafter their successors shall serve for terms of four (4) years.

"The term of the city commissioner representing Commissioners District No. 2 shall expire November 1, 1956 and candidates to succeed this office shall run in the municipal election of 1956 and the successful candidate shall take office November 1, 1956 and serve for a term of four (4) years and thereafter his successors shall serve for terms of four (4) years.

"It is contemplated by this act that there may be a "run-off" municipal election; that is, if there should be more than two (2) candidates for any office and no one candidate receives a majority of the regular state and county primary, then the two (2) candidates receiving the highest vote in the first election shall run again in a run-off municipal election to be held at the time designated by law the same year and then the candidate receiving the majority of the votes cast at such election shall be elected.

"If any vacancy occurs in the office of any member of the city council and the unexpired term is less than one year then the remaining member of said city council shall, within forty (40) days from the date of such vacancy, by a majority vote, elect a person to fill such vacancy; if the unexpired term exceeds one year and the vacancy should be that of the office of mayor-commissioner, the remaining members of the city council shall within ten (10) days after such vacancy call a special municipal election to be held within thirty (30) days from such call to fill such vacancy; and if such vacancy shall be that of the officer of a city-commissioner shall within ten (10) days after such vacancy occurs, call a special municipal election to be held within thirty (30) days from such call to fill such vacancy. In all such cases the person so elected either by the remaining members of the city council or by popular vote as the case may be, shall hold office for the unexpired term." (Laws of Fla. ch. 31073(1955), § 1; Ord. of 8-14-1995, Doc. #28704)

Sec. 1-1. Requirements for Qualification as Candidate for Office of Mayor-Commissioner or City Commissioner.

- (a) Each candidate for the Office of Mayor-Commissioner or District Commissioner of the City of Orlando shall have been, at the time of qualifying as a candidate for such office, both a bona fide resident of the City of Orlando and a registered elector of the City of Orlando for at least one year prior to the date of qualifying to run for City office.

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- (b) Each candidate for a City of Orlando district Commissioner seat shall have been, at the time of qualifying, both a bona fide resident and registered elector of that district of the City of Orlando for at least one year prior to qualifying. Provided, however, in the election following the decennial redistricting required by section 4-1(b) of this Chapter, district commissioner candidates shall only have to meet the requirements of subsection (a) above.
- (c) For qualifying purposes, residents of areas that are annexed into the corporate limits of the City of Orlando within one year prior to the election qualifying period shall be considered residents of the district to which their area has been annexed and shall be eligible to be a candidate for Mayor-Commissioner or City district commissioner if they have been a bona fide resident and registered elector of either the City or the annexed area for one year prior to the date of qualifying.
- (d) At the time of qualifying, candidates shall be required to submit proof satisfactory to the City Clerk that they have met the requirements of this section. If satisfactory proof is not submitted prior to the end of the qualifying period, the City Clerk shall not qualify that person for the office sought and their name shall not appear on the ballot. Satisfactory proof of having met the residency requirements of this section shall include submission all of the following applicable items for the one-year period prior to qualifying: homestead exemption documentation, residential property lease, utility bills which reflect usage of utilities at a level indicating actual residence, and Florida driver's license registration. Candidates may also submit to the City Clerk any other documentation that shows their intention to be a bona fide resident at their qualifying address. Candidates must also submit documentation that they have been a registered elector as required by this section for the one-year period prior to qualifying. As a condition of qualifying, all candidates must sign a release authorizing the City Clerk to verify the information that they have submitted.
- (e) Candidates qualifying for the November 3, 2015 general election shall not be required to comply with the requirements of (a) and (b) above. Provided however, 2015 candidates for the office of Mayor-Commissioner shall be required to have been a City resident and a bona fide elector on or before February 5, 2015 and 2015 candidates for district commissioner seats must have been a City district resident and a bona fide elector of the district on or before February 5, 2015.

(Laws of Fla. ch. 75-461, § 1; Ord. of 3-9-2004, § 1, Doc. # 040126901; Ord. of 7-9-2007, § 1, Doc. # 0707091006; Ord. No. 2015-20, § 1, 5-4-2015, Doc. #1505041205)

Editor's note(s)—Laws of Fla. ch. 75-461, § 2, repealed Laws of Fla. ch. 65-2026, from which former § 1-1, which required councilmen to be qualified and registered as freehold electors, was derived. Laws of Fla. ch. 75-461, § 1, is included herein as a new § 1-1.

Sec. 4. Legislative Powers.

The legislative powers and duties heretofore possessed by the City of Orlando or heretofore belonging to it with the powers to establish such subordinate officers as they may see fit and to assign to them appropriate duties is hereby vested in the six (6) City Commissioners and the Mayor-Commissioner hereinbefore provided for, which shall constitute the City Council of the City of Orlando. The Council shall have the power to change or abolish all offices heretofore existing in said City and to establish such offices with such salaries as may seem desirable, provided, however, that this shall not authorize the changing or abolishing of the offices or the powers of Mayor-Commissioner and the City Commissioners as constituted in this Charter or to abolish the Orlando Utilities Commission, or to in anywise affect same as now constituted unless specifically provided for herein.

(Ord. of 8-14-1978, § 2)

Editor's note(s)—Ord. of 8-14-1978, § 2, amended ch. 2, § 4, to read as herein set out. Until Oct. 31, 1980, the city council shall continue to be organized and the city government shall continue to be operated under the

provisions of Charter ch. 2 in effect on Jan. 1, 1978. Prior to amendment by Ord. of 8-14-1978, § 2, § 4 was derived from Laws of Fla. ch. 6739(1913), § 3, and Laws of Fla. ch. 10976(1925), § 3, and provided:

"The legislative powers and duties heretofore possessed by the City of Orlando or heretofore belonging to it with the powers to establish such subordinate officers as they may see fit and to assign to them the mayor-commissioner hereinbefore provided for, which shall constitute the city council of the City of Orlando. The council shall have the power to change or abolish all offices heretofore existing in said city and to establish such offices with such salaries as may seem desirable, provided, however, that this shall not authorize the changing or abolishing the offices or the powers of mayor-commissioner and the city commissioners as constituted in this Act or to abolish the Orlando Utilities Commission, or to in anywise affect same as now constituted. For the purpose of carrying out the provisions of this act the City of Orlando is hereby divided into four (4) districts, as follows: District No. 1 shall embrace all that territory within the city limits east of Orange Avenue and south of Central Avenue; District No. 2 shall embrace all that territory within the city limits east of Orange Avenue and north of Central Avenue; District No. 3 shall embrace all that territory within the city limits west of Orange Avenue and north of Central Avenue; District No. 4 shall embrace all that territory within the city limits west of Orange Avenue and south of Central Avenue." (Laws of Fla. ch. 6739(1913), § 2; Laws of Fla. ch. 10976(1925), § 3) (Ord. of 12-9-1991, amended ch. 2, § 4-1(a), Doc. #25328; Ord. of 4-30-1984, amended ch. 2, § 4-1(a), Doc. #18516; Ord. of 6-6-1983, amended ch. 2, § 4-1(a), Doc. #17818.)

Sec. 16. Salaries of Mayor-Commissioner and City Commissioners.

- (1) The provisions of any other law, whether general, special, or local, to the contrary notwithstanding, the Mayor-Commissioner and each of the other City Commissioners, or the respective corresponding executive officers of each municipality in Orange County, shall be paid such annual salary as may be fixed from time to time by a majority vote of which the Mayor's vote shall be one, of the City Council or the respective corresponding municipal governing body of each municipality therein, and may be changed from time to time.
- (2) There shall be no expense allowances by the municipalities in Orange County for any of the above officials for any travel or other expenses for services rendered said municipality in said county.

