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**ARTICLE I
CREATION OF THE GOVERNMENT**

SEC. 101 PURPOSE

We, the people of Escambia County, Florida, in order to create a more responsible, accountable and efficient local government, do ordain and establish this Charter of Escambia County, Florida as our Home Rule Charter and form of government, in accordance with general law.

SEC. 102 PROHIBITION OF CONSOLIDATION

Notwithstanding any provision herein, 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 general law and under a special law specifically

providing for such an election.

SEC. 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.

SEC. 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 shall be in Escambia County, and the boundaries of the County shall be those designated by law.

**ARTICLE II
POWERS AND DUTIES OF THE COUNTY**

SEC. 201 GENERAL POWERS OF THE COUNTY

This County shall have all the general powers of local self-government not inconsistent with general law and this Charter.

SEC. 202 SPECIAL POWERS

The County and all agencies under this Charter shall have all the authority, powers, and duties heretofore granted by legislative special acts, general laws of local application, or ordinances, as may be in force at the effective date of this Charter and which are not inconsistent with this Charter.

SEC. 203 PROTECTION AGAINST ABUSES AND ENCROACHMENTS

In order to secure to the citizens of the County protection against abuses and encroachments, the County shall use its powers to provide for all citizens:

(1) Just and Equitable Taxation: The County shall prevent the imposition of any tax within the County in excess of the limitations imposed by general law or this Charter;

(2) Proper Use of Public Property: The County and all agencies under this Charter shall prevent the use of public property or taxing power for the benefit of private individuals, partnerships, or corporations in violation of the restrictions imposed by general law;

(3) Full Disclosure of Public Records and Proceedings: All meetings, proceedings and records of the County and all agencies

under this Charter shall be open to the public in accordance with general law.

SEC. 204 DIVISION OF POWERS

This Charter hereby establishes separation between the legislative and administrative functions of this government. The establishment and adoption of policy shall be legislative and the responsibility of the Board of County Commissioners; the execution of that policy shall be administrative and the responsibility of the County Manager. Elected County Charter Officers shall also have such administrative functions and responsibilities as may be provided by general law and not inconsistent with this Charter. Judicial functions shall be as provided by general law.

SEC. 205 CONSTRUCTION

The powers granted by this Charter shall be construed liberally in favor of the Charter Government. The 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 Article to grant to the County full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the Charter Government. All descriptive nouns and pronouns within this Charter shall be construed as singular or plural, or masculine or feminine, as the context may require in the construction of positions, offices, and the other provisions herein.

SEC. 206 EXERCISE OF POWERS

All powers of the County shall be exercised and executed as provided by the Charter or, if the Charter makes no provisions, as provided by general or special law.

SEC. 207 OATH

All elected or appointed officers, board members, or persons serving in positions specified in this Charter shall, as a qualifying condition precedent to serving, swear or affirm the oath of public officers set out in the Constitution of the State of Florida, said oath to be filed with the Clerk of the Circuit Court.

**ARTICLE III
LEGISLATIVE BRANCH -- BOARD OF COUNTY COMMISSIONERS**

SEC. 301 COMPOSITION -- BOARD OF COUNTY COMMISSIONERS

Except as otherwise provided in the Charter, all powers of the County shall be vested in a Board of County Commissioners, hereinafter referred to as the "Board," composed of five (5) elected members. The County shall be divided into five (5) districts. One (1) Board member shall be elected from each District by the electors of that District.

SEC. 302 TERMS OF OFFICE

(1) All County Commissioners shall be elected for staggered terms of four (4) years, except as provided for in this Article.

(2) On the effective date of this Charter, the five (5) district seats created by this Charter shall be filled by the Board members in office, with each member continuing in office as a Commissioner of the district from which elected until the election and qualification of a successor.

SEC. 303 QUALIFICATIONS

(1) Each candidate for County Commissioner shall be a qualified elector of the County and shall have been a resident of the County for at least two (2) years immediately preceding the date on which he or she qualifies to run for office. Candidates for County Commissioner shall have been bona fide qualified voters within the district from which they qualify to run for office for at least one (1) year prior to the date on which they qualify to run for office. Any Commissioner who changes residence from the County, and any Commissioner elected within a district who changes residence from the district from which the Commissioner was elected shall be deemed to have vacated his office.

(2) If a Commissioner ceases to be a qualified elector of the County, or is convicted of a felony or a crime involving misfeasance or malfeasance in office, he shall be deemed to have vacated his office.

SEC. 304 QUORUM; VOTING

Three (3) Board members shall constitute a quorum to do business, but a lesser number may adjourn from time to time. The affirmative vote of not less than three (3) Board members shall be necessary to pass or adopt all matters under consideration by the Board, except where a greater number is required under this Charter. A vote to adjourn may be adopted by a majority of the members present. No member shall be excused from voting, except on matters involving a conflict of interest. Voting shall be by roll call and the "yeas" and "nays" shall be recorded.

SEC. 305 MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS

(1) The Board of County Commissioners shall meet regularly at least twice in every month, at such time and place as the Board may prescribe by rule, and at other times the Board deems necessary; at least one meeting each month shall be held in the evening, beginning not earlier than 6:00 p.m.

(2) An agenda for each regular meeting in sufficient detail to advise the public of the matters to be discussed at such meeting shall be prepared and made available at least seventy-two (72) hours prior to the meeting. Non-agenda items shall be acted upon only in an emergency situation which requires action prior to the next regular meeting.

(3) Special meetings shall be called by the Clerk of the Board upon request of the Chairman of the Board or two (2) members of the Board. Written notice thereof shall be given and shall state the subject or subjects to be considered at the special meeting, and no other subject shall be considered. Special meetings shall require not less than twenty-four (24) hours actual notice to each Commissioner and the public, except in an emergency.

(4) Meetings of the Board and of the committees thereof shall be open to the public, and the rules of the Board shall ensure that the citizens of the County shall have a reasonable opportunity to appear and to be heard.

SEC. 306 POWERS REGARDING ELECTIONS, MEMBERS, RULES AND BUSINESS

(1) The Board may determine the election and qualifications of its members in the event there is uncertainty relating thereto and, in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers, but the decision of the Board in any case shall be subject to judicial review.

(2) The Board shall determine its own rules and order of business and shall provide for keeping a written record of proceedings.

