

THE CHARTER FOR ESCAMBIA COUNTY, FLORIDA

ARTICLE I CREATION OF THE GOVERNMENT

Section 101 PURPOSE

The citizens of Escambia County, Florida, united in the belief that governmental decisions affecting local interests should be made locally by the citizens of the County, rather than by the State, that County government should be accountable to the citizens and serve them in a responsive, efficient, and equitable manner, and that the citizens of this County should be empowered to make changes to their own government, do ordain and establish this Home Rule Charter.

Section 102 PROHIBITION OF CONSOLIDATION

This Charter shall not be deemed to authorize or permit the consolidation of the government of Escambia County and any municipality therein, and the County shall not consolidate its government with any municipality therein, except pursuant to an election held in accordance with the Florida Constitution and general law. This Section does not prohibit the County from entering into inter-local agreements with existing municipalities to provide services to the citizens of the County with greater efficiency.

Section 103 BODY CORPORATE AND POLITIC

Escambia County shall be a body corporate and politic and as such shall have all rights and powers of local self-government which are now, or hereinafter may be, provided by general law and this Charter.

Section 104 NAME AND BOUNDARIES

The corporate name of this County government shall be "Escambia County," hereinafter referred to as the "County," and shall be so designated in all actions and proceedings concerning its rights, powers, properties, and duties. The County seat and boundaries of the County shall be those presently designated by law.

**ARTICLE II
FORM OF GOVERNMENT, POWERS AND RIGHTS**

Section 201 ELECTED BOARD OF COUNTY COMMISSIONERS AND APPOINTED COUNTY ADMINISTRATOR

The County shall operate under an elected Board of County Commissioners (sometimes hereinafter referred to as “Board”) and an appointed County Administrator form of government with clear separation of functions. Establishing and adopting policy shall be the responsibility of the elected Board (the legislative branch). The execution of that policy shall be the responsibility of the appointed County Administrator (the administrative branch).

Section 202 COUNTY POWERS AND DUTIES

The County shall have all powers of local self-government that are not inconsistent with the Constitution of Florida, general law and this Charter.

In addition, the County, and all administrative, regulatory and advisory boards and authorities under the jurisdiction of this Charter (herein referred to as “agencies”) shall have all the powers and duties heretofore granted by legislative special acts, general laws of local application, and ordinances, as may be in force at the effective date of this Charter and which are not inconsistent with this Charter.

The powers granted by this Charter shall be construed liberally in favor of the County. Specified powers in this Charter shall not be construed as limiting, in any way, the general or specific powers otherwise granted or authorized in this Charter. It is the intent of this Charter to grant to the County full power and authority to exercise all governmental powers necessary or appropriate for the effective operation and conduct of the affairs of the County.

Section 203 POWERS, RIGHTS AND RESPONSIBILITIES OF THE PEOPLE

In addition to the powers and rights otherwise provided for in the Constitutions of the United States and Florida, general law and this Charter, the citizens of the County shall have, and the County shall protect and secure, the following specific powers and rights.

Section 203.1 POWERS OF THE PEOPLE

The electors of the County shall have the powers of:

- (1) Election and recall: The power to elect and to recall County Commissioners as more particularly set forth in Section 302 and Section 304 hereof.

- (2) Charter amendments: The power to propose and to vote on amendments to this Charter as more particularly set forth in Section 1401.2 hereof and to vote on all amendments proposed by the Board or the Charter Review Commission.
- (3) Initiative: The power to initiate and adopt, amend, and repeal County ordinances, as more particularly set forth in Section 1505 hereof.

Section 203.2 RIGHTS OF THE PEOPLE

In order to protect citizen rights from abuse or encroachment, the County shall use its powers to provide all citizens of the County:

- (1) Just and Equitable Taxation: No tax, or rate of taxation, or fee shall be imposed in the County in excess of the limitations imposed upon non-charter counties by the Constitution or general laws of Florida, without prior approval by vote of the electorate of the County.
- (2) Full Disclosure of Public Records and Proceedings: All public meetings, proceedings and records of the County, and of all agencies under this Charter, shall be open to the public in accordance with general law.
- (3) Protection of Human Rights: The County shall establish and maintain such provisions as may be required by Federal and State law for ensuring equal rights and opportunities for all citizens of the County, and for protection of its citizens from discrimination based upon religion, political affiliation, race, color, age, sex or national origin.
- (4) Proper Use of Public Property: The County shall prevent the use of public property or taxing power for the benefit of private parties in violation of the restrictions imposed by general law.
- (5) Truth in Government: No County official or employee shall knowingly provide to the public, or to the County, false or deliberately misleading information, or omit significant material information.

While the County shall use its powers to provide for the foregoing rights, the listing of these rights is not intended to confer, nor shall it be construed to confer, upon any person any right, protection or privilege not otherwise afforded under Federal, State or County law.

Section 203.3 RESPONSIBILITIES OF THE PEOPLE

Government exists for the benefit of the people. No form of government can substitute for a well-informed and conscientious electorate, which is the most effective and enduring force in government. Rights carry with them responsibilities. Accordingly, for government to maximize its benefit to the people requires the participation of a well-

informed and conscientious electorate exercising their rights with responsibility, dignity, respect and, occasionally, restraint, all for the sake of the general welfare.

The rights and powers secured for the people carry with them a responsibility of comparable magnitude to help ensure the successful operation of County government for the benefit of all. The orderly, efficient and fair operation of County government requires the intelligent participation of individual citizens exercising their prerogatives with respect, dignity and restraint, and with due respect for the dignity of public office.

ARTICLE III LEGISLATIVE BRANCH/ELECTED BOARD

Section 301 POWERS AND DUTIES

The legislative powers and duties of the County are hereby assigned to, and shall be vested in, the Board. Limited only by the express provisions of this Charter, the Board shall be afforded broad jurisdiction in the exercise of its legislative powers and duties.

In addition to its other powers and duties, the Board is directed to, and shall exercise the responsibilities enumerated herein below.

Section 301.1 VISIONARY LEADER

The Board shall aspire to be the visionary leader of the County with the primary focus on establishing policy, and overseeing the implementation thereof, which:

- (1) Enhances the vitality of the local economy;
- (2) Fosters a healthy environment;
- (3) Provides adequate infrastructure; and
- (4) Otherwise provides for the general welfare, security and well being of the County's citizens.

In all things, including these responsibilities, as well as exercising all other powers and discharging all other duties, all County Commissioners shall give priority to the general welfare of the entire County as a whole, as distinct from the needs of any particular political subdivision thereof. The enforcement, application, interpretation and adjudication of any questions arising under the preceding sentence shall be the responsibility of the Board, whose determination shall be final.

Section 301.2 STRATEGIC PLAN

The Board shall implement an effective, deliberate and integrated strategic planning process and, within one (1) year after the effective date of this Charter, shall

adopt a five (5) year Strategic Plan which will include, among other characteristics, the following:

- (1) The Strategic Plan shall be consistent with the “Escambia County Comprehensive Plan: 2000” (as it might hereafter be amended from time to time);
- (2) The Strategic Plan shall clearly define direction for County government by establishing appropriate goals, objectives, and policies, which in turn shall serve as guidelines for all County planning activities, including programming, budgeting and staffing activities, occurring during that five (5) year term; and
- (3) The Strategic Plan shall include a Financial Plan component to support and sustain any anticipated budgetary changes. All County financial planning documents, including, among others, the Annual Operating Budget and the Capital Improvement Plan, shall be consistent with, and advance, the Strategic Plan.

The five (5) year Strategic Plan shall be ongoing, shall be updated annually and shall be a dynamic and changing plan. Following adoption of the Strategic Plan, the Board shall, not less often than quarterly, review execution of the Strategic Plan. Additionally, not less often than annually, the Board shall undertake an in-depth review of the execution of the Strategic Plan and in connection therewith shall make such adjustments and modifications, if any, as are appropriate and necessary to fulfill the ongoing and dynamic nature of the Strategic Plan.

Section 301.3 ADMINISTRATIVE CODE

The Board shall adopt, and from time to time amend, by resolution with advance public notice and hearing, an Administrative Code organizing the administrative branch of County government consistent with this Charter and general law.