(Laws of Fla. ch. 63-1724, § 2; Laws of Fla. ch. 70-838, § 1)

Sec. 29. When Ordinances Take Effect; Approval or Disapproval by Mayor; Overriding Veto.

Except as otherwise provided therein, all ordinances adopted by the City Council of the City of Orlando shall take effect (1) upon passage, or (2) as provided by law, i.e., at 12:01 A.M. on the tenth (10th) day after the final passage of such ordinance by the City Council and approval thereof by the Mayor or passage by the City Council over the Mayor's disapproval.

In the event that the City Council determines to make an ordinance effective not upon passage but less than ten (10) days from the date of passage as hereinabove provided, then the City Council may state the early effective date in the body of the ordinance and may thereby fix an effective date less than ten (10) days after the date of passage as above provided.

Immediately after passage of an ordinance by the City Council, such ordinance shall be submitted to the Mayor for his approval or disapproval and this shall be done within twenty-four (24) hours after passage of the ordinance. If the Mayor disapproves the ordinance, he shall return the ordinance with the reasons for his disapproval stated in writing at the next regular meeting of the City Council, whereupon the City Council, by a five-sevenths vote of the entire membership thereof, may pass the ordinance, the Mayor's disapproval to the contrary notwithstanding.

(Laws of Fla. ch. 31083(1955), § 1; Ord. of 7-25-1983, Doc. #17939; Ord. of 7-13-1998, Doc. #31353; Ord. of 4-5-1999, Doc. # 32003)

EXHIBIT "N"

St. Petersburg – Other Elected Executive Provisions

Sec. 3.01. Mayor; City Council; powers, composition.

There shall be a City Council which shall be the governing body of the City with all legislative powers of the City vested therein consisting of eight (8) Council Members, one (1) to be elected from each of the eight (8) election districts of the City. There shall also be a Mayor who is elected at large and who shall not be a member of City Council.

(Ord. No. 450-F, § 1, 9-25-1980, ratified 3-17-1981; Ord. No. 1012-F, § 1, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.1, 2-25-1993, ratified 3-23-1993)

Sec. 3.04. Council Members and Mayor Vacancies; Removal from Office.

(a) *Vacancies.*

(1) Vacancies on City Council, generally.

A. Except for resignations falling within the scope of subsection (a)(1)B or extraordinary vacancies as provided for in subsection (b), any vacancy on the City Council, (including a vacancy caused by death, resignation, refusal to serve, removal from office, or failure to maintain the residence required when elected or appointed) shall be filled as follows:

1. Such vacancy shall be filled no more than 45 days after the vacancy occurs through a majority vote of the remaining Council Members to appoint a person who meets the requirements in subsection C.
2. A Council Member appointed pursuant to this subsection shall be replaced with an elected Council Member through the next primary and general municipal election for which the qualifying period has not begun at the time of the vacancy. If the applicable City Council district would not ordinarily be included in that municipal election cycle pursuant to Section 3.02, the term for a person elected for such a district pursuant to this subsection A shall end at the time the term of the person who originally vacated the position would have ended.

B. Vacancies on the Council caused by certain types of resignation:

1. When the resignation is submitted prior to the beginning of the qualifying period for the municipal elections to take place in the year the resignation is submitted; and
2. The effective date of the resignation is later than the date the resignation was submitted and is later than the beginning of the qualifying period for the municipal elections to take place in the year the resignation is submitted;

then the election to fill this seat with an elected Council Member shall take place in the primary and general municipal elections to take place in the year the resignation was submitted. The person so elected shall take office on the date in January of the year following the election in accordance with Charter section 3.02(c). However, where a resignation would result in a district being unrepresented for more than 50 days, the majority of the remaining members of the Council may, through a majority vote taking place within 45 days of the actual vacancy occurring, appoint a person to fill the vacancy who meets the requirements set forth in subsection 3.04(a)(1)C. and who shall serve until the person elected as provided in this subsection 3.04(a)(1)B. takes office.

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- C. With respect to any appointment made pursuant to this subsection (a)(1), the following provisions apply:
1. The person appointed must be a resident of the district in which the vacancy occurs and must otherwise satisfy all qualifications required for elected Council Members.
 2. The appointed Council Member shall serve until replaced by an elected Council Member as provided in this subsection (a)(1).
 3. Appointments or elections to fill a vacancy shall not change the base year for, or the date of commencement of, the terms of each district established in Section 3.02.
- (2) Vacancy of the Mayor caused by death, resignation, refusal of the Mayor to serve, removal, or for any other reason, shall be filled as provided for in Section 4.03 below. When the vacancy occurs within eight months of a regularly scheduled City election and prior to the beginning of the qualifying period for that election, an election for Mayor shall be held as part of that election. The Acting Mayor shall serve until the newly elected Mayor is sworn in. The newly elected Mayor shall serve the unexpired term of the previous Mayor if the election is one in which there would not normally be a Mayoral race. If the vacancy occurs at any other time and would require an individual to serve as Acting Mayor for a period of greater than six months, then City Council shall schedule a special primary and general election for Mayor to be completed within five months of the occurrence of the vacancy. City Council shall by ordinance provide for the dates of the elections and the length of the qualifying period which qualifying period shall in no event be less than one week. The individual elected in this manner shall take office 30 days after the results of the election are certified and shall serve the remainder of the unexpired term of the previous Mayor.
- (b) *Extraordinary Vacancies.*
- (1) In the event that all members of the City Council are removed by death, disability, or forfeiture of office, the governor shall appoint an interim City Council that shall call a special election to fill all City Council positions.
 - (2) Should three or more vacancies occur simultaneously on Council, the remaining members shall within 15 days call a special election to fill the vacant City Council positions.
 - (3) Each City Council member who takes office as the result of an election called pursuant to this subsection 3.04(b) shall take office 30 days after the results of that election are certified and shall serve the remainder of the unexpired term of the Council Member whose vacancy resulted in the application of this subsection 3.04(b).
- (c) *Removal of Council Members or Mayor.* The City Council shall have power and authority to remove from office any members of the City Council or the Mayor for corruption, criminal misconduct, gross malfeasance in office, or for violation of the City Code of Ethics, after due written notice is delivered to the accused and the accused has an opportunity to be heard and defend against the accusations. The aforementioned written notice, before being delivered to the accused, must be approved by at least two-thirds of the existing membership of City Council that is eligible to vote on the matter. A member of City Council or the Mayor may only be removed from office upon a vote wherein no less than two-thirds of the existing membership of City Council that is eligible to vote on the matter affirmatively vote for such action. Subsequent to the aforementioned written notice being delivered to the accused, the Council by a vote wherein no less than two-thirds of the existing membership of City Council that is eligible to vote on the matter affirmatively vote for such action shall have the authority to suspend a member or the Mayor pending the disposition of charges for removal. The accused member shall not be entitled to participate in the deliberations or decision in relation to the suspension or removal except the accused shall have the right to defend against the charges as provided in this Section 3.04(c). Eligible to vote as used in this Section 3.04(c) means any member of City Council, whether present at the meeting or not, who is not prohibited by state law from voting

because of a conflict and is not prohibited from voting because of a provision of this Charter. Where a suspension of a Council Member or the Mayor occurs pursuant to this section of the Charter, the suspended official shall have the right to an immediate hearing upon demand to determine if there is sufficient evidence to establish the following two elements: (1) that probable cause exists to believe that the charges are true; and (2) that, if true, the charges would be grounds for removal. This hearing shall be held and the matter shall be decided by City Council. The rules of procedure shall be the same as those which apply to the hearing for removal. If City Council does not find by an affirmative vote of at least two-thirds of the existing membership of City Council that is eligible to vote on the matter that the evidence produced at the hearing is sufficient to establish the aforementioned two elements, the suspension shall terminate immediately and the official shall be reinstated pending a final hearing on removal.

