

The logo for the Institute for Senior Professionals (ISP) features the letters 'ISP' in a large, bold, red serif font with a white outline. The background of the logo is a dark grey/black rectangle.

Institute for Senior Professionals

STUDY OF
CHARTER VS
CONSTITUTIONAL
GOVERNMENT
IN OKALOOSA COUNTY

2010

NORTHWEST
FLORIDA
STATE COLLEGE

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INTRODUCTION

In April of this year, the Institute for Senior Professionals undertook an internal study on the subject of county-level charter government in the State of Florida. The purpose of the study was to compare a county charter form of government with the current constitutional form. The task was assigned to the Citizen Involvement Committee, which created a sub-committee to investigate the issues and to report back with its findings. This report is the result of that effort. In creating this report, the sub-committee has incorporated language from several studies and opinions supplied by county charter study groups throughout the state, most significantly in those counties that have most recently considered adopting charter government. Of these counties, three have become chartered in the last ten years. In the last 2 ½ years, seven counties have looked at becoming charter counties. Only one, Wakulla, (attachment 1) became a charter county, one went to a vote and was defeated. The other five did not go to a vote.

METHOD

The sub-committee undertook a detailed examination of the relevant Florida statutes that provide for the legal entities known as counties and the methods by which they are governed. Statutes providing for the election and function of the county commissioners and the five county officers mandated by the state constitution were included as a part of this examination. With two exceptions, all five incumbent Okaloosa County Constitutional Officers and the current members of the Okaloosa Board of County Commissioners were interviewed, either personally or by electronic means, for their opinions concerning charter government. Several candidates for elected office were also interviewed. We interviewed three members of the previous Okaloosa County Charter Commission and have attached a copy of that charter, (attachment 2). Finally, the experience of certain Florida counties currently employing charter government was considered.

BACKGROUND

In Florida, as in other states of the United States, counties were created as administrative subdivisions of the state for the purpose of improving the state's ability to administer large territories. A necessary feature of this type of government is that a county's powers are controlled by the state legislature to ensure that state laws are followed. The result is that counties are ruled by the state constitution and legislative enactments without regard to the local citizens' desires. In contrast, a city in Florida begins with the creation of a charter that is then adopted by the voters; once the charter is accepted the city is incorporated and its government is controlled by the terms of its charter.

The constitutional form of county government works well until such time as the population "outgrows" the boundaries of a county's incorporated cities and expands into the surrounding areas. When this occurs the expansion carries with it the need for "municipal-type services" in such areas, services that are not monetarily supported by the state and with which the state constitution is not equipped to deal.

Prior to 1968, county governments were permitted to exercise only such authority as was conferred by the legislature. In that year, however, the Florida legislature enacted a new constitution permitting county charter government for the first time, a change that has had a profound effect within the state. As reported in legal publications, the purpose of charter government was to remove the resolution of local problems from the state legislature's agenda and to grant the county electorate greater control over its regional affairs. To date, twenty Florida counties have opted for charter government. (Attachment 3) These twenty counties are collectively home to more than 75 percent of Florida's population. It is only through the adoption of a charter that a county is granted full home rule authority as envisioned by the state constitution.

CHARTER PROCESS

Charters are formal, written documents that confer on a county certain powers, duties and privileges that formerly resided with the state. It is these powers, duties and privileges that differentiate the charter form of county government from the traditional constitutional form.

Part II, Chapter 125, Florida Statutes, provides two methods by which to establish a county charter government:

- The Board of County Commissioners can direct a charter study commission to write a charter.
- A petition signed by 15 percent of the registered voters can be presented to the commissioners, who are then required to establish a charter study commission.

Part IV, Chapter 125, provides one additional option for counties proposing a home rule charter by way of local ordinance. No study commission is required in this option, though the commissioners may appoint a citizen study committee to make recommendations on a charter draft.

POSSIBLE BENEFITS OF CHARTER GOVERNMENT

Much has been written about the positive effects of a shift to a charter form of county government. Taken liberally from the work of those who have dealt with this issue in other Florida counties, the benefits of home rule can be summarized as follows:

- Enhances citizen participation and control of local government
 - Permits greater flexibility in county government by providing appropriate mechanisms for change at the local level
 - Makes county government more responsive to the people it is intended to serve
- Meets demands for self-determination
 - Enables local citizens to provide local solutions to local problems
 - Permits charter amendment by local petition and vote of the people
 - Permits initiation of new ordinances and repeal of existing ordinances by petition and vote of the people
 - Permits recall of elected county officials