SEC. 307 LEGISLATIVE PROCEDURES -- EFFECTIVE DATES OF ORDINANCES AND REGULATIONS; EMERGENCY MEASURES

All ordinances passed by the Board, in the manner provided by general law and this Charter, shall be filed with the Department of State within ten (10) days after enactment. An ordinance shall take effect upon receipt of official acknowledgment from that office that said ordinance has been filed; provided, however, that any ordinance may prescribe a

later effective date. Emergency enactments shall follow the procedures as set forth in general law.

SEC. 308 RIGHT OF VARIOUS OFFICERS TO PARTICIPATE IN BOARD DISCUSSIONS

Elected County Charter officers, the County Manager, the County Attorney, and such other County employees as may be designated by majority vote of the Board, shall be entitled to appear before the Board in all matters relating to their respective offices and departments.

SEC. 309 COMPENSATION -- BOARD OF COUNTY COMMISSIONERS

(1) The compensation of each member of the Board shall be one-half ($\frac{1}{2}$) that of the salary established for each member of the Board of County Commissioners by Section 145.031, Florida Statutes, as modified by Section 145.19, Florida Statutes, as the same may be amended from time to time.

(2) Commissioners shall be paid for justified expenses as set forth in the Administrative Code.

SEC. 310 RECORDING, PRINTING AND CODIFICATION

The Board shall provide for the authentication and recording in full, in properly indexed books kept for the purpose, of all minutes of Board meetings, committee meetings, all ordinances, and all resolutions adopted by the Board, and the same shall, at all times, be a public record. The Board shall further maintain a codification of all ordinances, except those exempted from codification by general law. Such codification shall be published and made available for distribution on a continuing basis at prices established by general law.

SEC. 311 POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS

To the extent not inconsistent with general law or this Charter, the legislative responsibilities and powers of the County shall be assigned to, and vested in, the Board of County Commissioners.

The Board shall have the power to originate, terminate and regulate legislative and policy matters including, and not limited to:

(1) Adopting or enacting, in accordance with the procedures provided by general law, County ordinances and resolutions it deems necessary and proper for the governance of the County;

(2) Approving the County's annual operating and capital budgets and any long term capital or financial programs;

(3) Establishing and administering a cash management and investment policy for the County, guidelines for which shall be

established in the Administrative Code.

(4) Adopting, and amending as necessary, a County Administrative Code to govern the operation of the County;

(5) Adopting, pursuant to the provisions of this Charter, such ordinances of county-wide force and effect as are necessary for the health, safety and welfare of the residents;

(6) Advising and consenting to all appointments made by the County Manager for which Board confirmation is specified in this Charter.

(7) Levying and collecting taxes, to the extent permitted by general law, both for County purposes and for the providing of municipal services within any municipal service taxing unit; levying and collecting special assessments; borrowing and expending money, but only to the extent authorized under this Charter; issuing bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by the Constitution and the Laws of the State of Florida and this Charter, provided that:

(a) No new tax or fee, different in form than the taxes and fees that a non-chartered county may assess or charge, may be assessed or charged by the Board of County Commissioners without approval by vote of the electors of the County;

(b) The Board of County Commissioners shall not give, lend, use or apply the County's credit or taxing power to aid any person, association, partnership, corporation, or other private organization, except as provided by general law.

(8) Entering into contractual obligations, and purchasing, leasing, selling and exchanging real or personal property, provided the Board may delegate to the County Manager authority to purchase goods and services on behalf of the County within certain limitations as established in this Charter or in the Administrative Code.

(9) Performing any other acts not inconsistent with the Constitution and the Laws of the State of Florida or with

this Charter which are in the common interests of the people of the County, and exercising all powers and privileges not specifically prohibited by law.

SEC. 312 ELECTION, POWERS AND DUTIES OF THE CHAIRMAN AND CHAIRMAN PRO TEM OF THE BOARD OF COUNTY COMMISSIONERS

(1) The Board of County Commissioners shall elect from among

its members by majority vote a Chairman and a Chairman pro tem. The Chairman and Chairman pro tem shall be elected prior to January 1 of each year and shall take office at the first meeting in January of each year.

(2) In addition to the powers and duties provided elsewhere in this Charter, the Chairman shall have the specific powers and duties to:

(a) Serve as the legislative leader and presiding officer of the Board;

(b) Present annually, in February, a State of the County message, setting forth programs, financial condition of the County, and recommendations to the people of Escambia County. A summary of this message will be published ten (10) days prior to the presentation in a newspaper of general circulation, and a copy of the complete message will be available to citizens three (3) days prior to the presentation;

(c) Call special meetings of the Board; and

(d) Serve as the official representative and ceremonial dignitary for the government of the County.

(3) In the absence of the Chairman, the Chairman pro tem shall perform such duties above as are required.

SEC. 313 APPORTIONMENT AND REAPPORTIONMENT

Within six (6) months after the state reapportionment of the federal and state legislative districts, the Board of County Commissioners shall apportion the commission districts in accordance with general law. All districts are to be as nearly equal in population as possible, be arranged in a logical and compact geographic pattern to the extent possible, and be in accordance with applicable federal and state law.

Any redistricting of the County Commission boundaries must be approved by the Board of County Commissioners at a public hearing held after at least fifteen (15) days advance notice, excluding Sundays and holidays. Such notice shall be given by advertisement in at least two newspapers of general circulation, and shall state the purpose, location and time such redistricting hearing shall occur. The published advance notice of the redistricting hearing required herein shall include a summary of the proposed changes and a substantially detailed map comparing proposed district boundaries to existing boundaries.

If the Board of County Commissioners is unable to complete the reapportionment of commission districts within the allocated six (6) month time period after the official state reapportionment, the County Attorney, upon authorization of the

Board of County Commissioners or upon petition by twenty-five (25) electors of the County filed with the Board of County Commissioners, shall petition the circuit court having jurisdiction in the County to make such reapportionment.

**ARTICLE IV
ADMINISTRATIVE BRANCH -- COUNTY MANAGEMENT**

SEC. 401 COUNTY MANAGER

- (1) There shall be a County Manager for Escambia County.
- (2) Upon approval by the Board of County Commissioners, assistant county managers shall be appointed by and be responsible to the County Manager. The County Manager shall have the sole authority to suspend or terminate any assistant county manager with or without cause.