A final hearing for removal must take place and a decision rendered within ninety days after receipt by the accused of the above mentioned written notice unless both the City Council, by majority vote of those members eligible to vote on the matter, and the accused agree to extend the time. In order for City Council to remove the accused official from office, Council must find that the preponderance of the substantial competent evidence presented at the hearing supports the charges which are the basis for the removal proceeding. If, after the final hearing, the City Council is unable to support such a finding by an affirmative vote of at least two-thirds of the existing membership of City Council that is eligible to vote on the matter, any suspension of the accused shall terminate and the accused shall be reinstated to office for any unfinished portion of the official's term. During a hearing regarding suspension or removal, the accused shall have the right to present evidence and testimony and to cross examine witnesses.

(Ord. No. 197-F, § 1, 1-6-1977; Ord. No. 1012-F, §§ 3, 4, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.4, 2-25-1993, ratified 3-23-1993; 2000 Charter Review Commission, Amendment 1, Amendment 4, 8-10-2000, ratified 3-27-2001; Ord. No. 809-G, § 2, 1-22-2007, ratified 3-13-2007; Ord. No. 941-G, § 3, 8-6-2009; ratified 11-3-2009; Ord. No. 379-H, § 4(a), 8-15-2019, ratified 11-5-2019; Ord. No. 511-H, § 5, 8-4-2022, ratified 11-8-2022)

State law reference(s)—Mandate to provide for filling of vacancies in elective offices, F.S. § 166.031(6).

Sec. 3.05. Procedure.

- (a) *Meetings.* The Council shall meet regularly at least once every month at such times and places as the Council may prescribe. Special meetings may be held on the call of the Council Chair or the Mayor and, whenever practicable, upon no less than twelve (12) hours' notice to each member and the public. Special meetings may also be called at any properly noticed meeting of City Council, by a majority of Council Members present at such properly notice meeting, voting to hold a special meeting.
- (b) *Rules and Journaling.* The Council shall by ordinance determine its own rules of procedure provided that the requirements contained therein shall always be equal to or greater than those requirements established by law. The Council shall determine its own order of business. The Council shall establish procedures for making copies of all resolutions, ordinances, and this Charter available to the public for inspection and for purchase at a reasonable price.
- (c) *Voting.* Voting on ordinances and resolutions shall be by a roll call which may be accomplished by an electronic system which produces a visual display showing how each Council Member voted. Unless that display can be seen by the public immediately after the Council has completed voting, the vote of each Council Member shall be announced to the public, by the City Clerk, immediately after the Council has completed voting. The result of the vote shall be orally announced by the City Clerk immediately after the vote has been displayed or announced. The vote shall be recorded in the minutes. Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer of the City Council and the City Clerk. A majority of the existing membership of City Council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of Council.

No action of Council except as otherwise provided in the preceding sentence shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

- (d) *The Council may:* By an affirmative vote of at least two thirds of the entire membership of Council override the Mayor's veto of an ordinance at any time prior to midnight on the fourteenth day after the day the Mayor exercises the veto or prior to midnight on the day of the next City Council meeting after the exercise of the Mayoral veto, whichever last occurs. If Council overrides a veto, the ordinance shall be effective immediately or as otherwise provided therein. If Council fails to override a veto, the ordinance shall fail and be of no effect. Ordinances adopted by Council shall be effective unless vetoed by the Mayor upon the expiration of the fifth business day after said adoption, or upon such later date as may be provided therein. The Mayor may notify the Council through written notice filed with the City Clerk that he will not veto the ordinance, whereupon the ordinance may become effective prior to the sixth business day after adoption of said ordinance if the ordinance so provides for such an earlier effective date.
- (e) *The Council may:* By an affirmative vote of at least two thirds of the existing membership of Council, override the Mayor's line item of a portion of a budget or appropriation ordinance veto at any time prior to midnight on the fourteenth day after the day the Mayor exercises the veto or prior to midnight on the day of the next City Council meeting after the exercise of the Mayoral line item veto, whichever last occurs. If the total effect of all actions taken to override the vetoes of the Mayor would be to cause expenditures to exceed revenues as projected and contained in the adopted budget, then all actions to override the Mayor's vetoes with respect to line items of the budget shall be null and void and all items vetoed by the Mayor shall remain stricken from the budget.

If Council overrides a line item veto of a portion of a budget or appropriation ordinance, the line item shall be effective immediately or as otherwise provided in the ordinance. If Council fails to override a line item veto, the item vetoed shall fail and be of no effect. Budget or appropriation ordinances adopted by Council shall be effective except for such portions thereof as have been vetoed by the Mayor upon the expiration of the fifth business day after said adoption, or upon such later date as may be provided therein. The Mayor may notify the Council through written notice filed with the City Clerk that he will not line item veto any portion of such ordinance, whereupon the ordinance, as adopted, may become effective prior to the sixth business day after adoption of said ordinance if the ordinance so provides for such an earlier effective date.

(Ord. No. 81-G, § 2.5, 2-25-1993, ratified 3-23-1993; Ord. No. 366-G, § 2, 1-7-1999, ratified 3-23-1999; Ord. No. 367-G, § 2, 1-7-1999, ratified 3-23-1999; 2000 Charter Review Commission, Amendment 5, Amendment 6, § 6, 8-10-2000, ratified 3-27-2001; 2011 Charter Review Commission, Amendment 6, § 6, 7-26-2011, ratified 11-8-2011; Ord. No. 186-H, § 2, 8-6-2015, ratified 11-3-2015)

State law reference(s)—Procedures for adoption of ordinances and resolutions, F.S. § 166.041; public records, F.S. ch. 119; public business, F.S. ch. 286.

Sec. 3.06. City Attorney and assistants.

There shall be a City Attorney who shall provide advice and counsel on behalf of the City. The City Attorney shall be an attorney at law in good standing and shall be the head of the Legal Department, which shall handle the legal affairs of the City. The City Attorney shall:

1. In regard to all affairs of the City, be the legal advisor to the Mayor, the City Council and committees thereof, and all of the several departments, officers and boards of the City government; and, when required, shall furnish written or oral opinions to them upon any subject in which the City is interested. Copies of any such written opinions shall be kept on file in the City Attorney's Office, and duly surrendered to any successor;

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2. Commence and prosecute all actions and lawsuits brought by the City provided that no lawsuit other than prosecutions of City ordinance violations may be filed without City Council approval;
 3. Represent and defend the City in all lawsuits or actions brought against the City;
 4. In accordance with any resolutions, ordinances or agreements approved by City Council, and where also permitted by law and the ethical standards of the Florida Bar, represent, and defend any officer, official or employee of the City in any suit or action arising out of any act performed in the discharge of their official duties;
 5. Prepare, or cause to have prepared, all contracts, bonds and other instruments in writing which legally obligate the City and endorse on each approval of the form and correctness thereof; and
 6. Perform all other duties that may be imposed upon the City Attorney by this charter or by ordinance provided such ordinance is consistent with this charter.

The Mayor, subject to City Council approval, shall appoint the City Attorney and such Assistant City Attorneys as are deemed necessary and expedient. Authority for removal of these Assistant City Attorneys shall be with the City Attorney. The City Attorney may delegate to these Assistant City Attorneys and, where appropriate, to Special Legal Counsel, employed as provided herein, the responsibility for performing the various duties of the City Attorney imposed by this charter. Removal of the City Attorney shall be by the Mayor with approval by City Council by a motion receiving at least five (5) affirmative votes. The Mayor, subject to City Council approval, shall also have the power to employ Special Legal Counsel whenever, in the Mayor's discretion, it is necessary or may be deemed advisable for the City to be so represented for the preservation and protection of the City's interest or whenever the City Attorney certifies to the Mayor that the ethical standards of the Florida Bar prevent any member of the Legal Department from undertaking the representation of the City in a particular matter.