The Administrative Code shall include, among other things, the following:

- (1) The powers, duties and responsibilities of the County Administrator; the County Attorney; any deputy or assistant county administrators; department heads; and any and all other administrative branch executives;
- (2) The organizational structure of the administrative branch, including all departments, divisions and agencies, with the exception of the ECUA, together with a description of their respective functions, powers and duties, including specifically, but without limitation, their respective responsibilities for implementation of the “Escambia County Comprehensive Plan: 2000,” as it might hereafter be amended from time to time, the County’s Strategic Plan, and all components of both;

- (3) The organizational structure of each department, division and agency, except the ECUA, together with any and all substantive rules, regulations, procedures or policies thereof relating to the discharge of their respective functions, responsibilities, powers and duties; and
- (4) A description of any inter-local agreements or arrangements with entities or agencies outside the administrative branch of County government but which support the discharge of the administrative branch's powers, duties and responsibilities, or which otherwise advance the County's stated goals, objectives and policies.

It shall be the responsibility of the County Administrator to recommend to the Board revisions to the Administrative Code on a continuing basis to provide greater efficiency and economy in the operation of County government.

Within six (6) months after the effective date of this Charter, the County Administrator shall submit a proposed Administrative Code to the Board for consideration. The Board shall adopt the proposed Administrative Code as submitted, or amend it, as the Board deems appropriate, within three (3) months after its submission by the County Administrator.

Section 302 COMPOSITION, ELECTION, TERMS AND QUALIFICATIONS

The Board shall consist of ten (10) County Commissioners elected on a partisan basis for staggered terms of four (4) years, seven (7) of whom shall be elected from seven (7) single member districts by the electors residing in each of the seven (7) districts, and three (3) of whom shall reside in one (1) of three (3) residence areas into which the County shall be divided, but who shall be elected at large by all the electors in the County.

There shall be one (1) County Commissioner elected by the electors of each of the seven (7) single member County Commission districts, which shall be numbered Districts One through Seven. The territory of each of Districts One through Seven shall be established by dividing the entire County into seven (7) areas pursuant to general law, including applicable federal and state Constitutions and statutory law.

The territory of the three (3) at large County Commission residence areas, which shall be numbered Areas One, Two, and Three, shall be established by dividing the entire County into three (3) areas approximately equal in population with there being a northern, central and southern area. There shall be one (1) County Commissioner elected on a countywide basis from each of these three (3) at large County Commission residence areas.

Each candidate for County Commissioner shall be a resident of the district he or she seeks to represent or of the residence area from which he or she intends to run as an at large candidate as of the date that such candidate qualifies to run for County

Commissioner, and, if elected, shall remain a resident of the district he or she represents or of the residence area from which he or she ran as an at large candidate during his or her term in office.

All elections for County Commissioners shall be conducted as provided for in general law for County Commissioners in non-charter counties, except:

- (1) As otherwise provided in this Charter; and
- (2) In any year of redistricting in accordance with Sections 311 or 1604 hereof, when it shall be permissible for qualifying signatures for the “alternative method of qualifying,” as defined in general law, to be obtained from any registered voter in Escambia County, regardless of district.

Section 303 VACANCIES

A vacancy in the office of a County Commissioner shall occur upon the death of the incumbent, his or her removal from office, resignation, unexplained absence for sixty (60) consecutive days, disability of such a nature that he or she is unable to perform his or her duties for one hundred twenty (120) consecutive days, or failure to maintain residence in the district from which he or she was elected (except that any County Commissioner in office who is removed from his or her district as a result of redistricting may serve out the balance of his or her term).

As soon as practical after any such vacancy is determined, the Board shall fill the vacancy by appointment of a person who shall meet the same residency requirements as a candidate for the office of County Commissioner.

The person so appointed shall serve only until the second Tuesday following the next general election that affords candidates for the previously vacated office a full qualifying period. The newly elected person to the previously vacated office shall then serve either the remainder of the unexpired term of office, or a full four (4) year term of office, as the case may be for that particular County Commission district.

Section 304 RECALL

Any County Commissioner may be recalled and removed from office by petition and recall election in accordance with the procedures established in Section 100.361, Florida Statutes, as the same may be amended from time to time.

Section 305 COMPENSATION, EXPENSES AND SUPPORT

The compensation of each County Commissioner shall be one-half (1/2) that of the salary established for members of a Board of County Commissioners of non-chartered counties of equivalent population by Section 145.031, Florida Statutes, as modified by Section 145.19, Florida Statutes, and as modified hereafter from time to time.

County Commissioners shall be entitled to reimbursement for proper expenses incurred in the discharge of their duties in accordance with County Policy.

Adequate and appropriate facilities and staff support will be made available by the County to all County Commissioners for the proper discharge of their powers and duties, including, without limitation, meeting and communicating with constituents and citizens of the County; provided, however, that no County Commissioner shall have a full time personal aide, or assistant, or an exclusive private office.

Section 306 BOARD CHAIRPERSON AND VICE CHAIRPERSON

The Board shall elect a chairperson and a vice chairperson at the first regularly scheduled Board meeting in November after the general election in even numbered years and at the last regularly scheduled meeting in November in odd numbered years. The chairperson and vice chairperson may serve successive terms. In addition to his or her responsibilities as a member of the Board, the chairperson shall have additional responsibilities including, but not limited to:

- (1) Serve as legislative leader and presiding officer of the Board.
- (2) Present annually to the citizens of the County, in February of each year, a State of the County message, setting forth programs, financial condition of the County, and recommendations to the people of the County. A summary of this message will be published in a local newspaper of general circulation.
- (3) Call special meetings of the Board.
- (4) Serve as the official representative and ceremonial dignitary for the County.

In the absence of the chairperson, the vice chairperson shall perform the duties of the chairperson as may be required.

Section 307 BOARD MEETINGS

The Board shall meet as needed, but not less often than monthly, with at least one (1) meeting each month being held in the evening. An agenda in sufficient detail to advise the public of the matters to be discussed shall be made available for each regularly scheduled meeting at least seventy-two (72) hours in advance. Non-agenda items are strongly discouraged and shall not be acted upon unless the Board shall, by the affirmative vote of seven (7) members, first determine the item to be an emergency item requiring action prior to the next scheduled meeting. Citizens shall have a reasonable opportunity to appear and be heard at all public meetings of the Board and all other County agencies under the jurisdiction of the Board.

Except as otherwise provided in this Charter, the Board shall determine its own rules, procedures and order of business.

Section 308 VOTING, QUORUM

The affirmative vote of six (6) members shall be necessary to pass or adopt any matter under consideration by the Board, except where a greater number is specified in this Charter. Notwithstanding the foregoing, however, a vote to adjourn may be adopted by a majority vote of the County Commissioners present. All voting shall be by roll call and shall be recorded.

The presence of six (6) County Commissioners shall constitute a quorum for the conduct of any business at any Board meeting.

Section 309 NON-INTERFERENCE

A County Commissioner shall not interfere with the performance of the duties of any classified County employee under the supervision of the County Administrator. It is the express intent of this Section that individual County Commissioners shall advise the County Administrator, a Deputy or Assistant County Administrator, or a Director, Manager or Division Chief of administrative actions that are needed, instead of reassigning or redirecting the work of classified County employees, so that the County Administrator and his or her senior staff are able to efficiently and effectively direct the work of those employees who are under the supervision of the County Administrator.

This provision shall not be interpreted to prevent County Commissioners, who are accountable to the citizens of Escambia County, from making, in the performance of their duties, reasonable inquiries and requests for information from County employees, officers or agents. Further, nothing contained herein shall prevent a County Commissioner from referring a constituent complaint or request to the County Administrator or County Attorney. Additionally, nothing contained herein shall prohibit the Board from directing the County Administrator or County Attorney to inquire into and address concerns or problems of constituents of individual Commissioners.

Any violations of this Section by a County Commissioner shall constitute misfeasance in office within the meaning of Article IV, Section 7 (a) of the Florida Constitution and shall also subject such County Commissioner to recall.

Section 310 RECORDING, PRINTING AND CODIFICATION

To the extent not inconsistent with, and without interfering with, the powers, duties and responsibilities of the Clerk of the Circuit Court as set forth in the Florida Constitution and general law, the Board shall ensure that:

- (1) The minutes of all Board meetings, committee meetings, all ordinances (including maps) and all resolutions are properly authenticated and recorded, in full, and in properly indexed books kept for such purposes; and

(2) All ordinances (including maps, but excluding those ordinances that are exempt from codification by general law) and the County's Administrative Code shall be codified and maintained on a continuing and current basis, and shall be made readily available to the public. Copies may be obtained by the public at reasonable prices not in excess of those established by general law.