SEC. 401.1 APPOINTMENT, SALARY AND REMOVAL

The Board of County Commissioners shall appoint a County Manager who shall be the administrative head of the County government and shall be responsible for the efficient administration of all County departments. The County Manager shall receive such salary and benefits as may be fixed by the Board. The County Manager shall exercise all executive authority provided by this Charter in addition to all other powers and duties authorized by general or special law or the Board of County Commissioners. The County Manager may be the head of a department or departments as the Board may provide by resolution. Appointment to the position of County Manager shall be made only after applicants for the position have been solicited on a national basis with appropriate advertising over a reasonable period of time. The County Manager shall be chosen on the basis of experience, education, executive ability and administrative qualifications. The County Manager may or may not be a resident of the County or the State of Florida at the time of appointment; provided, however, the County Manager shall within sixty (60) days after appointment establish residence within Escambia County and shall not engage in any other business or occupation. The County Manager shall be appointed by a majority vote of the Board. The County Manager may be removed after notice and a hearing held no sooner than fifteen (15) days after the date of the notice, if such is requested, at any time by an affirmative vote of a majority of the Board of County Commissioners.

SEC. 401.2 POWERS AND DUTIES OF THE COUNTY MANAGER

(1) The County Manager shall be the Chief Administrative Officer of the County, responsible to the Board of County Commissioners as a whole for the proper administration of the affairs of the County, except as otherwise provided by general law or by this Charter. The County Manager shall also serve as the County's budget officer and the County's emergency management officer.

(2) It is the intent of this Charter to grant to the County Manager only those powers and duties which are administrative or ministerial in nature, and not to delegate any governmental power vested in the Board of County Commissioners as the governing body of the County. To that end, the specifically enumerated powers of the County Manager set forth in the Administrative Code are to be construed as administrative in nature, and in any exercise of the governmental power, the County Manager shall only be performing the duty of advising the Board of County Commissioners in its role as the policy-setting governing body of the County.

(3) The County Manager shall have those specific powers and duties enumerated in Section 125.74, Florida Statutes, except as otherwise provided by this Charter.

SEC. 401.3 VACANCY

The Office of County Manager shall be declared vacant in the event of the incumbent's termination, resignation, death, movement of his residence from the County, or if the County Manager is, by unexplained absence, illness or other disability, unable to continue in office or perform the duties of the office. A vacancy in the office shall be filled within six (6) months from the time the vacancy occurs in the same manner as the original appointment. The Board may appoint an Acting Manager by majority vote in the case of vacancy until such time as a successor has been appointed or the Manager returns.

SEC. 402 COUNTY ATTORNEY

The County Attorney shall be appointed and may be terminated with or without cause by an affirmative vote of a majority of the Board of County Commissioners. 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.

(1) The County Attorney shall be responsible directly to the Board of County Commissioners.

(2) The entire practice of the County Attorney shall be devoted to the representation of County government.

(3) The County Attorney shall support County government, the Board of County Commissioners, the County Manager, the elected Charter officials, and all agencies under this Charter in all legal matters affecting the County government. The County Attorney shall not support the Escambia County Utilities Authority (ECUA) except with the approval of both the Board of County Commissioners and the ECUA Board.

(4) Upon approval by the Board of County Commissioners, assistant county attorneys shall be appointed by and be responsible to the County Attorney. The County Attorney shall have the sole authority to suspend or terminate any assistant county attorney with or without cause.

SEC. 403 NONINTERFERENCE BY MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS

No member of the Board of County Commissioners, acting individually, shall direct or request the appointment of any person to or the removal from office by the County Manager or County Attorney or any of their subordinates, or in any manner take part in the appointment or removal of officers and employees in the service of the County. Except for the purposes of inquiry, no member of the Board, acting individually, shall interfere with the performance of services for which the County Manager or County Attorney is responsible, nor shall any member of the Board, acting individually, give orders to any subordinate of the County Manager or County Attorney, either publicly or privately. Any violation of the provisions of this section by a member of the Board shall constitute misfeasance in office and shall subject such member to recall. Nothing contained in this Section or elsewhere in this Charter shall prohibit the Board of County Commissioners from directing the County Manager to inquire into and address concerns or problems of constituents of individual members of the Board.

**ARTICLE V
JUDICIAL SYSTEM**

SEC. 501 COURTS

The judicial branch of the Charter Government shall be as provided by general law and this Charter.

**ARTICLE VI
COUNTY CHARTER OFFICERS**

SEC. 601 ELECTED COUNTY CHARTER OFFICERS

There shall be five (5) Elected County Charter Officers: the Supervisor of Elections, the Sheriff, the Clerk of the Circuit and County Courts, the Tax Collector, and the Property Appraiser. Except as provided herein, all County Constitutional Officers are hereby abolished, and all former County Constitutional Officers shall become Charter Officers as of the effective date of this Charter. Each of these officers shall have the powers, duties, and responsibilities as are hereinafter specified, and each shall be a Charter Officer and not a Constitutional Officer. The budget and financial funding of each office shall be subject to and in accordance with the unified budget as adopted by the Board of County Commissioners under this Charter.

SEC. 601.1 SHERIFF

The Office of Sheriff shall be a County Charter Office. The Sheriff shall be charged with all duties and responsibilities of the Constitutional Office of Sheriff, as provided for in general law, except as herein expressly provided to the contrary. The Sheriff shall qualify, be nominated, elected, and serve in the manner provided for the comparable office under the Laws of the State of Florida.

SEC. 601.2 SUPERVISOR OF ELECTIONS

The Office of Supervisor of Elections shall be a County Charter Office. The Supervisor of Elections shall be charged with all duties and responsibilities of the Constitutional Office of Supervisor of Elections, as provided by general law, except as herein expressly provided to the contrary. The Supervisor of Elections shall qualify, be nominated, and elected in a non-partisan election as provided for in Article XII, Sec. 1204 of this Charter. The Supervisor of Elections shall serve in the manner provided for the comparable office under the Laws of the State of Florida.

SEC. 601.3 CLERK OF THE CIRCUIT AND COUNTY COURTS

The Office of the Clerk of the Circuit and County Courts shall be a County Charter Office. The Clerk of the Circuit and County Courts shall be charged with the duties and responsibilities of the Constitutional Office of Clerk of the

Circuit and County Courts, as provided for in general law, except as herein expressly provided to the contrary. The duties of the Clerk of the Circuit and County Courts shall include those specified for the Clerk of the Circuit and County Courts in Chapter 73-455, Laws of Florida and the following duties specified for the County Comptroller in Chapter 73-455, Laws of Florida:

(1) The recording of all instruments authorized or required to be recorded in public records.

(2) Serving as clerk to the Board of County Commissioners and keeper of the official minutes of the Board.

(3) Making audits at least annually to determine whether the operation of the various county funded agencies, departments, and facilities are being conducted in a proper manner.