The Mayor and City Council may each appoint, without the consent of the other, one Assistant City Attorney and the titles for these positions shall be respectively Special Assistant City Attorney to the Mayor and Special Assistant City Attorney to City Council. Said Special Assistant City Attorneys shall:

1. Be responsible to the appointing entity;
2. Serve only in an advisory capacity and shall perform only such duties as are of technical nature, including drafting of ordinances, legal research and providing advisory opinions;
3. Perform such other duties as requested by the City Attorney and approved by the appointing entity; and
4. Be subject to termination by the appointing entity.

The Special Assistant City Attorneys shall not file suit or bring or defend any action in court on behalf of the City, City Council or the Mayor without the written authorization of the City Attorney. No action or opinion of a Special Assistant City Attorney shall be construed to be the official legal position of the City, and such official legal positions and actions shall be solely within the scope of powers and duties of the City Attorney.

City Council may by ordinance provide for a prior approval procedure for City officials and employees who, as a result of their duties with the City, find it necessary to secure legal representation and who expect to be reimbursed by the City for the expense of such representation. This provision of the Charter and any ordinance promulgated as permitted hereunder shall not be interpreted to give rise to an obligation of the City to pay such expenses of representation where such an obligation does not already exist by law.

(Ord. No. 1012-F, § 5, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.6, 2-25-1993, ratified 3-23-1993; 2000 Charter Review Commission, Amendment 10, 8-10-2000, ratified 3-27-2001)

Sec. 3.09. Limitation of Terms of the Mayor.

No person who has, or but for resignation or removal would have, served as Mayor for two (2) full successive terms of office shall be elected to serve as Mayor for the succeeding term.

(Ord. No. 365-G, § 1, 1-7-1999, ratified 3-23-1999; 2000 Charter Review Commission, Amendment 10, 8-10-2000, ratified 3-27-2001; Ord. No. 810-G, § 6, 1-18-2007, ratified 3-13-2007)

Sec. 3.10. City Clerk.

There shall be a City Clerk who shall be appointed by the Mayor subject to confirmation by City Council, and whose duties and responsibilities are as provided for by this Charter. Although an employee of the Mayor, the City Clerk shall serve the entire City government, including City Council. Accordingly, any provisions in this Charter prohibiting City Council directing, inquiring of, or ordering City administrative staff or employees do not apply to the City Clerk. The City Clerk shall keep and have the care and custody of the books, records, papers, legal documents, and journals of proceedings of the City Council and shall carry out such additional duties as may be required by the Council or the Mayor. The Mayor may remove the City Clerk only with approval of City Council receiving at least five affirmative votes.

(2000 Charter Review Commission, Amendment 10, 8-10-2000, ratified 3-27-2001; Ord. No. 810-G, § 7, 1-18-2007, ratified 3-13-2007; 2021 Charter Review Commission, Amendment 5, § 6, ratified 11-2-2021)

Sec. 3.11. City Administrator.

There shall be a City Administrator, who is in charge of the daily operation of the City and for carrying out any other duty or responsibility set forth in this Charter. The City Administrator shall be appointed by the Mayor subject to confirmation by City Council, and must have relevant management, executive, or administrative experience in municipal government. If not already a resident of the City, the City Administrator shall establish such residency within six months of the first date of employment and continuously maintain that residency while serving as City Administrator. For purposes of this section, a Florida driver's license or Florida identification card bearing an address within the city limits of St. Petersburg is sufficient to prove residency.

(2000 Charter Review Commission, Amendment 10, 8-10-2000, ratified 3-27-2001; 2021 Charter Review Commission, Amendment 5, § 4, ratified 11-2-2021)

Sec. 3.15. City Council Administrative Officer.

- (a) There shall be a City Council Administrative Officer who shall be appointed by the Mayor subject to confirmation by City Council, and whose duties and responsibilities are as provided for by this Charter. Accordingly, any provisions in this Charter prohibiting City Council directing, inquiring of, or ordering City administrative staff or employees do not apply to the City Council Administrative Officer or to employees who work in the office of City Council. The Mayor may remove the City Council Administrative Officer only with approval of City Council receiving at least five affirmative votes.
- (b) The City Council Administrative Officer shall be the chief administrative officer of the office of City Council and shall supervise the management of and public contact with the office of City Council. The City Council Administrative Officer assists in the development, organization, and scheduling of council meetings, committee meetings, and agendas and shall perform all other duties that may be imposed upon them by this Charter or by ordinance. The City Council Administrative Officer shall hire such staff and legislative aides as

are deemed necessary and expedient. Authority for removal of these staff and aides shall be with the City Council Administrative Officer.

(2021 Charter Review Commission, Amendment 5, § 7, ratified 11-2-2021)

Sec. 4.01. Mayor.

There shall be a Mayor who shall be the chief administrative official of the City. The Mayor shall be responsible for the administration of all City affairs placed in the Mayor's charge by or under this Charter.

(Ord. No. 1012-F, § 7, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.7, 2-25-1993, ratified 3-23-1993; 2000 Charter Review Commission, Amendment 10, 8-10-2000, ratified 3-27-2001; Ord. No. 810-G, § 9, 1-18-2007, ratified 3-13-2007; 2011 Charter Review Commission, Amendment 6, § 2, 7-26-2011, ratified 11-8-2011)

Sec. 4.02. Compensation.

The compensation of the Mayor shall be fixed by the Council.

(Ord. No. 450-F, § 2, 9-25-1980, ratified 3-17-1981; Ord. No. 1012-F, §§ 8, 9, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.7, 2-25-1993, ratified 3-23-1993; Ord. No. 810-G, § 10, 1-18-2007, ratified 3-13-2007)

Sec. 4.05. Administrative affairs; Council participation.

- (a) *Prohibitions.* Except as otherwise specifically authorized by the Charter, neither the Council nor any of its members, may do any of the following, whether publicly or privately, directly or indirectly, individually or collectively:
- (1) direct or request the appointment or removal of any employee of the City to or from any position with the City by the Mayor or by any of the Mayor's subordinates;
 - (2) take part in the appointment or removal of any employee of the City to or from any position with the City;
 - (3) direct or request the removal of any member of a board or commission of the City who was confirmed by City Council, except through a quasi-judicial hearing for the removal of a member for cause as authorized by applicable law;
 - (4) direct or request the removal of any member of a board or commission who was appointed by the Mayor, except through a quasi-judicial hearing for the removal of a member for cause as authorized by applicable law; or
 - (5) give any order to any employee of the City or any member of any board or commission appointed or confirmed by City Council or appointed by the Mayor.
- (b) *Inquiry as to administrative service.* Except as authorized by the Charter, any inquiry dealing with any portion of the administrative service of the City shall be with the Mayor, the City Administrator, or the Mayor's designee when that designation is made in writing.
- (c) *Violations.* Any violation of the provisions of this section by a member of the Council shall be grounds for removal from office under Section 3.04(c).
- (d) *Appointment of certain high-level staff positions.* This section does not prohibit any individual Council Member from expressing a personal opinion concerning the appointment by the Mayor of any chief or

administrator-or-higher management-level employee or the creation of any new position classified as management or professional non-management; or