Section 311 REDISTRICTING

Within six months after State reapportionment of the Federal and State legislative districts, the Board shall redistrict County Commissioner and other County political subdivision districts in accordance with general law and this Charter.

**ARTICLE IV
ADMINISTRATIVE BRANCH/COUNTY ADMINISTRATOR**

Section 401 COUNTY ADMINISTRATOR

There shall be a County Administrator who shall serve at the pleasure of the Board.

The County Administrator shall be chosen on the basis of experience, education, executive ability and administrative qualifications, and shall be appointed, and may be removed, by the affirmative vote of seven (7) members of the Board. The County Administrator shall receive only such salary and benefits as are set forth in a written employment contract. Each County Commissioner shall provide an annual written performance review of the County Administrator on a form to be approved by the Board.

The County Administrator shall maintain residency in the County during his or her tenure in office and shall not actively engage in any other business or occupation.

The County Administrator shall not hold any political office or actively engage in political activities (other than voting), and, at County expense, shall post such bond(s) as might be required by general law or otherwise agreed to in the employment contract.

Section 402 ASSISTANT COUNTY ADMINISTRATORS AND DEPARTMENT HEADS

The County Administrator may appoint one (1) or more deputy or assistant county administrators, with the advice and consent of the Board, and shall appoint all department heads.

The Board shall establish a salary range for all such appointees and the exact salary shall be as established within that range by the County Administrator.

All such appointees shall serve at the pleasure of the County Administrator.

Section 403 POWERS AND DUTIES

The administrative powers and duties of the County are hereby assigned to, and shall be vested in, the appointed County Administrator.

Section 403.1 GENERAL

Except as otherwise provided in this Charter or by general law, the County Administrator shall be the administrative head of County government; shall be responsible to the Board for the proper administration of the affairs of the County; and shall execute and implement the goals, objectives and policies, as well as the resolutions, ordinances and orders of the Board. To administer the affairs of the County, the County Administrator shall have all the powers and duties listed in Section 125.74, Florida Statutes that are not inconsistent with the provisions contained in this Charter.

While the County Administrator shall have available all powers afforded to County Administrators under Section 125.74, Florida Statutes, it is the intent of this Charter that the County Administrator shall exercise only those powers that are administrative or ministerial in nature and not to delegate any governmental power vested in the Board as the governing body of the County.

The County Administrator shall attend all meetings of the Board and shall have the right to participate in its discussions.

The County Administrator shall also serve as the County's budget officer.

Section 403.2 STRATEGIC PLAN SUPPORT

In addition to his other powers, duties and responsibilities, the County Administrator shall support the Board's strategic planning process in all respects, and in executing and implementing the Strategic Plan shall, among other things:

- A. Ensure that the entire administrative branch of County government shall use Board established Strategic Plan goals, objectives and policies as guidelines for planning (including programs, staffing and budgeting); and
- B. Routinely (but not less often than quarterly) provide the Board with appropriate and consistently formatted summary financial information and other analysis, together with narrative and explanations, which will facilitate Board review and analysis of the status of the Strategic Plan's implementation.

Article V
COUNTY ATTORNEY

Section 501 COUNTY ATTORNEY

There shall be a County Attorney selected by the Board who shall serve at the pleasure of the Board. The County Attorney shall be hired and may be terminated by a simple majority vote of the Board. The County Attorney shall not be under the direction and control of the County Administrator, but shall instead be directly responsible to the Board. Each County Commissioner shall provide an annual written performance review of the County Attorney on a form to be approved by the Board.

Section 502 QUALIFICATIONS

The County Attorney shall be a member in good standing of the Florida Bar and shall reside within the County during the term of the appointment. The Board of County Commissioners may establish such other qualifications for the office of County Attorney as it deems to be desirable.

Section 503 FULL TIME POSITION

The Office of County Attorney shall be a full time position. The entire practice of the County Attorney shall be devoted to the representation of County government.

Section 504 ASSISTANT COUNTY ATTORNEYS

The County Attorney may employ a deputy attorney, and such assistant County attorneys and special assistant County attorneys, on either a full-time or part-time basis, as may be necessary, subject to budget approval. The County Attorney has the sole authority to terminate the deputy attorney and any assistant County Attorney or special assistant County attorney with or without cause.

Section 505 OUTSIDE ATTORNEYS

The County Attorney may also recommend to the Board that outside attorneys be contracted to represent the County for specific matters. Bond counsel shall be selected by the Board from three (3) or more qualified names submitted for consideration by the County Attorney.

Section 506 REPRESENTATION

The office of County Attorney shall be primarily responsible to the Board and shall provide representation of Escambia County, the Board, the County Administrator, and all departments and divisions of County government in all legal matters relating to their official responsibilities. Upon request by a regulatory board, advisory board, or County Officer, the office of County Attorney shall also provide such legal representation

as may be requested by such regulatory board, advisory board or County Officer, unless such representation would pose a conflict of interest with the County Attorney's primary responsibilities.

The County Attorney is responsible for the prosecution and the defense of all lawsuits brought by or against the County, the representation of the County at administrative hearings, the drafting or review of ordinances and resolutions, approval of all contracts, bonds or written instruments as to form and legal sufficiency and the rendering of legal opinions upon request to the Board, County Officers, and the County Administrator.

Section 507 SALARY AND BENEFITS

The County Attorney shall receive such salary and benefits as may be fixed by the Board.

Article VI ELECTED COUNTY OFFICERS

Section 601 COUNTY OFFICERS

The offices of the Sheriff, the Property Appraiser, the Tax Collector, the Clerk of the Circuit Court, and the Supervisor of Elections shall remain as elected Constitutional County offices (herein referred to as "County Offices" or "County Officers,"), with all the powers, duties and responsibilities as provided for in general law.

Section 602 ELECTIONS

The Sheriff, Property Appraiser, Tax Collector, and Clerk of the Circuit Court shall be elected in partisan elections held in accordance with the general laws of the State of Florida.

The Supervisor of Elections shall be elected in a non-partisan election. No candidate for the office of Supervisor of Elections shall be required to pay any political party assessment or be required to state the political party of which the candidate is a member. All candidates' names shall be placed on the ballot without reference to political party affiliation. In the event that more than two (2) candidates qualify for the office of Supervisor of Elections, a primary election shall be held and if no candidate receives a majority of the votes cast, the two (2) candidates receiving the most votes shall be placed on the ballot for election at the time of the general election. Each candidate shall be required to pay a filing fee as required by general law, except candidates qualifying by petition in accordance with general law shall be exempt from payment of the filing fee.

Section 603 VACANCIES

A vacancy in the office of any County Officer shall be determined and shall be filled in accordance with the Florida Constitution and general law.

Article VII
ADMINISTRATIVE DEPARTMENTS OF THE GOVERNMENT

Section 701 DEPARTMENTS

There shall be established those departments named in Section 701.1 of this Article and such other departments under County government as the County Administrator may recommend and the Board of County Commissioner shall approve to carry out the functions of County government.

Section 701.1 FUNCTIONS AND DUTIES OF DEPARTMENTS ESTABLISHED IN THIS CHARTER

(1) Department of Human Resources

The Department of Human Resources shall be responsible for the administration of the County's Personnel Administration System, with the authority and responsibilities set forth in this Charter and the Administrative Code.

(2) Department of Central Purchasing

The Department of Central Purchasing shall be responsible for the procurement of materials, equipment and services needed by the County, and the monitoring of purchases to ensure compliance with policies and procedures that promote intergovernmental and community cooperation through contracts, agreements and cooperative purchasing. All functions and services of the Department of Central Purchasing shall be made available to all departments and operations of the County funded by the Board of County Commissioners, including the County Officers.

Section 702 DEPARTMENT HEADS

Each department head shall be the principal officer of the department and responsible for all its operations.

Section 703 CHANGES IN DEPARTMENTS

Upon the recommendation of the County Administrator, the Board of County Commissioners may by resolution create or abolish departments and make changes within departmental organizations, including combinations, deletions, and transfer of responsibilities among departments, provided the Board may not abolish the departments established in Section 701.1 of this Charter.