(4) Auditing the financial and other records of the Board of County Commissioners.

(5) Serving as agent for the sale of state documentary tax stamps.

The Clerk of the Circuit and County Courts shall qualify, be nominated, elected, and serve in the manner provided for the comparable office under the Laws of the State of Florida.

SEC. 601.4 TAX COLLECTOR

The Office of Tax Collector shall be a County Charter Office. The Tax Collector shall be charged with all duties and responsibilities of the Constitutional Office of Tax Collector, as provided for in general law, except as herein expressly provided to the contrary. The Tax Collector shall qualify, be nominated, elected, and serve in the manner provided for the comparable office under the Laws of the State of Florida.

SEC. 601.5 PROPERTY APPRAISER

The Office of Property Appraiser shall be a County Charter Office. The Property Appraiser shall be charged with all duties and responsibilities of the Constitutional Office of Property Appraiser, as provided for in general law, except as herein expressly provided to the contrary. The Property Appraiser shall qualify, be nominated, elected, and serve in the manner provided for the comparable office under the Laws of the State of Florida.

SEC. 602 SALARIES

Salaries of the five (5) above Elected County Charter Officers shall be as provided by general law for each of the comparable offices.

SEC. 603 OFFICE OF COMPTROLLER

The office of Comptroller, as established by Chapter 73-455, Laws of Florida, is hereby abolished, and all functions, responsibilities, and duties of said office shall be transferred as provided in this Charter. The individual serving as Comptroller on the effective date of this Charter shall remain in office as a Charter Officer until the expiration or prior vacancy of his term, and shall, during this transition period, assist the County Manager and Clerk of the Circuit and County Courts to effectuate the transfer, as specified in this Charter, of all functions and duties of the Office of Comptroller by the expiration of the Comptroller's term of office, and shall perform such other functions and responsibilities as may be assigned to him, under the direction of the County Manager and the Board of County Commissioners.

**ARTICLE VII
ADMINISTRATIVE DEPARTMENTS OF THE GOVERNMENT**

SEC. 701 DEPARTMENTS

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

**SEC. 701.1 FUNCTIONS AND DUTIES OF DEPARTMENTS ESTABLISHED
IN THIS CHARTER**

(1) Department of Finance

The Department of Finance shall be responsible for the administration of all financial affairs of the charter government funded through the Board of County Commissioners, including the Elected County Charter Officers, and such other duties as provided in this Charter or by the Board of County Commissioners. All fiscal functions and duties now prescribed by Chapter 73-455, Laws of Florida for the office of comptroller which relate to the comptroller's duties as county treasurer and as custodian of all County funds are hereby transferred to the Department of Finance.

(2) Department of Central Services

The Department of Central Services shall be responsible for the functions of motor pool, purchasing, data processing, building maintenance and such other duties as provided by this

Charter or the Board of County Commissioners. All functions and duties now prescribed by general law for the office of comptroller which are not transferred by this Charter to the Clerk of Circuit and County Courts or the Department of Finance are hereby transferred to the Department of Central Services. All functions and services of the Department of Central Services shall be provided to all departments and operations of the Charter government funded by the Board of County Commissioners, including the Elected County Charter Officers. All departments and operations of the Charter government funded by the Board of County Commissioners, including the Elected County Charter Officers, shall be required to utilize the services provided by the Department of Central Services unless exemptions are specifically approved by the County Manager and reported to the Board of County Commissioners.

(3) Department of Human Resources

(a) The Department of Human Resources shall be responsible for the administration of the County Civil Service System, with the authority and responsibilities as set forth in this Charter and the Administrative Code. The Department of Human Resources shall serve all employees funded by the Board of County Commissioners.

(b) Any grievances, appeals and complaints relating to the administration of the County Civil Service System which fall under the responsibilities of the Civil Service Appeals Board established in Article XI of this Charter shall be under the jurisdiction of said Board.

SEC. 702 DEPARTMENT HEADS

Each department head shall be the principal officer of the department and responsible for all its operations. Department heads shall be appointed by the County Manager subject to confirmation by the Board of County Commissioners and shall serve at the pleasure of the County Manager. The Board of County Commissioners shall establish a salary range for department heads. The County Manager shall establish the exact salary of each department head within that range.

SEC. 703 CHANGES IN DEPARTMENTS

Upon the recommendation of the County Manager, the Board of County Commissioners may by ordinance create departments and make changes within departmental organizations including combinations, deletions, and transfer of responsibilities among departments.

SEC. 704 ADMINISTRATIVE CODE

(1) The rules, regulations, and administrative organization for all departments, divisions, agencies, and the offices of Elected County Charter Officers of the County government, except the Escambia County Utilities Authority, shall be set forth in an Administrative Code. The Administrative Code shall be published and made available to the public at cost. The Administrative Code shall be revised as necessary to reflect changes and remain current. Before final adoption and incorporation into the Administrative Code, any rule must be reviewed and approved by the Board of County Commissioners. Rules and regulations shall be adopted and incorporated into the Administrative Code before they become effective.

(2) The County Manager shall be responsible for the preparation and submission to the Board of County Commissioners for adoption of all the Administrative Code material from all departments, divisions, boards, and agencies which report to the County Manager. Each Elected County Charter Officer and each head of a county agency or board (other than agencies or boards which report to the County Manager) shall be responsible for the preparation of those materials for the Administrative Code relating to that office's, agency's, or board's responsibilities and submitting those materials to the County Manager within fifty (50) days of the effective date of this Charter for submission to the Board of County Commissioners for incorporation into the Administrative Code.

(3) The Board of County Commissioners, Elected County Charter Officers, and all agency or board heads are empowered to, and shall, develop, adopt, and promulgate the procedures necessary to accomplish the foregoing in a manner that will afford the public a reasonable opportunity to advocate or oppose rules, regulations, or administrative organization.

(4) The initial Administrative Code under this Charter shall be submitted by the County Manager to the Board of County Commissioners within ninety (90) days of the effective date of this Charter. The Board of County Commissioners shall adopt the Administrative Code within thirty (30) days of the date submitted. If not adopted within the aforesaid thirty (30) day period, the Administrative Code as originally submitted by the County Manager shall be considered approved and shall remain in force until such time as it may be formally amended by the Board of County Commissioners.

(5) Amendments, deletions, or additions to the Code may be made from time to time by the Board of County Commissioners after notice and public hearing.

**ARTICLE VIII
PERSONNEL ADMINISTRATION**

SEC. 801 PURPOSE

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.