- Alleviates excessive state control
 - Home rule counties can move more rapidly to respond to changing conditions because they do not need to rely on specific statutory authority to act
 - Home rule counties can solve unique local problems that are not of statewide concern
- Improves county government structure
 - Allows uniform support services, discontinues duplication of support activities and saves costs
 - May provide central direction by replacing numerous independently elected officials with a single administrator
 - Can provide for the periodic review of the charter by a Charter Review Commission
 - County commission can create local laws that are not in conflict with state law
- Enhances intergovernmental relations
 - Local legislative authority enables counties to carry out area-wide programs such as preservation, water pollution and waste disposal May result in the county being the government unit that is best able to resolve urban, suburban and rural conflicts of interest
- Community redevelopment agencies (CRA)
 - Without home rule, a municipality can create a new CRA without county approval and receive the benefits of any developmental tax without benefiting the remainder of the county
- Municipal taxes
 - A charter county has the ability to levy and take advantage of certain taxes (public service, communications)
- Other possible benefits of charter government
 - Term limits of county officials
 - Districting schemes, administrative structure, partisan/non-partisan elections
 - Restructuring of constitutional officers' functions
 - Recall of county officials
 - Salaries of county officials

CRITICISMS OF CHARTER GOVERNMENT

Critics of charter government do not, as a rule, settle on the concept of charter government as their target - most everyone agrees that the concept of home rule carries an undeniable appeal. The target for criticism, thus, becomes one or more of the particular aspects typically associated with the charter government. Among these are:

- Recall.
 - Critics of charter government say that the electorate already has the power to recall. All they have to do is vote
- Budget transparency.

- Incumbents and their supporters argue that the budget system is already transparent and that there would be nothing new added if a county governmental body, such as the BCC, were given oversight of constitutional officer budgets
- County manager.
 - Going to a county manager system (and changing the roles and duties of the elected constitutional officials) would place added power in the hands of an unelected, non-accountable staff
- Non-partisan elections.
 - The argument adopted against this is that no one will know “who” a candidate is if he is not associated with any particular party - the man becomes the party platform
- Term Limits.
 - Just as in recall of elected officials, those voicing objections against term limits argue that we already have term limits (an incumbent can be voted out at the next election opportunity)
- Increased taxes.
 - Although the experience in the counties opting for charter government is that taxes, in fact, do go up, no one seems to be aware of the reason for it or whether it is a necessary result of the adoption of charter county government
- Centralized Power
 - Charter governments are too centralized
 - Citizens could be denied the right to elect officials who enforce the laws, collect taxes, appraise property, supervise elections and manage circuit courts. There is a possibility of these becoming appointed positions.
 - Counties that have adopted charters tend to be more dependent on non elected staff.
- The ease with which charter governments can change administrative codes, regulations and taxing authority could be problematic.
- If Constitutional Officers’ positions remain the same, the county would still not have the final say on the budget of the Tax Collector and Tax Appraiser. The Sheriff always has the option to take his budget to the Governor for final approval if he doesn’t like the actions of the county. The Clerk of Circuit Court is funded mainly by the state.

One major criticism of the Constitutional form of government is that it’s a “one size fits all.” Since many counties are different, this constitutional form may not best suit the needs of all

Since charters can be “individualized” to suit the needs of the county, much will depend on the way it is written as to whether or not the citizens will be willing to adopt the charter.
Attachment 4: Basic differences between charter and non charter counties.

CONCLUSION

We conclude that there are merits to both systems of government. We believe that it is the responsibility of the voting public to educate themselves about both forms and then choose the form of government that is best representative of the citizens of the county.

There are at least two preliminary considerations preceding any decision to support such an initiative.

- First, it appears from our inquiry that there will be, again, little or no support for any such effort among the elected local government leadership. In fact, we anticipate that their positions will mirror that experienced in the last such attempt.
- Second, a successful charter government initiative would require a major effort on the part of a significant portion of the county electorate.

The overriding consideration, however, may be an understanding of the simple fact that, unless the electorate pays a great deal of attention to what is going on in county government, the form of that government does not matter a great deal.