**ARTICLE VIII
JUDICIAL SYSTEM**

Section 801 COURTS

The judicial branch of the Charter Government shall be as provided by the Constitution and Laws of Florida.

**ARTICLE IX
PERSONNEL ADMINISTRATION**

Section 901 PURPOSE

- (1) The purpose of this Article is to provide for a modern and comprehensive system of personnel administration based on merit principles and methods which promote efficiency and economy in personnel services, and fairness and equity to the employees and taxpayers of the County. The system shall provide means to recruit, select, develop, and maintain an effective and responsive work force.
- (2) Neither the employees of the County Officers nor the employees of the Escambia County Utilities Authority shall be covered by the County's Personnel Administration System, unless the County Officers or the Board of the Escambia County Utilities Authority elect to have their respective employees covered by the County's System, except that the Personnel Appeals Board shall have jurisdiction over the Escambia County Utilities Authority and the classified employees of the Escambia County Utilities Authority to hear and determine employee grievances, appeals from disciplinary actions, and complaints relating to administration of the personnel system of the Escambia County Utilities Authority.
- (3) If any of the County Officers or the Board of the Escambia County Utilities Authority elect to have his, her or its respective employees covered by the County's Personnel Administration System, the details regarding the terms on which such employees will be covered by the County's System shall be negotiated between the Board of County Commissioners and the County Officer or the Board of the Escambia County Utilities Authority, as the case may be, and the agreement reached by the parties shall be reduced to writing in an inter-local agreement executed by authorized officials of the parties.
- (4) Employees of the Santa Rosa Island Authority shall be covered by the County's Personnel Administration System. References to employees of the County or to County employees in this Article IX shall also apply to employees of the Santa Rosa Island Authority.

Section 902 MERIT SYSTEM

A merit system for the employees of the County shall be continued. Employees shall be recruited, employed, and managed on a merit-based system.

Section 903 NON-DISCRIMINATION POLICY

The County is committed to a policy of equal employment opportunity for all applicants and employees of the County. Employment decisions shall comply with all applicable laws prohibiting discrimination in employment, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1957, the Americans with Disabilities Act of 1990, the Immigration and Nationality Act, and any applicable State laws. Any applicant for a classified position or classified employee who has reason to believe that he or she has been discriminated against in violation of this policy may appeal to the Personnel Appeals Board.

Section 904 UNCLASSIFIED AND CLASSIFIED SERVICES

The personnel system of the County shall provide for the employment of qualified personnel and shall include all necessary provisions to ensure protection of both employee and employer. This system shall have two (2) basic divisions: the classified or career service and the unclassified service.

Section 904.1 CLASSIFIED OR CAREER SERVICE

The classified or career service shall include all County employees who are not in unclassified positions as provided in the Charter and who are covered by the merit system.

Section 904.2 UNCLASSIFIED POSITIONS

(1) Unclassified positions shall include:

- A. All elected officials, the County Administrator, the County Attorney, any deputy or assistant County Attorneys, the General Manager of the Santa Rosa Island Authority, and department heads appointed by the County Administrator.
- B. Members of boards, advisory councils and committees that serve without pay.
- C. Such other officials and employees of the County whose unclassified positions are approved by the Board of County Commissioners, within the limitations provided in this charter.

(2) Officials and employees of the County whose positions are unclassified at the time of Charter adoption may be continued in an unclassified status as provided herein. Two (2) years after the effective date of this Charter, the County Administrator shall recommend to the Board of County Commissioners which positions should be unclassified and the Board shall make the final determination whether a position, except those named in (1) A and (1) B above, is to be classified or unclassified.

- (3) The Department of Human Resources shall establish guidelines and criteria for the establishment of unclassified positions, except those named in (1) A and (1) B above. Only positions for senior management, professional and/or specialized personnel and positions requiring confidential relationships with elected officials or management will qualify as unclassified positions.
- (4) Continuation of existing unclassified positions and all requests for additional unclassified positions shall be supported by adequate documentation describing the duties, responsibilities and qualifications of the position and must be in accord with budgetary limitations.
- (5) No more than ten (10%) percent of the employees of the County, not including the positions named in (1) A above, shall be unclassified employees.
- (6) The Department of Human Resources created pursuant to Section 701.1 (1) of this Charter shall maintain a list of all unclassified positions along with the documentation relating to such unclassified positions. Each County Agency shall provide the Department of Human Resources with a current list, on an ongoing basis, of all their respective unclassified positions along with the documentation relating to such unclassified positions.

Section 905 STATUS OF EMPLOYEES

(1) Career Service

The status of all classified employees shall be fully protected; however, this provision shall not be interpreted to prevent the County from reducing its work force or laying off employees whose positions are abolished.

(2) Unclassified Employees

Employees of the County who are unclassified and hold their positions by appointment shall be continued under Charter if they are appointed under proper authority subject to the provisions of this Charter. An unclassified employee shall not be placed in a classified position until said employee has made application for, fulfilled the requirements of, and been examined for the position sought, and has been placed on the roster by the same procedure followed by other applicants.

Section 906 RECRUITMENT OF PERSONNEL

- (1) The Department of Human Resources shall be responsible for the recruitment of personnel for the County's classified or career service. Recruitment shall include classification, advertising, examination, establishment of eligibility lists and furnishing rosters of the eligible applicants to the County departments and County agencies requesting such rosters.

- (2) The Department of Human Resources shall also be responsible for the recruitment of personnel for the County's unclassified service, except for those positions named in Section 904.2(1) A of this Charter.

Section 907 EMPLOYMENT AND TERMINATION

- (1) Each department head or County agency head shall be responsible for the employment of classified employees from the roster of eligible applicants provided to such department head or agency head by the Department of Human Resources, and each department head or agency head will be responsible for the termination of employment of any classified employee for disciplinary reasons or because of a reduction in the number of classified employees for such department or agency.
- (2) Each department head and County agency head shall be responsible for the employment and termination of employment for those unclassified employees reporting to him.

Section 908 PAY PLAN FOR EMPLOYEES

- (1) The County Administrator shall cause a comprehensive classification and wage survey to be completed every three (3) years and shall make annual studies to determine the adequacy and fairness of the pay plan.
- (2) Prior to June 1st of each year, the County Administrator shall recommend the pay scales, wages and salaries, for all employees to the Board of County Commissioners. As the appropriating authority, the Board of County Commissioners shall make the final determination in approving annual wages for all County employees.
- (3) The existing pay plan at the time of Charter adoption shall remain in effect until amended as herein provided.
- (4) Nothing herein provided shall be construed to limit any rights of classified employees pursuant to Chapter 447, Florida Statutes.

Section 909 PERSONNEL MANAGEMENT

Each department head and County agency head shall be responsible for management of the personnel reporting to such department head or County agency head.

Section 910 ADMINISTRATION OF THE PERSONNEL ADMINISTRATIVE SYSTEM

The Department of Human Resources shall be responsible for the administration of the County's Personnel Administration System and shall be responsible for the promulgation of rules and procedures, subject to the approval of the Board of County Commissioners, for the administration of the Personnel Administration System.

Section 911 PERSONNEL APPEALS BOARD

- (1) There shall be an independent Personnel Appeals Board composed of five (5) members: one (1) appointed by the Board of County Commissioners, one (1) appointed by the Escambia County Utilities Authority, one (1) elected by the classified employees of the Escambia County Utilities Authority, one (1) elected by the classified employees of the County, and one (1) selected by the other four (4) members of the board, who shall serve as chairman of the Personnel Appeals Board. In the event the four (4) members of the Personnel Appeals Board are unable to agree upon a fifth (5th) member, then the fifth (5th) member shall be appointed by the Administrative Judge of the Circuit Court in Escambia County.
- (2) All members of the Personnel Appeals Board shall serve for staggered terms of four (4) years, except as provided in this Section. Initially, the member appointed by the Board of County Commissioners shall serve for four (4) years, the member appointed by the Escambia County Utilities Authority shall serve for two (2) years, the member elected by the classified employees of the Escambia County Utilities Authority shall serve for two (2) years, the member elected by the classified employees of the County shall serve for four (4) years, and the fifth (5th) member shall serve for four (4) years. No Board member may serve more than two (2) consecutive four (4) year terms.
- (3) The Board of County Commissioners and the Escambia County Utilities Authority shall provide reasonable compensation to the members of the Personnel Appeals Board for their services in such amounts as the Board of County Commissioners and ECUA Board jointly agree upon and shall reimburse the members of the Personnel Appeals Board for any necessary expenses they incur in carrying out their duties. Funding of such compensation and expenses shall be shared between the Board of County Commissioners and Escambia County Utilities Authority based proportionately on the number of classified employees of each.
- (4) The Personnel Appeals Board shall have the responsibility to hear and determine employee grievances, appeals from disciplinary actions, and complaints relating to the administration of the personnel systems of the County and the Escambia County Utilities Authority. Notwithstanding anything herein to the contrary, however, the Personnel Appeals Board shall have no jurisdiction or authority to review or consider any appeals, grievances, or complaints as to the granting,

failure to grant, or amount of discretionary merit adjustments made pursuant to the rules and regulations of the Departments of Human Resources of the County and the Escambia County Utilities Authority. The right of appeal referred to herein applies exclusively to members of the classified service.