SEC. 802 MERIT SYSTEM

A merit system for the employees of the County shall be continued, and longevity salary shall be granted at the same rate as accrued on the effective date of this Charter.

SEC. 803 ADMINISTRATION OF THE COUNTY CIVIL SERVICE SYSTEM

The Department of Human Resources created pursuant to SEC. 701.1(3) of this Charter shall be responsible for the administration of the County Civil Service System. The authority and responsibilities of the Department of Human Resources shall be as set forth in this Charter and the Administrative Code. The Department of Human Resources shall administer the personnel system for all County employees, including employees of all County agencies with the exception of employees of the ECUA. Such administration shall include classification, recruitment, examination, establishment of eligibility lists, grievances, compensation, and other conditions of employment pursuant to law.

SEC. 804 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 or employee who has reason to believe that he has

been discriminated against in violation of this policy may

appeal to the Civil Service Appeals Board.

SEC. 805 UNCLASSIFIED AND CLASSIFIED SERVICE

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 basic divisions: the classified or career service and the unclassified or exempt service.

SEC. 805.1 CLASSIFIED OR CAREER SERVICE

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

SEC. 805.2 UNCLASSIFIED OR EXEMPT POSITIONS

The Department of Human Resources shall maintain a list of all exempt positions along with the documentation relating to such exempt positions. Exempt positions shall include:

(1) All elected officials, the County Manager, the County Attorney, any assistant County managers, any assistant County attorneys, and department heads appointed by the County Manager.

(2) Members of boards, advisory councils and committees that serve without pay.

(3) Other officials and employees of the County whose positions are exempt at the time of Charter adoption may be continued in an exempt status as provided herein. Two (2) years after Charter adoption and every two (2) years thereafter, the County Manager shall recommend to the Board of County Commissioners which positions should be exempt, and the Board shall make the final determination whether a position, except those named in (1) and (2) above, is to be classified or exempt.

(4) Continuation of existing exempt positions and all requests for additional exempt 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) The Department of Human Resources shall establish guidelines and criteria for the establishment of exempt positions, except those named in (1) and (2) above.

SEC. 806 STATUS OF EMPLOYEES

(1) Career Service

The status of all classified employees shall be fully

protected according to the provisions of Section 125.88, Florida Statutes, upon the adoption of this Charter.

All officers and employees in the classified service of the County shall be transferred to the appropriate department, division or agency under the Charter. Such transfers shall be made without re-qualification or reduction of existing compensation, pension, or retirement rights.

(2) Exempt 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 exempt or 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. The Board of County Commissioners shall, by rule, grant point preference to former exempt or unclassified employees on the same basis as established for former classified employees.

SEC. 807 PAY PLAN FOR CLASSIFIED EMPLOYEES

(1) The County Manager 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 Manager shall recommend the pay scales, wages and salaries, for all classified 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.

SEC. 808 CIVIL SERVICE APPEALS BOARD

(1) There shall be an independent Civil Service 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, two (2) elected by the employees covered by the Civil Service Appeals Board, and the fifth (5th) member appointed by the sitting four (4) members, who shall serve as Chairman. In the event that the four (4) members of

the Civil Service Appeals Board are unable to agree upon a fifth (5th) member, then the fifth (5th) member shall be appointed by the Administrative Judge of general jurisdiction of the Circuit Court of Escambia County. All members of the Civil Service Appeals Board shall serve for staggered terms of four (4) years, except as provided in this section. Upon the effective date of this Charter, one (1) appointed member shall be appointed for four (4) years and one (1) appointed member shall be appointed for two (2) years, to be determined by lot; one (1) member shall be elected by the employees for four (4) years and one (1) shall be elected for two (2) years; the fifth (5th) member shall be appointed for three (3) years. No Board member may serve more than two (2) consecutive four (4) year terms. Members of the Civil Service Appeals Board shall serve without compensation, except for necessary expenses approved by the Board of County Commissioners and/or the Escambia County Utilities Authority. Funding of such expenses shall be shared between the Board of County Commissioners and ECUA and shall be based proportionately on the number of classified employees.

(2) The Civil Service Appeals Board shall have the responsibility to hear and determine employee grievances, appeals from disciplinary actions, and complaints relating to the administration of the civil service systems of the County and the Escambia County Utilities Authority. Notwithstanding anything herein to the contrary, however, the Civil Service 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.

ARTICLE IX FINANCE

SEC. 901 FISCAL YEAR

The fiscal year of the County shall begin on October 1 of each year and shall end on September 30 of the following year.

SEC. 902 GENERAL

The County, Elected County Charter Officers, and all County offices, departments, and agencies shall operate under a unified

and uniform budget system. The County's annual budget and all budgetary processes shall be in accordance with general law and this Charter. All fees collected by officers and employees of the County shall be deposited promptly in the County Treasury.

SEC. 903 BUDGETS

There shall be prepared, approved, adopted, and executed for each fiscal year and for such additional periods as the Board of County Commissioners may deem advisable, a budget for such funds as may be required by law or by sound financial practices and generally accepted accounting principles. The budget shall provide sufficient funds on an annual basis for the Elected County Charter Officers and all agencies and departments of the County to carry out their respective duties and functions as provided by general law and this Charter. The budget shall be controlling for purposes of levying taxes and expending funds for all County purposes.

SEC. 903.1 PREPARATION OF THE BUDGET

(1) It shall be the responsibility of the County Manager to prepare and submit a tentative budget for the ensuing fiscal year to the Board of County Commissioners. All information and data necessary for the preparation of the tentative budget shall be provided by the Elected County Charter Officers and responsible employees on or before May 1 of each year, including a tentative budget for each office, department, agency, or fund for which the respective officer or employee is responsible.

(2) There shall be included within the general fund of the budget a reserve for contingency as provided for in general law. The reserve for contingency each fiscal year shall be an amount not less than two percent (2%) of the total general fund for that year.

SEC, 903.2 SUBMISSION OF BUDGETS

(1) On or before June 1 of each year, the Board of County Commissioners shall have the County Manager submit to the Division of Ad Valorem Tax of the Department of Revenue of the State of Florida a budget for the operation of the Property Appraiser's office for the ensuing fiscal year beginning October 1.

(2) On or before August 1 of each year, the Board of County Commissioners shall have the County Manager submit to the Department of Revenue of the State of Florida a budget for the operation of the Tax Collector's office for the ensuing fiscal year beginning October 1.