- (e) *Appointment or removal of City Council Office staff.* This section does not prohibit any individual Council Member from expressing a personal opinion concerning the appointment or removal by the Mayor of any employee who works for City Council in the City Council Office. If, at a Council meeting or a Committee of the Whole meeting, the City Council takes formal action to make a collective recommendation concerning the appointment or removal by the Mayor of any employee who works for City Council in the City Council Office and the Mayor does not follow that recommendation, then the Mayor shall provide written justification to the City Council identifying the reasons for not following the recommendation within ten days of that decision.
- (f) *Appointment of board or commission members.* This section does not prohibit any individual Council Member from providing information or expressing an opinion related to the appointment of any member of a board or commission of the City.
- (g) *Permitted Contact with City staff.*
 - (1) The finances of the City shall, under the direction of the Council, be examined and audited by a certified public accountant at least once a year. The financial audit shall be a certified audit with no exceptions, and all reports and recommendations of the auditor shall be directed to the Council. City Council, at any time, shall be permitted to conduct a management evaluation, by a professional consultant, of the administrative activities of the City, or any portion thereof, under the direction of City Council. At least once every two years, the City Council shall discuss and make a decision as to whether or not any such an audit is needed. The management evaluation and all reports and recommendations shall be directed to the Council.
 - (2) The Council or any member thereof may request information of the Mayor or the Mayor's subordinates in a form that presently exists and could be obtained by a public record request under Florida law, subject to such reasonable regulations of use as City Council may prescribe by ordinance or resolution from time to time.

(Ord. No. 1012-F, § 16, 1-7-1988, ratified 3-8-1988; Ord. No. 81-G, § 2.7, 2-25-1993, ratified 3-23-1993; 2000 Charter Review Commission, Amendment 3, 8-10-2000, ratified 3-27-2001; 2011 Charter Review Commission, Amendment 3, § 1, 7-26-2011, ratified 11-8-2011; Ord. No. 119-H, § 3, 8-7-2014, ratified 11-4-2014; Ord. No. 288-H, § 3, ratified 11-7-2017)

 **VOSE LAW FIRM** LLP
ATTORNEYS & COUNSELORS AT LAW

GRETCHEN R.H. (“BECKY”) VOSE[†]
WADE C. VOSE^{†‡}
NANCY A. STUPARICH
PAUL R. WATERS
GARRETT M. OLSEN
STEPHANIE M. VELO
CHLOE E. BERRYMAN

[†]BOARD CERTIFIED IN CITY, COUNTY &
LOCAL GOVERNMENT LAW

[‡]RATED AV PREEMINENT BY MARTINDALE-HUBBELL

OFFICES
WINTER PARK
FORT MYERS
BRADENTON
COCOA BEACH

M E M O R A N D U M

TO: 2024 Pinellas County Charter Review Commission
FROM: Wade C. Vose, General Counsel
DATE: April 10, 2024
**SUBJECT: Draft Ballot and Charter Language – Charter Amendment Revising Initiative
Petition Process**

Pursuant to the CRC’s discussion at its February 26, 2024 meeting, please find following for the CRC’s review and discussion two drafts of ballot and charter language for a charter amendment revising the Pinellas County Charter’s initiative petition process.

The first draft, attached as Exhibit “A”, provides for the following:

- A uniform time period for a petition drive from September 1 through April 30 before each general election.
- Monthly submission of signed petitions by a petition sponsor no later than 10 days after the end of each month.
- A 30-day rolling deadline for the Supervisor of Elections to verify signatures on submitted petition forms.
- Posting of running tallies of number of verified petitions on the Supervisor of Elections’s website.
- The petition sponsor’s preparation and submittal of required ballot translations.
- The requirement that a petition sponsor must register as a political committee.
- A time period starting August 1, before the September through April petition drive period, during which a petition sponsor can get the form of petition reviewed and approved by the Supervisor of Elections.
- A final deadline of June 15 for the Supervisor of Elections to certify whether the requisite number of signatures have been verified.

The alternative draft, attached as Exhibit “B”, contains all of the provisions in Exhibit “A”, but also combines in the CRC’s previously discussed charter proposal lowering the number of signed petitions necessary to propose an amendment to the Pinellas County Charter from eight (8) percent of the registered voters in the county to five (5) percent.

Also attached as Exhibit “C” is a timeline outlining a number of the relevant deadlines for petition sponsors under the draft charter amendment.

COUNSEL TO EXTRAORDINARY GOVERNMENTS & LEADERS THROUGHOUT FLORIDA SINCE 1973

324 W. MORSE BOULEVARD • WINTER PARK, FLORIDA 32789
TELEPHONE: (407) 645-3735 • FACSIMILE: (407) 628-5670 • TOLL FREE: (866) 789-VOSE
INTERNATIONAL TEL. (LONDON, ENGLAND): +44 (0)20 3355 1473 • INTERNET: WWW.VOSELAW.COM

Exhibit “A”

A. Ballot Proposal: The ballot title and summary for this question are as follows:

**REVISING COUNTY INITIATIVE PETITION
REQUIREMENTS AND PROCESS**

Shall the Pinellas County Charter be amended to revise the County initiative petition process by providing for a uniform time period for an initiative petition drive from September through April before a November general election, monthly submission deadlines for signed petitions, running tallies of verified petitions on the Supervisor of Election’s website, preparation of ballot translations, and related procedures?

_____ Yes
_____ No

B. Text Revisions: Upon approval of this question at referendum, the following portions of the Pinellas County Charter are amended to read as follows:

Sec. 6.02. - Charter initiative.

- (a) *General requirements.* Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least eight (8) percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified. Each such proposed amendment shall embrace but one (1) 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. ~~However, the County Commissioners may call a special referendum election for said purpose.~~ Notice of said referendum, together with the exact language of the proposed amendment as submitted on the petition, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five

(45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

- (b) Initiation and overview of process. The sponsor of a petition amendment shall, prior to obtaining any signatures, register as a political committee and 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 ordinance. Concurrent with this submission, the sponsor shall prepare and submit translations of the ballot title and ballot summary into those languages required by law for placement on the ballot. The sponsor may make the aforementioned submittals no earlier than August 1 of the year preceding the general election at which the proposed amendment would be considered. Within fifteen (15) days after the aforementioned submittals, the supervisor of elections shall render a determination on the form on which signatures will be affixed. 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, or September 1 of the year preceding the general election at which the proposed amendment would be considered, whichever is later. and sSaid drive shall terminate on, and signatures may be signed and collected through, April 30 of the year of the general election at which the proposed amendment would be considered. ~~two hundred forty (240) days after that date. In the event sufficient signatures are not acquired during the specified that two hundred forty (240) 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 pay all fees as required by general law. The supervisor of elections shall within forty five (45) days verify the signatures thereon. Notwithstanding the time limits hereinabove signatures on a petition circulated prior to one general election shall not be valid beyond the date of that election.~~
- (c) Submission of signed petitions; verification of requisite signatures. The sponsor shall submit all signed and dated petitions received by the sponsor during a month to the supervisor of elections for signature verification no later than the tenth day of the following month, and upon submission pay all fees as required by general law. The supervisor of elections shall verify the validity of signatures for each signed petition submitted within thirty (30) days after submittal to the supervisor of elections. No later than June 15 of the year of the general election at which the proposed amendment would be considered, the supervisor of elections shall certify whether the requisite number of signatures has been verified. No signature shall be valid unless handwritten and submitted on a paper petition form completed and submitted in a manner consistent with this section. The supervisor of elections shall post a running tally of the number of signatures verified for each initiative petition on the supervisor of elections' website for public view. Otherwise valid signatures not timely submitted to the supervisor of elections shall not be counted towards the total number of signatures required under Section 6.02(a).

(d)(e) *Effective date of initiative petition charter amendment.* 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.