- (5) Any County Officer may accept the jurisdiction of the Personnel Appeals Board. If any County Officer elects to allow his employees to appeal their termination or other grievances to the Personnel Appeals Board, the composition of the Personnel Appeals Board may be altered to include a representative selected by the County Officer and a representative chosen by the employees of the County Officer in accordance with the terms of an inter-local agreement to be negotiated between the Board of County Commissioners and such County Officer, provided further, if more than one County Officer accepts the jurisdiction of the Personnel Appeals Board, the composition of the Personnel Appeals Board may be altered to include one (1) representative selected on a rotating basis by the County Officers who accept the jurisdiction of the Personnel Appeals Board and one (1) representative elected by the employees of the County Officers who accept the jurisdiction of the Personnel Appeals Board in accordance with the terms of inter-local agreements to be negotiated between the Board of County Commissioners and such County Officers.
- (6) The Personnel Appeals Board is authorized to retain legal counsel for advise and to assist it in the conduct of any hearings and any mediations that may be required by the Personnel Appeals Board.
- (7) The Board of County Commissioners and the Escambia County Utilities Authority shall provide the Personnel Appeals Board with such financial support as may be necessary. This funding shall be shared between the Board of County Commissioners and the Escambia County Utilities Authority proportionately based on the number of classified employees of each. The Board of County Commissioners shall also provide a suitable meeting room for the Personnel Appeals Board.
- (8) The Department of Human Resources shall provide such administrative support for the Personnel Appeals Board as may be necessary.
- (9) In the event of a dispute regarding the financial support and administrative support that is needed by the Personnel Appeals Board, the Board of County Commissioners shall determine the support that is necessary.

**ARTICLE X
BUDGET AND FINANCE**

Section 1001 GENERAL

As provided in Florida Statutes, there shall be prepared, adopted and executed, an annual budget for such funds as may be required by law or by sound financial practices and generally accepted accounting principles. The fiscal year of the County shall begin on October 1st of each year and shall end on September 30th of the following year. The Board shall approve the annual budget.

Section 1002 BALANCED BUDGET

Both the proposed budget prepared by the County Administrator and the final budget adopted by the Board shall provide that proposed expenditures will not exceed projected revenues and reserves.

Section 1003 THE BUDGET OFFICER

The County Administrator shall be the Budget Officer of the County. The County Administrator shall appoint a Manager of an Office of Management and Budget (OMB) who shall prepare a proposed annual budget reflecting established policies covering revenues, expenditures, reserves, debts and capital improvements. The budget shall be prepared to be consistent with the Strategic Plan adopted by the Board as provided in Section 301.2 of this Charter. It shall reflect projected revenues and expenditures, for the County and its County Officers and agencies with the exception of the Escambia County Utilities Authority (ECUA). The Board will adopt a final budget after holding public hearings as provided in general law.

Section 1003.1 PREPARATION OF THE BUDGET

- (1) It shall be the responsibility of the County Administrator to prepare and submit a proposed budget for the ensuing fiscal year to the Board. The County Officers as required by general law shall provide all information and data necessary for the preparation of the proposed budget relating to their offices.
- (2) There shall be included within the general fund of the budget a reserve for contingency as provided for in general law.

Section 1003.2 SUBMISSION AND APPROVAL OF ANNUAL BUDGETS

As provided in Florida Statutes, the proposed consolidated budget shall be submitted to the Board in July for review and development of a Proposed Budget to be presented at a First Public Hearing in September. After receiving input from the public, the Board will hold a Second Public Hearing. At the conclusion of the Second Public

Hearing the Board will adopt a resolution stating the millage rates to be levied and adopt the final budget to become effective October 1st.

Section 1003.3 STATUS OF BUDGET AFTER ADOPTION

On a quarterly basis, the County Administrator will provide the Board with appropriate and consistently formatted summary financial information and other analyses, together with narrative explanations, to facilitate the Board's review of the status of the County's annual operating budget.

Section 1004 BONDS

As may be prudent and feasible, in accordance with general law, the Board may issue bonds to provide capital funding for projects deemed important to the economical and environmental well-being of the County.

Section 1004.1 AUTHORITY TO ISSUE

All bonds, certificates of indebtedness, and other forms of tax anticipation certificates authorized or permitted by general law and this Charter may be issued by the County, provided they shall be issued in accordance with the applicable provisions of general law or this Charter.

Section 1004.2 BONDS PAYABLE FROM AD VALOREM TAXATION

The County may not issue any bonds, certificates of indebtedness, or any form of tax anticipation certificates payable from ad valorem taxation and maturing more than twelve (12) months after issuance without approval by vote of the electors of Escambia County.

Section 1004.3 SALE OF BONDS

All bonds issued by the County shall be sold at public sale and after being duly advertised shall be awarded to the bidder whose bid produces the lowest net interest cost for such bonds, calculated in the manner the Board may prescribe; provided, however, that under the circumstances permitted by general law, bonds of the County may be sold at negotiated sale provided that the disclosure requirements respecting such negotiated sale by general law are satisfied. The Board shall reserve the right to reject any and all bids.

Section 1004.4 DISCLOSURE

All notices advertising the public sale of bonds issued by the County shall state, in general, the purpose for which the bonds are being issued, the sources from which the bonds will be paid, and the manner in which the bond proceeds will be expended. Within thirty (30) days from the date the County accepts a bid for the purchase of bonds to be issued by the County, the County shall publish a legal notice stating the names of the managing underwriter(s), underwriters' legal counsel, bond counsel and financial advisor,

the cost that will be incurred by the County in the issuance of the bonds, the rate of interest to be paid on the bonds and the maturity date of the bonds.

Section 1004.5 BOND ADMINISTRATION

The County shall have the necessary authority to administer the collection of funds and the payments of amounts due on any bonds issued by the County.

Section 1005 AUDIT COMMITTEE

The Board shall establish an Audit Committee to perform the duties and responsibilities set forth herein below.

Section 1005.1 AUDIT RESPONSIBILITY

The Board shall provide for an annual financial audit of its accounts and records by an independent certified public accountant, all as required by general law.

Section 1005.2 AUDIT COMMITTEE—GENERAL

To assist with the proper discharge of this audit responsibility, the Board shall establish an Audit Committee whose primary responsibility shall be to oversee all aspects of the independent audit of the County's accounts and records. This Audit Committee shall also serve as the auditor selection committee called for in Section 218.391, Florida Statutes, and shall utilize the auditor selection procedures set forth therein. The Audit Committee's duties shall include, but not be limited to, preparing requests for proposals; evaluating qualifications of proposing audit firms; making recommendations on auditor selection to the Board; developing written agreements for auditor services; monitoring the audit; evaluating auditor performance; and ensuring that the County properly implements appropriate actions addressing audit findings. In addition to the above, the Audit Committee shall also periodically review the County's internal audits and financial control procedures, and related matters, and shall from time to time make such recommendations relating thereto (including suggestions on internal audits to be performed) as it deems appropriate.

In the discharge of its responsibilities, the Board shall see to it that:

- (1) The Audit Committee is afforded free access to the County Administrator who shall be responsive to the Committee's reasonable requests, support, directions and needs; and
- (2) Members of the Audit Committee are properly informed regarding both the role of the Audit Committee and their personal responsibility as members, including a duty to exercise an appropriate degree of professional skepticism.

At least annually, the Audit committee shall present to the Board a written report of how it has discharged its duties and met its responsibilities.