(3) If the Division of Ad Valorem Tax or the Department of

Revenue deem the submitted budgets to be either inadequate or excessive, the Board of County Commissioners shall be notified of such findings and the Board of County Commissioners through the County Manager shall negotiate any amendments or changes to these budgets directly with the Division of Ad Valorem Tax or the Department of Revenue.

SEC. 903.3 BALANCED BUDGET

Both the tentative budget prepared by the County Manager and the final budget adopted by the Board shall provide for recurring expenses of the County to be no greater than recurring revenues of the County.

SEC. 903.4 BUDGET STABILIZATION FUND

There shall be established a Budget Stabilization Fund. The purpose of the fund shall be to cover unexpected revenue shortfalls of the general fund or to provide funding for an emergency as defined by general law. The unexpended balance of the reserve for contingency in each fiscal year shall be transferred from the general fund to the Budget Stabilization Fund. The fund's principal balance shall not exceed ten percent (10%) of the last completed fiscal year's revenue collections for the general fund. The Budget Stabilization Fund shall be comprised of funds not otherwise obligated or committed for any purpose. Funds may only be withdrawn from the fund by a majority vote plus one of the Board of County Commissioners. The investment of these funds shall be managed by the Department of Finance as provided in the Administrative Code.

SEC. 904 BUDGET REVIEW BOARD

(1) There shall be a Budget Review Board for the County, comprised of citizens of the County, which shall hear, review, and advise the Board of County Commissioners regarding any budget disputes among the parties described in Section 904 (2) in relation to the tentative budgets as promulgated under this Charter.

(2) Each Elected County Charter Officer shall have the right of budgetary appeal as described in this Article. No such Officer shall have the right to appeal to the Florida Department of Administration or to the Florida Department of Revenue, or any other state department, pursuant to Sections 30.49 and 195.087, Florida Statutes, or any other provision of general law applicable to Constitutional or non-Charter Officers.

SEC. 904.1 APPOINTMENT OF THE BUDGET REVIEW BOARD

The Budget Review Board shall consist of five (5) members

appointed as follows:

(1) Prior to June 1 of each year the Board of County Commissioners shall appoint two (2) members and the Elected County Charter Officers, acting as a group, shall appoint two (2) members.

(2) These four (4) members shall select the fifth (5th) member.

(3) In the event said four (4) members cannot agree upon the fifth (5th) member within thirty (30) days after said members take office, the Chief Judge of the Circuit Court serving Escambia County shall designate the fifth (5th) member.

SEC. 904.2 QUALIFICATIONS OF MEMBERS

Members of the Budget Review Board shall be qualified electors of the County. No member of the Budget Review Board shall be employed in any capacity by any agency receiving funds from Escambia County; nor shall any member hold or be a candidate for any paid public office or employment of the County or ECUA or be an officer in any partisan political club or organization.

SEC. 904.3 DELIBERATIONS OF THE BUDGET REVIEW BOARD

The Budget Review Board shall meet as necessary to consider the budgetary disputes and render its opinion thereon prior to the scheduled public budget hearings. Each affected Elected County Charter Officer shall have the right to appeal to the Budget Review Board, and the right to appear before the Board and present relevant evidence. Appeals to the Budget Review Board shall be in writing and shall be filed with the County Manager not less than thirty (30) days prior to the scheduled public budget hearings. The opinions and recommendations of the Budget Review Board regarding any budgetary dispute shall be presented to the Board of County Commissioners in writing, but shall be considered as advisory only.

SEC. 904.4 SUPPORT

The Board of County Commissioners shall provide a suitable meeting room, secretarial assistance, and such other support, including financial, as may be necessary for the Budget Review Board to perform its duties.

SEC. 905 JUDICIAL REVIEW

(1) Any Elected County Charter Officer who believes the Board of County Commissioners has acted arbitrarily or capriciously in establishing such officer's budget for the ensuing fiscal year may petition the Circuit Court serving

Escambia County for judicial review of the Board's action.

(2) Such petition must be filed with the Circuit Court within twenty (20) days from the date of final adoption of the budget by the Board.

(3) The Circuit Court may modify such officer's budget for the ensuing fiscal year only upon a finding that the Board has acted arbitrarily and capriciously in establishing the budget for such Elected County Charter Officer.

(4) The written opinions and recommendations of the Budget Review Board shall be admissible as evidence in any such judicial proceedings.

SEC. 906 BONDS

SEC. 906.1 OUTSTANDING BONDS

All outstanding bonds issued by former governments including the Board of County Commissioners of Escambia County and all special districts or authorities abolished or altered by this Charter are obligations of the County government; however, payment of such obligations and the interest thereon shall be secured

solely by the same sources from which such payment would have been secured had this Charter not become effective.

SEC. 906.2 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.

SEC. 906.3 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 months after issuance without approval by vote of the electors of the County.

SEC. 906.4 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 of County Commissioners 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 as provided by general law are satisfied. The Board of County Commissioners shall reserve the right to reject any and all bids.

SEC. 906.5 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.

SEC. 906.6 BOND ADMINISTRATION

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

SEC. 907 PROCUREMENT OF GOODS AND SERVICES

The County and each agency and board under this Charter which purchases commodities or contracts for personal and/or professional services shall adopt policies to assure that such purchases or contracts shall, except as otherwise provided by law, be in accordance with the guidelines established by Sections 287.055 and 287.057, Florida Statutes, as the same may be amended from time to time, or the corresponding provisions of any successor statute. However, the following purchases or contracts, in addition to those exempted by Sections 287.055 and 287.057, Florida Statutes, shall be exempt from competitive bid requirements:

(1) Purchases made under purchasing agreements, contracts, or maximum price regulations executed or approved by the state purchasing authority;

(2) Purchases made by or through the federal government or any state or political subdivision thereof;

(3) Purchases exempted by the governing board of the agency in open meeting.

ARTICLE X

ESCAMBIA COUNTY UTILITIES AUTHORITY

SEC. 1001 STATUS

The Escambia County Utilities Authority (hereinafter 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 X or by specific language in other articles of the Charter shall apply to the ECUA.

SEC. 1002 PURPOSES AND POWERS

ECUA shall have the same purposes and powers as those conferred by Chapter 92-248. The provisions of Chapter 92-248 are incorporated in this Article by reference, and ECUA shall be subject to the provisions thereof, except as otherwise expressly provided in this Article.

SEC. 1003 LEGISLATIVE BODY

(1) The legislative body of ECUA shall be a Board consisting of five (5) members, elected on a non-partisan basis by district in the same manner as provided in Article III of this Charter. Candidates and ECUA Board members shall meet the qualifications as provided for in Article III, Sec. 303 (1) and (2), of this Charter.