Charter Government Committee:

Barbara Wall, Chair

Bill Elliott

Joe Konecsni

Charlie Morris

Fred Pryor

Karl Welhart

Attachment 1

WAKULLA COUNTY ORDINANCE NO. 2008-14

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA PROVIDING FOR ADOPTION OF A HOME RULE CHARTER; PROVIDING FOR A PREAMBLE; PROVIDING FOR CREATION AND GENERAL POWERS AND HOME RULE CHARTER GOVERNMENT; PROVIDING FOR BODY CORPORATE, NAME AND BOUNDARIES, PROVIDING FOR CONSTRUCTION; PROVIDING FOR SPECIAL POWERS AND DUTIES OF COUNTY; PROVIDING FOR A MUNICIPAL PURPOSES PROVISION; PROVIDING FOR TRANSFER OF POWERS; PROVIDING FOR SEPARATION OF POWERS AS RELATES TO STATE LAW; PROVIDING FOR CONFLICT OF COUNTY ORDINANCES WITH MUNICIPAL ORDINANCES; PROVIDING FOR A LEGISLATIVE BRANCH BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR COMPOSITION AND REDISTRICTING; PROVIDING FOR QUALIFICATIONS AND ELECTION AND TERMS OF OFFICE; PROVIDING FOR SALARY AND OTHER COMPENSATION; PROVIDING FOR VACANCIES AND SUSPENSIONS; PROVIDING FOR POWERS; PROVIDING FOR A CODE OF ORDINANCES AND AN ADMINISTRATIVE CODE; PROVIDING FOR ADMINISTRATIVE BRANCH COUNTY MANAGER; PROVIDING FOR COMPENSATION AND TERMS OF EMPLOYMENT, POWERS AND DUTIES; PROVIDING FOR NONINTERFERENCE BY BOARD OF COUNTY COMMISSIONERS AND FOR TEMPORARY ABSENCE OR INCAPACITY; PROVIDING FOR APPOINTMENT OF A COUNTY ATTORNEY; PROVIDING FOR A PROVISION REGARDING COUNTY CONSTITUTIONAL OFFICERS, PROVIDING FOR POWERS RESERVED TO THE PEOPLE; INITIATIVE AND RECALL; PROVIDING FOR A PROCEDURE FOR PETITION; CONSIDERATION BY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR LIMITATION ON ORDINANCES BY INITIATIVE AND RECALL; PROVIDING FOR EFFECTIVE DATE OF THE CHARTER AS LAW; PROVIDING FOR TRANSITION; PROVIDING FOR CONTINUATION OF LAWS, ORDINANCES AND CONTRACTS; PROVIDING FOR INITIAL COUNTY COMMISSIONERS AND INITIAL COUNTY MANAGER AND INITIAL COUNTY ATTORNEY; PROVIDING FOR EMPLOYEE CONTINUATION AND CONTINUATION OF AGENCIES AND ADVISORY BODIES; PROVIDING FOR OUTSTANDING BONDS, REVENUE CERTIFICATES AND OTHER FINANCIAL OBLIGATIONS; PROVIDING FOR CHARTER AMENDMENTS; PROVIDING FOR AMENDMENTS BY COUNTY COMMISSIONERS; PROVIDING FOR AMENDMENTS BY PETITION, AND AMENDMENTS BY REFERENDUM; PROVIDING FOR A CHARTER REVIEW COMMISSION; PROVIDING SEVERABILITY AND VALIDITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Wakulla County, Florida is presently a non-charter government as an established under Article VIII, Section 1 (f), Florida Constitution; and

WHEREAS, Article VIII, Sections 1(c) and 1(g), Florida Constitution, provide that a county government may be established by charter, which shall be adopted upon a majority vote of electors of the county; and

WHEREAS, Section 125.80, et seq., Florida Statutes, provides a method whereby a non-

charter county may locally initiate a county home rule charter;

NOW THEREFORE, BE IT ORDAINED BY THE BAORD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, that:

SECTION 1. HOME RULE CHARTER.

The Board of County Commissioners of Wakulla County, Florida hereby proposes, by ordinance, the following Charter for the governance of Wakulla County.

The proposed Charter of Wakulla County, Florida, as stated and incorporated herein, reads as follows:

WAKULLA COUNTY HOME RULE CHARTER

PREAMBLE

WE, THE PEOPLE OF WAKULLA COUNTY, FLORIDA, by the grace of God free and independent, in order to attain greater self-determination while preserving the existing system of governance in Wakulla County, and to avail ourselves of the full Home Rule benefits afforded by the Florida Constitution to exercise greater control over our own destiny, do hereby ordain and establish this Home Rule Charter as our form of government for Wakulla County.

ARTICLE 1

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

1.1 Creation and general powers of home rule charter government

Wakulla County shall be a home rule charter county, and, except as may be limited by this Home Rule Charter ("Charter"), shall have all powers of self-government granted now or hereafter by the Constitution and laws of the State of Florida.