Exhibit “B”

A. Ballot Proposal: The ballot title and summary for this question are as follows:

**REVISING COUNTY INITIATIVE PETITION
REQUIREMENTS AND PROCESS**

Amending the Pinellas County Charter to lower the number of signed petitions necessary to propose Charter amendments from eight (8) percent of registered county voters to five (5) percent, and to provide for a uniform time period for an initiative petition drive from September through April before a November general election, monthly submission deadlines for signed petitions, running tallies of verified petitions on the Supervisor of Election’s website, preparation of ballot translations, and related procedures.

_____ Yes
_____ No

B. Text Revisions: Upon approval of this question at referendum, the following portions of the Pinellas County Charter are amended to read as follows:

Sec. 6.02. - Charter initiative.

- (a) *General requirements.* Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least ~~eight (8)~~ five (5) percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified. Each such proposed amendment shall embrace but one (1) 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. ~~However, the County Commissioners may call a special referendum election for said purpose.~~ Notice of said referendum, together with the exact language of the proposed amendment as submitted on the petition, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five

(45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

- (b) Initiation and overview of process. The sponsor of a petition amendment shall, prior to obtaining any signatures, register as a political committee and 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 ordinance. Concurrent with this submission, the sponsor shall prepare and submit translations of the ballot title and ballot summary into those languages required by law for placement on the ballot. The sponsor may make the aforementioned submittals no earlier than August 1 of the year preceding the general election at which the proposed amendment would be considered. Within fifteen (15) days after the aforementioned submittals, the supervisor of elections shall render a determination on the form on which signatures will be affixed. 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, or September 1 of the year preceding the general election at which the proposed amendment would be considered, whichever is later. and sSaid drive shall terminate on, and signatures may be signed and collected through, April 30 of the year of the general election at which the proposed amendment would be considered. ~~two hundred forty (240) days after that date. In the event sufficient signatures are not acquired during the specified that two hundred forty (240) 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 pay all fees as required by general law. The supervisor of elections shall within forty five (45) days verify the signatures thereon.~~ Notwithstanding the time limits hereinabove signatures on a petition circulated prior to one general election shall not be valid beyond the date of that election.
- (c) Submission of signed petitions; verification of requisite signatures. The sponsor shall submit all signed and dated petitions received by the sponsor during a month to the supervisor of elections for signature verification no later than the tenth day of the following month, and upon submission pay all fees as required by general law. The supervisor of elections shall verify the validity of signatures for each signed petition submitted within thirty (30) days after submittal to the supervisor of elections. No later than June 15 of the year of the general election at which the proposed amendment would be considered, the supervisor of elections shall certify whether the requisite number of signatures has been verified. No signature shall be valid unless handwritten and submitted on a paper petition form completed and submitted in a manner consistent with this section. The supervisor of elections shall post a running tally of the number of signatures verified for each initiative petition on the supervisor of elections' website for public view. Otherwise valid signatures not timely submitted to the supervisor of elections shall not be counted towards the total number of signatures required under Section 6.02(a).

(d)(e) *Effective date of initiative petition charter amendment.* 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.

Initiative Petition Timeline
Under Draft Proposed Charter Amendment

The following table provides a general overview of the initiative petition timeline under the draft proposed charter amendment. The numbering of the “month[s] of petition drive” is based on the assumption that the sponsor has received the Supervisor of Elections’ (“SOE”) approval of the form of petition on or before September 1.¹

August 1 of the year preceding General Election	Earliest date sponsor can submit proposed amendment and petition form to SOE for approval of form of petition form
15 days after sponsor’s submission of petition form and ballot translations	Deadline for SOE to render a determination on the form of petition form
September 1 of the year preceding General Election, or date of SOE approval of form of petition form, whichever is later	Beginning date of petition drive
September of the year preceding General Election	First month of petition drive
October of the year preceding General Election	Second month of petition drive
October 10 of the year preceding General Election	Deadline for sponsor to submit petitions received by sponsor in September (10 th day of following month)
November of the year preceding General Election	Third month of petition drive
November 10 of the year preceding General Election	Deadline for sponsor to submit petitions received by sponsor in October (10 th day of following month)
December of the year preceding General Election	Fourth month of petition drive

¹ Please note that the SOE’s deadlines for verifying signatures are not listed. The draft proposed charter amendment contains a 30-day rolling deadline for the SOE to verify signatures on submitted petition forms, similar to the rolling 45-day deadline in the current charter. Assuming a sponsor waited until the 10th day after each month to submit petitions to the SOE of verification, the SOE would be required to verify such signatures by the 40th day after the month in which they were collected. However, such an assumption appeared tenuous and might lead to confusion if incorporated into the timeline. The timeline does incorporate the SOE’s final static deadline of June 15 to certify whether the requisite number of signatures have been verified.

December 10 of the year preceding General Election	Deadline for sponsor to submit petitions received by sponsor in November (10 th day of following month)
January of General Election year	Fifth month of petition drive
January 10 of General Election year	Deadline for sponsor to submit petitions received by sponsor in December (10 th day of following month)
February of General Election year	Sixth month of petition drive
February 10 of General Election year	Deadline for sponsor to submit petitions received by sponsor in January (10 th day of following month)
March of General Election year	Seventh month of petition drive
March 10 of General Election year	Deadline for sponsor to submit petitions received by sponsor in February (10 th day of following month)
April of General Election year	Eighth and final month of petition drive
April 10 of General Election year	Deadline for sponsor to submit petitions received by sponsor in March (10 th day of following month)
April 30 of General Election year	Final day of petition drive, and final day petitions may be signed and collected
May 10 of General Election year	Deadline for sponsor to submit petitions received by sponsor in April (10 th day of following month)
June 15 of General Election year	Deadline for SOE to certify whether the requisite number of signatures have been verified. (139 days before November 1)
First Tuesday after the first Monday in November	General Election



VOSE LAW FIRM LLP
ATTORNEYS & COUNSELORS AT LAW

GRETCHEN R.H. (“BECKY”) VOSE[†]
WADE C. VOSE^{†‡}
NANCY A. STUPARICH
PAUL R. WATERS
GARRETT M. OLSEN
STEPHANIE M. VELO
CHLOE E. BERRYMAN

[†]BOARD CERTIFIED IN CITY, COUNTY &
LOCAL GOVERNMENT LAW

[‡]RATED AV PREEMINENT BY MARTINDALE-HUBBELL

OFFICES
WINTER PARK
FORT MYERS
BRADENTON
COCOA BEACH

M E M O R A N D U M

TO: 2024 Pinellas County Charter Review Commission
FROM: Wade C. Vose, General Counsel
DATE: April 10, 2024
SUBJECT: Compilation of Draft Charter Amendments to Date

As discussed at the CRC’s April 4, 2024 meeting, this memorandum compiles the latest versions of the draft charter amendments that the CRC has directed be prepared to date. The charter amendments are generally listed in the order in which each has been most recently revised, from oldest to newest. This is not necessarily a recommended order for presentation on the ballot. Each is listed by the currently drafted ballot title, with reference to their associated Exhibit containing ballot and charter language.

Exhibit “A”	County Charter Cleanup Amendment
Exhibit “B”	Conforming Publication Requirements for County Charter Amendment Referenda to the Florida Election Code
Exhibit “C”	Referenda on County Charter Amendments to Be Held at General Elections Only
Exhibit “D”	Lowering Signature Percentage for Petition Drives to Propose County Charter Amendments
Exhibit “E”	Charter Amendment Revising Thresholds for Appointment and Removal of County Attorney
Exhibit “F”	County Charter Amendment Providing for County Commissioner Term Limits
Not yet reviewed by CRC, so provided at 04/22/24 meeting in separate memo	Revising County Initiative Petition Requirements and Process

I look forward to discussing these matters with you at your April 22, 2024 meeting.