ECUA Board members shall take office as outlined in Section 1202 of this Charter.

(2) The establishment and adoption of policy shall be legislative and the responsibility of the ECUA Board. ECUA 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.

(3) The salary of each member of the ECUA Board shall be one-half ($\frac{1}{2}$) of the salary established by this Charter for a member of the Board of County Commissioners. Board members shall be paid for justified expenses as set forth in the Administrative Code of ECUA.

(4) 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.

(5) At least six (6) of the ECUA Board's regularly scheduled monthly meetings each year shall be held in the evening, beginning not earlier than 6:00 p.m.

SEC. 1004 ADMINISTRATION

(1) The ECUA Board shall appoint an Executive Director who shall be responsible for the execution of the Board's policy. 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.

(2) Except for purposes of inquiry and information, no member of the ECUA Board, acting individually, shall interfere with the performance of the duties of the Executive Director or any other employee of ECUA, nor shall any member of the ECUA Board, acting individually, give orders to any subordinate of the Executive Director, either publicly or privately. Any violation of the provisions of this section by a member of the ECUA Board shall constitute misfeasance in office and shall subject such member to recall.

SEC. 1005 PERSONNEL ADMINISTRATION

(1) There shall be a Department of Human Resources responsible for the administration of ECUA's civil service system with the authority and responsibilities as set forth in the ECUA Administrative Code. The Department of Human Resources shall serve all ECUA employees.

(2) A merit system for the employees of ECUA shall be continued, and the provisions of Article VIII of this Charter establishing a non-discrimination policy, providing for an unclassified and classified service, incorporating the provisions of Section 125.88, Florida Statutes, and relating to a pay plan for classified employees, shall also be applied to employees of ECUA. The details of the ECUA Civil Service System shall be contained in the ECUA Administrative Code.

(3) Any grievances, appeals and complaints relating to the administration of the ECUA civil service system which fall under the responsibilities of the Civil Service Appeals Board established in Article VIII of this Charter shall be under the jurisdiction of said Civil Service Appeals Board.

SEC. 1006 RECALL AND CODE OF ETHICS

(1) ECUA Board members may be recalled and removed from office as provided for in Article XIV, Sec. 1409 of this Charter.

(2) ECUA Board members and all employees of ECUA are subject

to the Code of Ethics for public officers and employees as provided for in Article XIII of this Charter.

SEC. 1007 MANAGEMENT EFFICIENCY AUDITS

ECUA shall cause to be performed such management efficiency audits as the ECUA Board may deem advisable.

SEC. 1008 EMINENT DOMAIN

ECUA may exercise the power of eminent domain, as provided by general law, to carry out the purposes described in Chapter 92-248. As a condition precedent to instituting eminent domain proceedings, the authority shall first receive the approval of the governing body (either the board or the council) of the jurisdiction in which the subject property is located.

SEC. 1009 STATE OF THE ECUA MESSAGE

The ECUA shall present annually a State of the ECUA message, setting forth programs and recommendations to the people of

Escambia County in February. A summary of this message will be published ten (10) days prior to the presentation in a newspaper of general circulation and a copy of the complete message will be available to citizens three (3) days prior to the presentation.

SEC 1010 APPLICABILITY OF OTHER CHARTER PROVISIONS

The provisions found in SEC. 207 OATH, SEC. 907 PROCUREMENT OF GOODS AND SERVICES, SEC. 1406 POLITICAL ACTIVITY, SEC. 1408 INELIGIBILITY FOR APPOINTMENT, SEC. 1411 VACANCIES, and SEC. 1412 SUSPENSIONS, of the Charter shall also be applicable to the ECUA and the ECUA Board and its employees.

ARTICLE XI

ADMINISTRATIVE, REGULATORY AND ADVISORY BOARDS AND AGENCIES

SEC. 1101 BOARDS AND AGENCIES

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. Members of these boards shall serve without compensation, except for expenses as provided by general law and as approved by the Board of County Commissioners.

SEC. 1102 SANTA ROSA ISLAND AUTHORITY

(1) The Santa Rosa Island Authority (SRIA) and its functions, responsibilities, duties and obligations as provided for in Chapter 24500, Laws of Florida, (1947), as amended, shall continue to exist as a Charter agency under this Charter, responsible to the Board of County Commissioners, except as herein provided. The SRIA is an agency funded by the Board of County Commissioners under the terms of this Charter.

(2) The Santa Rosa Island Authority shall consist of six (6) members, five (5) appointed by the Board of County Commissioners and one (1) elected by the leaseholders of Pensacola Beach, as provided for in Chapter 24500, Laws of Florida, as amended. All members shall be electors of the County.

SEC. 1103 HEALTH FACILITIES AUTHORITY

The Health Facilities Authority and its functions, responsibilities, duties and obligations as provided for in Chapter 74-323, Laws of Florida, as amended, shall continue to exist as a Charter agency under this Charter.

SEC. 1104 HOUSING FINANCE AUTHORITY

The Housing Finance Authority and its functions, responsibilities, duties and obligations as provided for in Chapter 78-89, Laws of Florida, as amended, shall continue to exist as a Charter agency under this Charter.

SEC. 1105 OTHER BOARDS AND AGENCIES

All other boards, agencies and commissions created by special act or ordinance and which either receive funds from the County or on which representatives of the County serve, shall continue to be supported by the County in accordance with the terms and provisions of the applicable special act or ordinance, as the case may be, until such time as the County's support of or participation in such boards, agencies or commissions is changed in accordance with the provisions of Section 1404 or 1413 of this Charter, as applicable. **ARTICLE XII**

ELECTIONS

SEC. 1201 ELECTION PROCEDURES

Except as otherwise provided in this Charter, elections of County Commission members, members of the ECUA Board and Elected County Charter Officers shall be in accordance with the Constitution and Laws of the State of Florida.

SEC. 1202 COMMENCEMENT OF TERMS

All officers elected under this Charter, including Escambia County Utilities Authority Board members, shall begin their terms of office on the Tuesday two (2) weeks following the day of the General election.

SEC. 1203 PARTISAN AND NON-PARTISAN ELECTIONS

Elections of County Commissioners and Charter Officers, except for the Supervisor of Elections, shall be on a partisan basis. Elections for members of the ECUA Board and the elected member of the SRIA shall be on a non-partisan basis.