1.2 Body corporate, name and boundaries

Wakulla County shall be a body corporate and politic. The corporate name shall be Wakulla County. The county seat and boundaries shall be those designated by law on the effective date of this Charter.

1.3 Construction

The powers granted by this Charter shall be construed broadly 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 power of the government, as stated in this article. It is the intent of this article to grant to the charter government full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the charter government.

1.4 Special powers and duties of county

1.4.1 County purposes. The county, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter, heretofore granted by law to the Board of County Commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this Charter.

1.4.2 Municipal purposes. The county shall have all necessary powers to accomplish municipal purposes within special districts. Property situated within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents not within municipal boundaries, nor shall property situated in the county be subject to taxation for services provided by the county exclusively for the benefit of the property or residents within municipal boundaries.

1.5 Transfer of powers

Whenever a municipality, special district or agency shall request the performance or transfer of a function to the county, the county shall have the power and authority to assume and perform such functions and obligations. This section does not authorize a transfer in violation of Article VIII, §4 of the Constitution of Florida.

1.6 Separation of powers

Wakulla County shall operate under an elected county commission and appointed county manager form of government with separation between the legislative and executive functions of the government in accordance with the provisions of this Charter. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the county manager, hereinafter referred to as the County Administrator.

1.7 Relation to state law

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

1.8 Conflict of County Ordinances with Municipal Ordinances

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. In the event a county ordinance and a municipal ordinance shall cover the same subject matter without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.

ARTICLE 2

LEGISLATIVE BRANCH: BOARD OF COUNTY COMMISSIONERS

2.1 Composition

There shall be five county commissioners' districts in Wakulla County, which shall be numbered one to five, inclusive, the districts being as nearly equal in population as practicable. There shall be one Commissioner for each of the five districts. County commissioners shall be elected on a countywide basis by all of the electors of the county.

2.2 Redistricting

In the first odd-numbered year after each decennial census, the Board of County Commissioners shall divide the county into districts of contiguous territory. The Board of County Commissioners may redivide the districts in any other odd-numbered year so as to keep them as nearly equal in population as practicable. Whenever the boundaries of existing county commissioners' districts are changed by the Board of County Commissioners, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for two (2) consecutive weeks in a newspaper published in the county. Proof of such publication shall be entered on the minutes of the Board of County Commissioners.

2.3 Qualifications and Election

County commissioners shall be qualified electors of the county. Commissioners shall reside one in each of the commission districts. During the term of office, each commissioner shall reside in the district for which he or she ran for office. Any commissioner who shall remove his or her residency from the district for which he or she is elected shall thereupon become disqualified to represent said district and the office of any such commissioner shall be deemed vacant, except that any commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.

2.4 Terms of office

Each commissioner shall be elected for a term of four (4) years, beginning on the second Tuesday after election, and continuing after such term until his or her successor is elected and qualified. Terms shall be staggered as provided in general law for the governing board of a non-charter county.

2.5 Salary and other compensation

Salary and other compensation of the county commissioners shall be set by ordinance and shall be the same as those set by general law for the county commissioners of non-charter counties, and shall not be lowered during a county commissioner's term of office.

2.6 Vacancies and suspensions

Vacancies in any county commissioner's office or other elected county office shall be filled in accordance with the Constitution and general laws of Florida. Commissioners may be suspended or removed from office in accordance with the Constitution and general laws of Florida, and in addition may be recalled from office as provided in this Charter.

2.7 Powers

The Board of County Commissioners shall have all legislative authority, jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution, laws of the State of Florida and this Charter.

2.8 Code of ordinances

The Board of County Commissioners shall maintain a current codification of all ordinances. Such codification shall be published and made available for distribution on a continuing basis.

2.9 Administrative Code

The Board of County Commissioners shall adopt, and amend as necessary, an administrative code to govern the operation of the county.

ARTICLE 3

ADMINISTRATIVE BRANCH: COUNTY ADMINISTRATOR

3.1 County Administrator

There shall be a County Administrator who shall be appointed by the Board of County Commissioners and who shall serve at the pleasure of the Board of County Commissioners. The County Administrator shall be chosen on the basis of his or her professional training, executive and administrative experience, and qualifications. The County Administrator need not be a resident of the County at the time of appointment but shall maintain residency within the county during the tenure of office and shall not engage

in any other business or occupation without the express approval of the Board of County Commissioners.

3.2 Compensation and terms of employment

The Board of County Commissioners shall establish the salary for the County Administrator at a level that is commensurate with the requirements of the position and shall at least annually review the performance and salary. Terms and conditions of compensation and employment shall be set forth in a contract.