Section 1005.3 AUDIT COMMITTEE—MEMBERSHIP

The Audit Committee shall consist of six (6) members.

The six (6) members shall be a County Commissioner; the Clerk of the Circuit Court; and one person appointed by each of the Property Appraiser, Tax Collector, Supervisor of Elections and Sheriff. None of the four (4) appointees shall be employed by the County, directly or indirectly, nor shall they provide, or be eligible to provide, any compensated professional or other services to the County, directly or indirectly, during their tenure on the Audit Committee. Such appointees shall be either certified public accountants or certified internal auditors with documented expertise in the fields of accounting and auditing, preferably in a local government context. Appointees shall serve two (2) year terms and may be reappointed for a maximum of three (3) consecutive terms. To provide for staggered terms, the initial appointees of the Supervisor of Elections and Sheriff shall serve one (1) year terms.

The chairperson of the Audit Committee shall be selected from among the four (4) appointed members.

ARTICLE XI ESCAMBIA COUNTY UTILITIES AUTHORITY

Section 1101 STATUS

The Escambia County Utilities Authority (herein referred to as "ECUA"), created and established by Chapter 92-248, Laws of Florida, as amended (hereinafter referred to as "Chapter 92-248"), shall be an independent Charter agency under this Charter and as such shall not be under the control of the Board of County Commissioners. Only those provisions of this Charter expressly made applicable to the ECUA by reference in this Article or by specific language in other Articles of the Charter shall apply to the ECUA.

Section 1102 PURPOSES AND POWERS

ECUA shall have the same purposes and powers as those conferred by Chapter 92-248. The provisions of Chapter 92-248, as they exist on the date that this Charter is approved by the voters of Escambia County, are incorporated in this Article by reference, and ECUA shall be subject to the provisions thereof, except as otherwise expressly provided in this Charter.

Section 1103 LEGISLATIVE BODY

- (1) The legislative body of ECUA shall be a Board consisting of five (5) members, elected on a partisan basis in staggered terms by district in accordance with general law (herein referred to as the "ECUA Board"). For purposes of electing members from the five (5) districts, the ECUA shall utilize the five (5) districts established for elections of Escambia County School Board members.
- (2) ECUA Board members shall begin their terms of office on the Tuesday two (2) weeks following the day of the general election.

- (3) The establishment and adoption of policy shall be legislative and the responsibility of the ECUA Board. The ECUA Board shall adopt an Administrative Code in accordance with general law and this Charter. The Administrative Code shall contain the current resolutions, the rules of procedure adopted by the ECUA Board, the organization of the ECUA departments, the statements of established ECUA policy, guidelines for establishing and administering cash management and investment policies, and administrative regulations.
- (4) The salary of each member of the ECUA Board shall be established by the ECUA Board, but in no event shall it exceed the salary established for members of the Escambia County School Board by general law. Board members shall be paid for justified expenses as set forth in the Administrative Code of ECUA.
- (5) Those persons serving as members of the ECUA Board on the effective date of this Article shall continue to serve until the expiration of their then current terms of office.

Section 1104 ADMINISTRATION

The ECUA Board shall appoint an Executive Director who shall be responsible for the execution of the Board's policies. The Executive Director shall be appointed by a vote of a majority of the ECUA Board and may be removed at any time by an affirmative vote of a majority of the ECUA Board.

Section 1105 PERSONNEL ADMINISTRATION

- (1) The ECUA Board shall establish, adopt, and maintain an ECUA Personnel Administration System for its employees to take effect on October 1, 2005. The Personnel Administration System shall be a merit-based system and shall include a non-discrimination policy, and shall provide for an unclassified and classified service. The ECUA Board shall establish a department to administer the Personnel Administration System under the supervision and direction of the Executive Director. The details of the ECUA Personnel Administration System shall be contained in the ECUA Administrative Code.
- (2) The Personnel Appeals Board established by Article IX, Section 911 of this Charter shall have appellate authority over the ECUA Personnel Administration System. Any grievances, appeals and complaints relating to the administration of the ECUA Personnel Administration System shall be made to the Personnel Appeals Board. The ECUA shall compensate the members of the Personnel Appeals Board for their services as provided by Article IX, Section 911 of this Charter.

- (3) Notwithstanding the requirements contained within this Article, the ECUA Board may, by majority vote, elect to utilize the Personnel Administration System established for the County by Article IX of this Charter. The ECUA shall pay reasonable compensation to the County for utilizing its Personnel Administration System, the amount of which shall be agreed upon by both the ECUA Board and the Board of County Commissioners.
- (4) During the period leading up to the effective date of the Personnel Administration System required by this Section, the existing Civil Service Board shall continue to administer the civil service system for the ECUA.

Section 1106 RECALL

ECUA Board members may be recalled and removed from office in the same manner, under the same procedures, and for the same grounds as are provided by general law for the recall of members of the governing body of a chartered county.

Section 1107 VACANCIES

A vacancy in the office of an ECUA Board member shall occur upon the death of the incumbent, his or her removal from office, resignation, unexplained absence for sixty (60) consecutive days, disability of such a nature that he or she is unable to perform his or her duties for one hundred twenty (120) consecutive days, or failure to maintain residence in the district from which he or she was elected (except that any ECUA Board member in office who is removed from his or her district as a result of redistricting may serve out the balance of his or her term).

As soon as practical after any such vacancy is determined, the ECUA Board shall fill the vacancy by appointment of a person who shall meet the same residency requirements as a candidate for the office of an ECUA Board member.

The person so appointed shall serve only until the second Tuesday following the next general election that affords candidates for the previously vacated office a full qualifying period. The newly elected person to the previously vacated office shall then serve either the remainder of the unexpired term of office, or a full four (4) year term of office, as the case may be for that particular ECUA district.

Section 1108 AMENDMENTS RELATING TO THE ECUA

The Board of County Commissioners may not amend the provisions contained in this Article XI. A Charter amendment approved by the voters shall be required to amend or change the provisions relating to the ECUA.

**ARTICLE XII
ADMINISTRATIVE, REGULATORY AND ADVISORY BOARDS AND
AUTHORITIES**

Section 1201 BOARDS AND AUTHORITIES

The Board of County Commissioners may create by ordinance, specifying the duties and membership thereof, such administrative, regulatory and advisory boards as it finds necessary and may also, by ordinance, abolish or alter such boards so created, except as otherwise provided in this Charter. Members of these boards shall be electors of the County and serve without compensation, except for expenses as provided by general law and as approved by the Board of County Commissioners.

Section 1202 SANTA ROSA ISLAND AUTHORITY

- (1) The Santa Rosa Island Authority (herein referred to as “SRIA”) and its functions, responsibilities, duties and obligations as provided for in Chapter 24500, Laws of Florida, (1947), as amended (hereinafter referred to as “Chapter 24500, Laws of Florida”), shall continue to exist as a Charter agency under this Charter, responsible to the Board of County Commissioners in accordance with the provisions contained in the aforesaid special act, except as herein provided.
- (2) SRIA shall have the same purposes and powers as those conferred by Chapter 24500, Laws of Florida. The provisions of Chapter 24500, Laws of Florida, as they exist on the date that this Charter is approved by the voters of Escambia County, are incorporated in this Section by reference, and SRIA shall be subject to the provisions thereof, except as otherwise expressly provided in this Charter.
- (3) The SRIA shall consist of six (6) members. All members elected or appointed to the SRIA after the effective date of this Charter shall be electors of the County.
- (4) Five (5) members shall be appointed by the Board of County Commissioners to serve staggered four (4) year terms in such manner as the Board may determine. Those members previously appointed by the Board whose terms expire in 2006 shall remain in office, and their terms shall expire after the 2006 general election. Members are eligible for reappointment by the Board of County Commissioners, provided however that no member may serve more than two (2) consecutive terms in office. This limitation shall take effect following the 2004 general election. Appointed members of the SRIA may be removed from office by a majority vote of the Board of County Commissioners.

- (5) The remaining one (1) member of the SRIA shall be elected by the leaseholders of Pensacola Beach, as provided by Chapter 24500, Laws of Florida. The elected member shall serve a four (4) year term. Commencing with the 2004 general election, the elected member may not serve more than two (2) consecutive terms in office.
- (6) The elected member shall take office at midnight of the date of the election. The appointed members shall be appointed and shall take office as soon as practical following the general election.
- (7) The SRIA shall utilize the Personnel Administration System established for County employees by Article IX of this Charter. The SRIA shall pay reasonable compensation to the County for utilizing its Personnel Administration System in accordance with the terms of an inter-local agreement negotiated between the Board of County Commissioners and the SRIA.
- (8) The provisions contained in this Section 1202 may not be amended by the Board of County Commissioners. A Charter amendment approved by the voters shall be required to amend or change the provisions relating to the SRIA.