SEC. 1204 ELECTION OF SUPERVISOR OF ELECTIONS

(1) Election of the Supervisor of Elections shall be on a non-partisan basis. No candidate 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.

(2) In the event that more than two (2) candidates qualify for this seat under Charter government, a primary election shall be held and providing that 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.

(3) Each candidate shall be required to pay a filing fee in accordance with general law.

(4) Candidates qualifying by petition in accordance with general law shall be exempt from paragraph (3) above.

**ARTICLE XIII
CODE OF ETHICS**

SEC. 1301 CODE OF ETHICS

All elected County officials, and all County employees, 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
MISCELLANEOUS PROVISIONS**

SEC. 1401 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 under the provisions of the Constitution and Laws of Florida. If so approved the effective date of this Charter shall be October 1, 1995.

SEC. 1402 PROPOSED 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 shall embrace but one subject, and matters included in the amendment must have a natural and logical connection with the subject.

SEC. 1402.1 PROPOSED AMENDMENTS BY BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners by a vote of four (4) members shall have the authority to propose amendments to this Charter. However, the Board may not exercise such power within three (3) years of the effective date of this Charter.

SEC. 1402.2 PROPOSED AMENDMENTS BY PETITION

Amendments to this Charter may be proposed by a petition signed by a number of registered voters equivalent to seven percent (7%) of the number of voters registered for the last general election. Any such petition shall be filed with the Board of County Commissioners and all signatures shall be validated or invalidated by the Supervisor of Elections.

SEC. 1402.3 CHARTER REVIEW COMMISSION

The Board of County Commissioners shall appoint five (5) years from the effective date of this Charter and at least every ten (10) years thereafter, a Charter Review Commission of not less than eleven (11) nor more 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 1403 of this Charter. Upon completion of their report, the Charter Review Commission will be dissolved.

SEC. 1403 AMENDMENT REFERENDUM

(1) Any amendment 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 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) Any proposed amendments must be presented by the Board of County Commissioners to the electorate at the next general election, provided, that if the proposed amendment is submitted to the Board of County Commissioners within 60 days of the next general election, the Board of County Commissioners, by an affirmative vote of three (3) members, may call a special election to present the proposed amendment to the electorate, provided, further, that no vote on a proposed amendment shall be delayed beyond a period of one year from the date that the proposed amendment is submitted to the Board of County Commissioners.

SEC. 1404 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.

SEC. 1405 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.

SEC. 1406 POLITICAL ACTIVITY

All elected officials and employees of the County shall retain the right to hold membership in, and support, a political

party, to vote as they choose, to express privately their opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

However,

(1) No employee of the County shall hold, or be a candidate for, any County political office.

(2) No elected official or employee of the County or member of the Civil Service Appeals Board shall solicit any assessments, contributions, or services, for any political party or candidate from any employee of the County.

(3) No employee of the County or member of the Civil Service Appeals Board shall take an active part in any political campaign during his duty hours.

(4) No leave of absence shall be granted to any employee of the County or member of the Civil Service Appeals Board for the purpose of participating in any political campaign.

SEC. 1407 INELIGIBILITY FOR APPOINTMENT

No elected official of Charter government or member of the Civil Service Appeals Board or the Santa Rosa Island Authority shall be eligible for appointment to any compensated office, position or employment in the Charter government, during the term for which he has been elected or appointed, or for one (1) year thereafter.

SEC. 1408 RECALL

Any elected official of this Charter Government may be recalled and removed from office by petition and recall election in accordance with the procedures established in Section 100.31, Florida Statutes, as the same may be amended from time to time.

SEC. 1409 DISTRICT SCHOOL SYSTEM -- RELATION TO CHARTER GOVERNMENT

The functions now performed by the Property Appraiser, the Tax Collector, and any other departments or agencies of the County for the District School Board or its employees shall, where not inconsistent with this Charter, continue to be performed under this Charter. The Charter shall have no effect on the functions performed by the Civil Service Board for the District School Board.

SEC. 1410 VACANCIES

A vacancy in the office of any official elected under this Charter shall occur upon the death of the incumbent, his removal from office, resignation, succession to another office, unexplained absence for sixty (60) consecutive days, failure to

maintain the residency required, or upon failure of one elected or appointed to the office to qualify within thirty (30) days from the commencement of the term of office or appointment. The Board of County Commissioners, by majority vote, shall fill vacancies in the Board of County Commissioners and vacancies in Elected County Charter Offices for the remainder of the term of such office, if there is less than twenty-eight (28) months remaining in the term; otherwise, until the first Tuesday after the first Monday following the next general election. The Board of County Commissioners, by majority vote, shall fill any vacancy in the elected office of the Santa Rosa Island Authority for the remainder of the term of such office. The Escambia County Utilities Authority Board, by majority vote, shall fill any vacancies in the ECUA Board for the remainder of the term of such office, if there is less than twenty-eight (28) months remaining in the term; otherwise, until the first Tuesday after the first Monday following the next general election.

SEC. 1411 SUSPENSIONS

Suspensions from office of any elected County official shall be for cause and shall be in accordance with the Constitution and Laws of Florida.

SEC. 1412 SPECIAL ACTS

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. All provisions of existing Special Acts affecting the duties and terms of office of Elected County Charter Officers or affecting any independent agency under this Charter shall remain in effect except as amended by this Charter, and may be amended or repealed only by amendments to this Charter. The provisions of other Special Acts vested in the Charter Government by this section may be amended or repealed by ordinance enacted by the Board of County Commissioners. No Special Acts subsequently enacted by the Florida Legislature shall affect the Charter Government without the specific approval of the voters.

SEC. 1413 SEVERABILITY

If any part of this Charter is held unconstitutional, the remainder thereof shall remain in full force and effect.

**ARTICLE XV
TRANSITION PROVISIONS**

SEC. 1501 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:

SHALL THERE BE A HOME RULE CHARTER FOR ESCAMBIA
COUNTY, FLORIDA, PROVIDING FOR THE RESTRUCTURING
OF COUNTY GOVERNMENT, WHICH SHALL TAKE EFFECT
OCTOBER 1, 1995, AS PROPOSED BY CHARTER DATED
_____?

FOR HOME RULE CHARTER: _____

AGAINST HOME RULE CHARTER: _____

SEC. 1502 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.

**SEC. 1503 INTERIM VOTING RULES -- BOARD OF COUNTY
COMMISSIONERS**

All voting rules and procedures of the former Board of County Commissioners shall remain in effect until amended or modified by the Board of County Commissioners.