COUNSEL TO EXTRAORDINARY GOVERNMENTS & LEADERS THROUGHOUT FLORIDA SINCE 1973

324 W. MORSE BOULEVARD • WINTER PARK, FLORIDA 32789
TELEPHONE: (407) 645-3735 • FACSIMILE: (407) 628-5670 • TOLL FREE: (866) 789-VOSE
INTERNATIONAL TEL. (LONDON, ENGLAND): +44 (0)20 3355 1473 • INTERNET: WWW.VOSELAW.COM

Exhibit “A”

A. Ballot Proposal: The ballot title and summary for this question are as follows:

**COUNTY CHARTER CLEANUP
AMENDMENT**

Shall the Pinellas County Charter be amended to remove certain one-time provisions that have since occurred or elapsed, remove gender references, and remove references to certain organizations that no longer exist?

_____ Yes
_____ No

B. Text Revisions: Upon approval of this question at referendum, the following portions of the Pinellas County Charter are amended to read as follows:

Sec. 3.04. Redistricting.

...

- (b) No later than thirty (30) days after initial appointment, the county redistricting board shall meet for the purposes of organization. The county redistricting board shall elect a ~~chairman~~ and vice-~~chairman~~ from among its membership. Further meetings of the board shall be held upon the call of ~~chairman~~ or any three (3) members of the board. All meetings shall be open to the public. A majority of the members of the county redistricting board shall constitute a quorum. The board may adopt other rules for its operations and proceedings as it deems desirable. The members of the board shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

...

Sec. 4.01. County administrator.

...

- (b) The county administrator shall be a full-time position. The county administrator ~~He~~ shall serve at the pleasure of the board of county commissioners and shall be appointed solely on the basis of the individual's ~~his~~ executive and administrative qualifications.
- (c) The county administrator shall have the following duties:

- (1) To administer and carry out the directives and policies issued to the county administrator ~~him~~ by the board of county commissioners, acting as an official body, except that the county administrator ~~he~~ shall not be directed or given authority to make appointments of members to any county boards, commissions or agencies.

...
- (3) To supervise all departments, department heads and employees of the board of county commissioners and, in the county administrator's ~~his~~ discretion, to terminate for cause the employment of any employees of the board of county commissioners. Termination of persons in unclassified positions shall be subject to confirmation by the board of county commissioners.
- (4) After policy has been established by the board of county commissioners, to supervise all aspects of carrying into effect such policy to its completion. The county administrator ~~He~~ shall thereupon report or order a full report to the board of county commissioners of the action taken upon such policy and directives of the board of county commissioners.

...
- (6) To perform such other duties as may be required of the county administrator ~~him~~ by the board of county commissioners, acting as an official body, or by this Charter.

Sec. 4.02. County attorney.

- (a) There shall be a county attorney selected by a county attorney oversight committee, consisting of the county commissioners and the sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court and comptroller, who shall serve at the pleasure of the county attorney oversight committee. The office of county attorney shall not be under the direction and control of the county administrator but shall instead be responsible directly to the board of county commissioners, and shall be subject to annual review by the county attorney oversight committee. ~~The county attorney as of the effective date of this amendment shall not be subject to the selection provision of this subsection, but shall be subject to all other provisions thereof.~~
- (b) The county attorney shall be an attorney licensed to practice law in the State of Florida for at least three (3) years. Upon appointment, the county attorney ~~he~~ shall be employed full time by said county. The county attorney shall employ such assistant county attorneys and special assistant county attorneys, on either a full-time or part-time basis, as may be necessary, upon approval of the board of county commissioners.

...

Sec. 5.02. Special laws.

...

- (b) This document shall in no manner change the status, duties or responsibilities of the following boards, authorities, districts and councils: Pinellas Suncoast Transit Authority, Emergency Medical Services Authority, Fresh Water Conservation Board, Indian Rocks Special Fire Control District, Juvenile Welfare Board, License Board for Children's Centers and Family Day Care Homes, Palm Harbor Special Fire Control District, Pinellas County Construction Licensing Board, ~~Pinellas County Industry Council~~, Pinellas County Planning Council, Pinellas County Personnel Board, Pinellas Park Water Management District, and Pinellas Police Standards Council.

...

Sec. 6.02. Charter initiative.

- (a) Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least eight (8) percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in that officer's ~~his~~ capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified. Each such proposed amendment shall embrace but one (1) 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. However, the County Commissioners may call a special referendum election for said purpose. Notice of said referendum, together with the exact language of the proposed amendment as submitted on the petition, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

...

Sec. 6.03. Charter review commission.

...

- (b) Each charter review commission shall meet prior to the end of the third week in August 2015, and every eight (8) years thereafter for the purposes of organization. The charter review commission shall elect a chairman and vice-chairman from among its membership. Further meetings of the commission shall be held upon the call of chairman or any three (3) members of the commission. All meetings shall be open to the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may adopt other rules for its operations and proceedings as it deems desirable. The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

...

~~Sec. 6.05. Reconstitution of 2004 Charter review commission.~~

- ~~(a) The members of the charter review commission appointed to serve in 2003 shall be deemed members of a reconstituted 2004 charter review commission, which shall serve from November 8, 2004 through December 1, 2006. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.~~
- ~~(b) On behalf of the citizens of Pinellas County, the reconstituted charter review commission shall continue to examine the Pinellas County Charter, the operations of the Pinellas County government and any limitations imposed upon those operations by the charter or any special acts of the Legislature. This examination will include review of the Pinellas Assembly process, further investigation by consultants as deemed necessary and discussions with municipal officials and members of the Pinellas County Legislative Delegation. After such examination, the reconstituted charter review commission will have the authority to make recommendations for amendments, including substantial revision of the Charter. Prior to submitting such recommendations, the reconstituted charter review commission shall hold three public hearings at intervals of not less than ten (10) nor more than twenty (20) days. At the final hearing, the reconstituted charter review commission shall incorporate any recommendations it deems desirable, vote upon a proposed form of revised charter, and forward said charter to the board of county commissioners.~~
- ~~(c) The reconstituted charter review commission established pursuant to this section shall complete its review and submit a report to the board of county commissioners no later than June 30, 2006, unless such time is extended by the board of county commissioners. Included within the report shall be any proposed amendments to the Charter, which may include substantial revisions of the Charter, together with the wording of the question or questions, which shall be voted on at referendum.~~

~~Proposed amendments may, at the discretion of the reconstituted charter review commission, be included in a single question or multiple questions. The board of county commissioners shall call a referendum election to be held in conjunction with the 2006 general election, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or amendments as submitted in the report of the charter revision commission, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.~~

~~(d) Except as otherwise provided in this Section 6.05, the provisions of Section 6.03 of the Charter shall apply to the operation of the reconstituted 2004 charter review commission.~~

~~(e) This section 6.05 shall be repealed effective January 1, 2007.~~

Exhibit “B”

A. Ballot Proposal: The ballot title and summary for this question are as follows:

**CONFORMING PUBLICATION
REQUIREMENTS FOR COUNTY CHARTER
AMENDMENT REFERENDA TO THE
FLORIDA ELECTION CODE**

Shall the Pinellas County Charter be amended to revise the Charter’s publication requirements for county charter amendment referenda to conform to the Florida Election Code?

_____ Yes
_____ No

B. Text Revisions: Upon approval of this question at referendum, the following portions of the Pinellas County Charter are amended to read as follows:

Sec. 6.01. Proposed by county.

