

Recall, Code of Ethics and other provisions

Many of the charters that have been adopted contain provisions on the subject matters listed herein below:

Recall

Fifteen of the seventeen counties that have adopted charters pursuant to Chapter 125, Florida Statutes, contain provisions allowing certain officials to be recalled or removed from office by the electors in such official's district. The grounds for removal are:

1. Malfeasance
2. Misfeasance
3. Neglect of duty
4. Drunkenness
5. Incompetence
6. Permanent inability to perform official duties, or
7. Conviction of a felony involving moral turpitude.

The procedures for initiation and conduct of the recall process are specified in Section 100.361, Florida Statutes.

Approximately half of the charters that have been adopted provide for the recall of only members of the Board of County Commissioners. The other charters include Constitutional Officers among the county officials covered by the recall provisions.

Code of Ethics

Chapter 112, Part III, Florida Statutes, establishes a Code of Ethics applicable to all state, county, city, and other political subdivision officers and employees. This statute is applicable to all of Escambia County's officers and employees, regardless of whether these Code of Ethics provisions are incorporated in the charter by reference. Nevertheless, some charters do incorporate these Code of Ethics provisions by reference and add other ethical standards.

Bill of Rights

Two of the adopted charters - those adopted by Broward and Miami-Dade contain sections entitled "Citizens' Bill of Rights," and four other counties have adopted provisions relating to the "Security of Citizens' Rights." Attached to this paper are excerpts from the aforementioned charters reflecting the language used by these counties to address citizens' rights (See attachment).

Right of Citizens to Petition for initiation, amendment or repeal of County Ordinances

Thirteen of the seventeen counties that have adopted charters pursuant to Chapter 125, Florida Statutes, contain provisions allowing the citizens to petition for initiation, amendment, or repeal of county ordinances. The percentage of electors required on such a petition varies from five percent to ten percent. Some of the charters require a certain percentage of electors from the commission districts instead of or in addition to the percentage of electors required countywide to sign the petition.

Right of Citizens to Petition for Amendments to the Charter

All of the charters contain provisions allowing the citizens to petition for amendments to the charter. The percentage of electors required on such a petition varies from four percent to ten percent. Some of the charters require a certain percentage of electors from the commission districts instead of or in addition to the percentage of electors required countywide to sign the petition.

Creation of Charter Revision Commission

Most charters provide for the establishment of a Charter Revision Commission, which is charged with the responsibility of periodically, e.g., every five years, of reviewing its County's Charter and recommending any amendments it believes would improve county government. Any recommendations made by the Charter Revision Commission for amendments to the charter would be subject to approval or rejection by the electors of the county in a public referendum.

Conflicts with Municipal Ordinances

The charters to be drafted by the Charter Commission will need to provide whether County Ordinances or City Ordinances will prevail within municipal boundaries in the event of a conflict. Some charters set certain minimum standards on policy issues relating to such matters as planning and the environment, but allow municipalities to enact more stringent ordinances.

The Charter Commission desires public input on whether these type provisions should be contained in the charter.