ARTICLE XIII CODE OF ETHICS

Section 1301 CODE OF ETHICS

All members of the Board of County Commissioners, the Escambia County Utilities Authority, and the Santa Rosa Island Authority, as well as all employees of these bodies, and all agents or appointed members of boards and committees shall be subject to the Code of Ethics for public officers and employees as provided in Part III of Chapter 112, Florida Statutes, as such chapter now exists or may hereafter be amended.

ARTICLE XIV CHARTER AMENDMENTS

Section 1401 PROPOSED CHARTER AMENDMENTS

This Charter shall be amended only by referendum election. Amendments may be proposed by one (1) of three (3) methods described in this Article. Each proposed amendment regardless of the method employed, shall embrace but one (1) subject, and matters included in the amendment must have a natural and logical connection with the subject.

Section 1401.1 PROPOSED AMENDMENTS BY BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners, by an affirmative vote by seven (7) of its members, shall have the authority to propose amendments to this Charter.

Section 1401.2 PROPOSED AMENDMENTS BY PETITION

- (1) Amendments to the Home Rule Charter may be proposed by petition signed by a number of electors equal to at least fifteen (15%) percent of the number of electors qualified to vote in the County as a whole in the last preceding general election.
- (2) Proposed amendments to this Charter by petition may not amend the County budget, debt obligations, the assessment or collection of taxes or the rezoning of land. These policy areas are pre-empted by state law.
- (3) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which 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 one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law.
- (4) The Supervisor of Elections shall within forty-five (45) days after receipt of the petitions verify the signatures on the petitions and shall certify to the Board of County Commissioners that the requisite number of signatures has been verified. The Board of County Commissioners shall then comply with the provisions of Section 1402 of this Charter.

Section 1401.3 CHARTER REVIEW COMMISSION

The Board of County Commissioners, no fewer than three (3) and no more than five (5) years from the effective date of this Charter, and at least every ten (10) years thereafter, shall appoint a Charter Review Commission of no fewer than eleven (11) and no greater than fifteen (15) members whose duty it shall be to review the Charter. The Charter Review Commission shall be organized and shall function in the manner set forth in Sections 125.61 (2) and 125.62, Florida Statutes. Within one (1) year of its initial meeting, the Charter Review Commission shall present to the Board of County Commissioners its proposed amendments, if any, to the Charter. The Board of County

Commissioners shall then comply with the provisions of Section 1405 of this Charter. Upon completion of its report, the Charter Review Commission will be dissolved.

Section 1402 AMENDMENT REFERENDUM

- (1) Any amendment to this Charter proposed in accordance with this Article shall be subject to referendum. Notice of said referendum, together with the exact language of the proposed amendment, shall be published twice in a newspaper of general circulation in the County, one (1) notice not more than forty-five (45) days nor less than thirty (30) days prior to the referendum election, and another notice shall be likewise published not more than ten (10) days nor less than five (5) days prior to the referendum election. Proposed amendments shall be placed on the ballot as received, without revision. Passage of proposed amendments shall require approval of a majority of electors voting in said election.
- (2) Each proposed amendment shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring no less than sixty (60) days from the date that the Board of County Commissioners proposes an amendment to the Charter under Section 1401.1 or receives the proposed amendment under Sections 1401.2 or 1401.3. The Board of County Commissioners may call a special election to present the proposed amendment to the electorate, provided, however, that no vote on a proposed amendment shall be delayed beyond a period of one (1) year from the date that the proposed amendment is submitted to the Board of County Commissioners.
- (3) If approved by a majority of those electors voting on the amendment at the general or special election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

**ARTICLE XV
MISCELLANEOUS PROVISIONS**

Section 1501 EFFECT ON LOCAL ORDINANCES, REGULATIONS, AND RESOLUTIONS

All existing ordinances, regulations and resolutions of the County shall remain operative except where inconsistent or in direct conflict with this Charter or until amended or repealed by the Board of County Commissioners. Any existing ordinance, regulation, or resolution of the County inconsistent with or in conflict with this Charter is hereby repealed.

Section 1502 CONFLICT OF COUNTY ORDINANCES WITH MUNICIPAL ORDINANCES

Notwithstanding any other provisions of this Charter, any County ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict, regardless of whether such municipal ordinance was adopted or enacted before or after the County ordinance; provided that County ordinances shall prevail over municipal ordinances whenever the County shall set more restrictive standards protecting the environment by prohibiting or regulating air or water pollution or the destruction of the resources of the County belonging to the general public. Nothing in this Charter shall prohibit a municipality within the County from enacting more restrictive standards protecting the environment than the standards set by the County.

Section 1503 INELIGIBILITY FOR APPOINTMENT

Members of the Board of County Commissioners, the Escambia County Utilities Authority, and the Santa Rosa Island Authority shall not be eligible for appointment to any compensated office, position or employment in the Charter Government, during the term for which they have been elected or appointed, nor shall they be eligible for appointment to any compensated office, position, or employment under the jurisdiction of the Board or Authority on which they served for a period of one (1) year after the expiration of their service on such Board or Authority.

Section 1504 SPECIAL ACTS

- (1) The functions, responsibilities, duties, and obligations under or pursuant to all Special Acts relating to the County that are regulated, governed by, or funded by the Board of County Commissioners are hereby transferred to and vested in the Charter Government.
- (2) As provided by general law, the Board of County Commissioners may by ordinance amend or repeal any local or Special Acts of the Legislature applicable solely to the unincorporated area of the County, except the Special Act creating the SRIA.
- (3) All other local or Special Acts vested in the Charter Government shall remain in effect except as amended by this Charter, and may be amended or repealed only by amendments to this Charter.
- (4) No Special Acts enacted by the Florida Legislature after the effective date of this Charter shall affect the Charter Government without the specific approval of the voters.

Section 1505 REFERENDUMS TO INITIATE, AMEND OR REPEAL ORDINANCES

- (1) The electors of Escambia County shall have the right to initiate county ordinances in order to establish new legislation that is not in conflict with the State Constitution, general law or this Charter, and to amend or repeal existing ordinances when such amendments or repeal are not in conflict with the State Constitution or general law, upon petition signed by a number of electors equal to at least fifteen (15%) percent of electors qualified to vote in the last preceding general election. Any proposed ordinance shall embrace but one (1) subject, and matters included in the proposed ordinance must have a natural and logical connection with the subject.

- (2) The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of the proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed and obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by ordinance. The sponsor shall cause a notice of such submission to be published within fourteen (14) days thereof in a newspaper of general circulation in the County. The allowable period for obtaining signatures on the petition shall be one hundred eighty (180) days after approval by the Supervisor of Elections of the form on which signatures will be affixed. When a sufficient number of signatures are obtained, the sponsor shall thereupon submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees required by general law. The Supervisor of Elections shall, within forty-five (45) days after submission, verify the signatures thereon, or specify a reason for the invalidity of each rejected signature if the petition is rejected for insufficiency of the number of valid signatures. If the petition is rejected for insufficiency of the number of valid signatures, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.

- (3) Within thirty (30) days after the requisite number of names has been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board of County Commissioners shall give notice and hold a public hearing on the adoption, amendment, or repeal of the proposed ordinance according to law and vote on it. If the Board fails to enact the proposed ordinance, or fails to amend or repeal the existing ordinance that is the subject of the petition, the proposed ordinance shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring no less than sixty (60) days from the date of the resolution. The Board of County Commissioners may call a special election to present the proposed ordinance to the electorate, provided, however, that no vote on a proposed ordinance shall be delayed beyond a period of one (1) year from the

date that the proposed ordinance is submitted to the Board of County Commissioners.

- (4) If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by resolution of the Board of County Commissioners to be enacted and shall become effective on the date specified in the ordinance, or if not so specified, on January 1 of the succeeding year. The Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general election, without the approval of a majority of the electors voting at a referendum called for that purpose.
- (5) The power to enact, amend or repeal an ordinance by initiative shall not include ordinances or provisions relating to the county budget, debt obligations, the assessment or collection of taxes, or the rezoning of land. These policy areas are pre-empted by state law.