The board of county commissioners by ordinance passed by an affirmative vote of not less than majority plus one (1) member shall have the authority to propose amendments to this Charter. Any such amendment shall be subject to referendum at the next scheduled countywide election; provided, however, the board of county commissioners may call a special referendum election for said purpose. Said referendum shall be called by the board of county commissioners and notice of said referendum, together with the exact language of the proposed amendment, shall be published in the manner provided in Section 100.342, Florida Statutes. ~~once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty five (45) days prior to the referendum.~~ Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

Sec. 6.02. Charter initiative.

- (a) Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least eight (8) percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified. Each such proposed amendment shall embrace but one (1)

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. However, the County Commissioners may call a special referendum election for said purpose. Notice of said referendum, together with the exact language of the proposed amendment as submitted on the petition, shall be published by the board of county commissioners in the manner provided in Section 100.342, Florida Statutes. ~~once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum.~~ Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

...

Sec. 6.03. Charter review commission.

...

- (e) Each charter review commission established pursuant to this section shall complete its review and submit a report to the citizens of Pinellas County by July 31, 2016, and each eight (8) years thereafter in order to coincide with the presidential election cycle. Included within the report shall be any proposed amendments to the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments may, at the discretion of the charter review commission, be included in a single question or multiple questions. If proposed amendments are included in the report, the charter review commission may, at its discretion, remain constituted through the general election. The board of county commissioners shall call a referendum election to be held in conjunction with the 2016 general election and each eight (8) years thereafter, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or amendments as submitted in the report of the charter review commission, shall be published by the board of county commissioners in the manner provided in Section 100.342, Florida Statutes. ~~once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum.~~ If an amendment or revision to the charter is to be recommended, the charter review commission shall conduct at least two (2) public hearings on any amendment or revision, at intervals of not less than ten (10) days but not more than twenty-one (21) days, immediately prior to its transmittal of its recommendations to the board of county commissioners. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

Exhibit “C”

A. Ballot Proposal: The ballot title and summary for this question are as follows:

**REFERENDA ON COUNTY CHARTER
AMENDMENTS TO BE HELD AT GENERAL
ELECTIONS ONLY**

Shall the Pinellas County Charter be amended to require that referenda on county charter amendments proposed by initiative petition, or proposed by the Board of County Commissioners, shall be held only at the General Election held in November of even-numbered years?

Yes
 No

B. Text Revisions: Upon approval of this question at referendum, the following portions of the Pinellas County Charter are amended to read as follows:

Sec. 6.01. Proposed by county.

The board of county commissioners by ordinance passed by an affirmative vote of not less than majority plus one (1) member shall have the authority to propose amendments to this Charter. Any such amendment shall be subject to referendum at the next general scheduled countywide election; ~~provided, however, the board of county commissioners may call a special referendum election for said purpose.~~ Said referendum shall be called by the board of county commissioners and notice of said referendum, together with the exact language of the proposed amendment, shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

Sec. 6.02. Charter initiative.

- (a) Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least eight (8) percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the

signature was verified. Each such proposed amendment shall embrace but one (1) 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. ~~However, the County Commissioners may call a special referendum election for said purpose.~~ Notice of said referendum, together with the exact language of the proposed amendment as submitted on the petition, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

- b) 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 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 two hundred forty (240) days after that date. In the event sufficient signatures are not acquired during that two hundred forty (240) 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 pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon. Notwithstanding the time limits hereinabove signatures on a petition circulated prior to one general election shall not be valid beyond the date of that election.
- (c) 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.

Exhibit “D”

A. Ballot Proposal: The ballot title and summary for this question are as follows:

**LOWERING SIGNATURE PERCENTAGE
FOR PETITION DRIVES TO PROPOSE
COUNTY CHARTER AMENDMENTS**

Shall the Pinellas County Charter be amended to lower the number of signed petitions necessary to propose an amendment to the Pinellas County Charter from eight (8) percent of the registered voters in the county to five (5) percent?

_____ Yes
_____ No

B. Text Revisions: Upon approval of this question at referendum, the following portions of the Pinellas County Charter are amended to read as follows:

Sec. 6.02. - Charter initiative.

- (a) Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least five (5) ~~eight (8)~~ percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified. Each such proposed amendment shall embrace but one (1) 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. However, the County Commissioners may call a special referendum election for said purpose. Notice of said referendum, together with the exact language of the proposed amendment as submitted on the petition, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

Exhibit “E”

A. Ballot Proposal: The ballot title and summary for this question are as follows:

**CHARTER AMENDMENT REVISING
THRESHOLDS FOR APPOINTMENT AND
REMOVAL OF COUNTY ATTORNEY**

Shall the Pinellas County Charter be amended to provide that the 12-member County Attorney Oversight Committee shall select and appoint a County Attorney by an 8-vote supermajority, and may remove the County Attorney only by a 7-vote majority at two consecutive meetings, or by an 8-vote supermajority at one meeting?

_____ Yes
_____ No

B. Text Revisions: Upon approval of this question at referendum, the following portions of the Pinellas County Charter are amended to read as follows:

Sec. 4.02. County attorney.

- (a) There shall be a county attorney selected by a county attorney oversight committee, consisting of the county commissioners and the sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court and comptroller, who shall serve at the pleasure of the county attorney oversight committee. The county attorney shall be selected and appointed by the affirmative vote of eight (8) members of the county attorney oversight committee, and shall serve until such time as the county attorney shall be removed either by a vote for removal of seven (7) members of the county attorney oversight committee voting for removal in two (2) consecutive meetings of the committee held at intervals of not less than fourteen (14) days, or by a vote of removal of eight (8) members of the county attorney oversight committee at any one meeting of the committee. The office of county attorney shall not be under the direction and control of the county administrator but shall instead be responsible directly to the board of county commissioners, and shall be subject to annual review by the county attorney oversight committee. The county attorney as of the effective date of this amendment shall not be subject to the selection provision of this subsection, but shall be subject to all other provisions thereof.

Exhibit “F”

A. Ballot Proposal: The ballot title and summary for this question are as follows:

**COUNTY CHARTER AMENDMENT
PROVIDING FOR COUNTY
COMMISSIONER TERM LIMITS**

Shall the Pinellas County Charter be amended to provide for County Commissioner term limits by prohibiting County Commissioners who have held the office for the preceding 12 years from appearing on a ballot for reelection and requiring a minimum of 4 years off the County Commission before serving again, with terms of office beginning on or after November 5, 2024 counting toward the term limits.

_____ Yes
_____ No

B. Text Revisions: Upon approval of this question at referendum, the following portions of the Pinellas County Charter are amended to read as follows:

Sec. 3.01. Board of county commissioners.

- (a) _____ The legislative body of county government shall be the Board of County Commissioners. The Board of County Commissioners shall consist of seven commissioners, with four of the seven commissioners residing one in each of four county commission districts, the districts together covering the entire county and as nearly equal in population as practicable, and each commissioner being nominated and elected only by the qualified electors who reside in the same county commission district as the commissioner, and with three of the seven commissioners being nominated and elected at large. Each of the three at-large commissioners shall reside one in each of three districts, the three districts together covering the entire county and as nearly equal in population as practicable. The election, term of office, and compensation of members shall all be in accordance with general law.
- (b) _____ Term limits. A person may not appear on the ballot for reelection to the office of commissioner if, by the end of the person’s current term of office, the person will have served, or but for resignation would have served, as a commissioner for 12 consecutive years. Such person may not qualify for or appear on the ballot for the office of commissioner, regardless of district, with a term of office beginning less than 4 years after such consecutive years of service have concluded. Service of a term of office which commenced before November 5, 2024, shall not be counted toward the limitation imposed by this paragraph. As used in this subsection, reference to 4 years (and likewise to multiples thereof) refers to a 4 year election cycle, without regard to the exact dates of election or beginning or end of term.