Section 1506 SEVERABILITY

If any Article, Section, subsection, sentence, clause or provision of this Charter is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to render invalid or unconstitutional the remaining provisions of this Charter.

**ARTICLE XVI
TRANSITION PROVISIONS**

Section 1601 REFERENDUM AND BALLOT

Election on this Charter shall be held in accordance with the requirements of the Constitution and Laws of Florida. The question on the ballot shall be as follows :

**Escambia County Home
Rule Charter Question**

Shall Escambia County, Florida have Home Rule charter with all rights and powers of local self government, an elected ten (10) member County Commission from seven (7) Districts and three (3) at large, an appointed Administrator, elected Constitutional County Offices, limitations on the taxing authority of the County Commission, the non-partisan election of the Supervisor of Elections, an audit Committee, a merit based Personnel Administration System, voter recall, citizen initiatives for County Ordinances and Charter Amendments ?

Yes for Approval _____
No for Rejection _____

Section 1602 EFFECTIVE DATE

This Charter shall become law when approved by a majority of those voting in a special election to be held in the County in March 2004 under the provisions of the Constitution and Laws of Florida; provided that, except for those matters specifically mandated to occur at an earlier date by this Charter, the provisions of this Charter shall take effect on November 16, 2004, the date the newly-elected County Commissioners take office.

Section 1603 INITIAL COUNTY COMMISSIONERS

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

Section 1604 REDISTRICTING IN 2004

The existing Board of County Commissioners shall, as soon as practical after this Charter is adopted, but no later than April 30, 2004, divide the entire County into seven (7) single member districts, numbered Districts One through Seven, from each of which one (1) County Commissioner shall be elected by the electors residing in each of the seven (7) districts, and divide the entire County into three (3) residence areas, with a northern, central and southern area of approximately equal populations, numbered Areas One, Two and Three, from each of which one (1) County Commissioner shall be elected by all of the electors of the County. In carrying out this redistricting, the Board shall do so in accordance with general law, including non-dilution of minority representation on the Board of County Commissioners below that level mandated in McMillan vs. Escambia County, 748 F.2d 1037 (5th Cir. 1984).

Section 1605 RETENTION OF COUNTY COMMISSIONERS ELECTED IN 2002

The two (2) County Commissioners elected from Districts Two and Four in the general election held in November of 2002 shall remain in office until the second Tuesday after the general election in 2006; however, commencing as of the second Tuesday after the general election in 2004, these two (2) County Commissioners shall represent the districts within which they reside after the redistricting of the County in accordance with Section 1604 of this Charter. Their districts shall be numbered District Two and District Four, respectively. These two (2) County Commissioners shall continue to receive the salary during the remaining two (2) years of their terms that they would have received if this Charter had not been adopted.

Section 1606 QUALIFYING FOR THE OFFICE OF COUNTY COMMISSIONER

Candidates desiring to qualify for the office of County Commissioner in 2004 may qualify for one (1) of the seven (7) County Commission Districts created by this Charter, other than the two (2) districts represented by the two (2) County Commissioners elected in November of 2002 who are being retained in office, or for one (1) of the three (3) at large residence areas by petition filed in accordance with general law (as modified by the “alternative method of qualifying” allowed under Section 302 of this Charter) by June 21, 2004, or by filing for qualification between July 12 and July 16, 2004, in accordance with general law.

Section 1607 ELECTIONS FOR THE COUNTY COMMISSION IN 2004

Elections to fill the eight (8) County Commissioner positions that will be available for election in 2004 will be held at the general election in November of 2004 in accordance with general law and the provisions in this Charter. The County Commissioners elected to represent Districts One, Three, Five, and Seven and elected from Area Two shall serve for terms of four (4) years; the County Commissioners elected to represent District Six and elected from Areas One and Three shall serve for terms of two (2) years. At the general election to be held in November of 2006, the County Commissioners elected to represent Districts Two, Four, and Six and elected from Areas One and Three shall serve for terms of four (4) years. Thereafter, the term of office for all County Commissioners shall be four (4) years.

Section 1608 ALTERNATIVE REDISTRICTING

In the event that the Board of County Commissioners fails to redistrict the County in accordance with the directions contained in Section 1604 of this Charter by April 30, 2004, the County Attorney shall immediately petition the Circuit Court for the First Judicial Circuit to perform such redistricting.

Section 1609 THE SRIA BOARD

As soon as practical after the general election held in November of 2004, the Board of County Commissioners shall appoint three (3) members to serve on the SRIA Board. These three (3) members shall join the two (2) members appointed to the SRIA Board whose terms expire in 2006 and the member elected by the leaseholders of Pensacola Beach. The term of office for the three (3) members to be appointed by the Board may be either two (2) or four (4) years, as determined by the Board, but to achieve staggered terms for the members of the SRIA Board, at least two (2) of the members shall be appointed to four (4) year terms.

Section 1610 ESTABLISHMENT OF THE COUNTY'S PERSONNEL ADMINISTRATION SYSTEM

The Personnel Administration System established in Article IX of this Charter shall not be implemented until October 1, 2005. Between the effective date of this Charter and October 1, 2005, the Civil Service Board shall continue to administer the civil service system for those appointing authorities that are covered by the Civil Service Act as of the effective date of the Charter. Within sixty (60) days from the effective date of the Charter, a five (5) member panel, consisting of two (2) members appointed by the County Administrator, two (2) members elected by the classified employees of the County, and one (1) member selected by the other four (4) members, who shall serve as chairman of the panel, shall be created by the Board of County Commissioners to make recommendations to the Board regarding the rules and procedures to be adopted for administration of the County's personnel administration system. The panel's recommendations shall be forwarded to the Board by no later than July 1, 2005, and within sixty (60) days from the Board's receipt of the panel's recommendations, the Board of County Commissioners shall adopt rules and procedures for administration of the County's personnel administration system, which rules and procedures shall be published in the Administrative Code. The panel with representatives from the officials and groups designated hereinabove shall continue to function from year to year as an advisory body to the Department of Human Resources and shall report periodically to the Board of County Commissioners regarding any recommendations for changes to the published rules and procedures for administration of the County's personnel system.

Section 1611 OUTSTANDING BONDS

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

Section 1612 GENERAL PROVISIONS

Unless expressly provided otherwise in this Home Rule Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Escambia County or the validity of any of its laws, ordinances, regulations, and resolutions.

Section 1613 PROCEEDINGS CONTINUED

All proceedings and petitions pending before any officer or office, department, or board of any of the former governments or districts shall remain in full force and effect. All such petitions, hearings, or other proceedings shall be completed by the offices, officers, departments, or boards of the Charter Government succeeding to the rights,

duties, and obligations of former governments.

**Section 1614 PROVISIONS RELATING TO BOARDS AND AUTHORITIES
CREATED BY SPECIAL ACTS OF THE FLORIDA
LEGISLATURE**

Enforceability of the provisions contained in this Charter which restructure, reorganize, abolish or otherwise affect Boards and Authorities created by Special Acts of the Florida Legislature enacted or substantially amended after the effective date of the 1968 Florida Constitution, such as the Civil Service Board, the Escambia County Utilities Authority, and the Santa Rosa Island Authority, is conditioned upon the Florida Legislature enacting legislation which either repeals the Special Acts creating such Boards and Authorities or approves these Boards and Authorities becoming Charter Boards and Authorities subject to the provisions contained in this Charter. Notwithstanding the language contained in Section 1504 of this Charter, any Special Acts enacted by the Florida Legislature repealing the Special Acts creating such Boards and Authorities or approving these Boards and Authorities becoming Charter Boards and Authorities shall not be subject to approval by the voters of Escambia County in a separate special election.

**SECTION 1615 CHANGE IN NAME OF ESCAMBIA COUNTY UTILITIES
AUTHORITY**

The ECUA Board has requested that the name of the Escambia County Utilities Authority be changed to the Emerald Coast Utilities Authority and the local legislative delegation has indicated it intends to introduce legislation during the 2004 legislative session to change the Authority's name. If the Florida Legislature approves the requested name change during the 2004 Legislative Session, the Escambia County Utilities Authority will thenceforth be known as the Emerald Coast Utilities Authority.