3.3 Powers and duties

The County Administrator shall be head of the executive branch of county government; shall have the executive powers and duties that are now and that hereafter may be granted to the County Administrator by the laws of the State of Florida and this Charter; and, shall be responsible to the Board of County Commissioners for the proper administration of all affairs of the county. The County Administrator shall attend all regular and special meetings of the Board and shall have the right to participate in its discussions. The County Administrator shall prepare and submit the annual operating and capital program budgets to the Board of County Commissioners, and execute the budget and capital programs in accordance with appropriations and ordinances enacted by the Board of County Commissioners.

3.4 Non-interference by Board of County Commissioners

Except for the purpose of inquiry and information, members of the Board of County Commissioners are expressly prohibited from interfering with the performance of the duties of any employee of the county government who is under the direct or indirect supervision of the County Administrator by giving said employees instructions or directives. Such action shall be malfeasance within the meaning of Article IV, Section 7(a) of the Florida Constitution. However, nothing contained herein shall prevent a County Commissioner from discussing any county policy or program with a citizen or referring a citizen complaint or request for information to the County Administrator or County Attorney.

3.5 Temporary absence or incapacity

The Board of County Commissioners may appoint an acting administrator in the case of vacancy or temporary absence or disability of the County Administrator, until a successor has been appointed and qualified or until the County Administrator returns.

ARTICLE 4
COUNTY ATTORNEY

4.1 County Attorney

There shall be a County Attorney who shall be appointed and terminated by the board of county commissioners, and who shall serve at the pleasure of the board. The County Attorney shall be the head of the county attorney's office. The County Attorney shall be responsible directly to the board of county commissioners and shall provide legal services to the Board of County Commissioners, county departments, and county boards and agencies. The terms and conditions of compensation and employment of the County Attorney shall be set forth in a contract.

ARTICLE 5
COUNTY OFFICERS

5.1 County constitutional officers

The county constitutional offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and Supervisor of Elections shall remain as elected constitutional officers, and their powers, duties and functions will not be altered by this Home Rule Charter. The constitutional officers shall perform their executive and administrative functions as specified by law. The Clerk of the Court shall be ex officio clerk of the Board of County Commissioners, auditor, recorder and custodian of all county funds.

ARTICLE 6
POWERS RESERVED TO THE PEOPLE:
INITIATIVE AND RECALL

6.1 Initiative

The electors of Wakulla 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 at least equal to thirty percent of electors qualified to vote in the last preceding general election; provided that the number shall contain at least thirty percent of the qualified electors in each of the election commission districts.

6.1.1 Procedure for petition. The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed and

obtain a dated receipt therefore. Any such ordinance shall embrace but one subject, and matter directly connected therewith. The sponsor shall cause a notice of such submission to be published within fourteen days after the date of submission, in a newspaper of general circulation in the County. The allowable period for obtaining signatures on the petition shall be completed not later than six months after initial receipt of the petition by the Supervisor of Elections. The sponsor shall comply with all requirements of general law for political committees, and shall file quarterly reports with the Supervisor of Elections stating, to the best of the sponsor's information and belief, the number of signatures procured. The time and form of such reports may be prescribed by ordinance. 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 sixty (60) 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 signatures, the sponsor shall have an additional thirty (30) days within which to submit additional signatures for verification. The Supervisor of Elections shall, within thirty (30) days verify the additional signatures. In the event sufficient signatures are still not acquired, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.

6.1.2 Consideration by Board of County Commissioners. Within sixty (60) 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 proposed ordinance according to law and vote on it. If the board fails to enact the proposed ordinance, it shall, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least forty-five (45) days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by resolution of the Board of County Commissioners to be enacted and shall become effective on the date specified in the ordinance, or if not so specified, on January 1 of the succeeding year. The Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general election, without the approval of a majority of the electors voting at a referendum called for that purpose.

6.1.3 Limitation on ordinances by initiative The power to enact, amend or repeal an ordinance by initiative shall not include ordinances or provisions relating to administrative or judicial functions; the county budget, debt obligations or capital improvement programs; salaries of county officers and employees; powers or duties of the county constitution officers; the assessment or collection of taxes; the zoning of land; or, matters inconsistent with the Charter, the general laws of Florida, or the Florida Constitution.

6.2 Recall

Members of the Board of County Commissioners shall be subject to recall as provided by general law.

ARTICLE 7

MISCELLANEOUS PROVISIONS

7.1 Effective date

This Charter shall become law when approved by a majority of those electors voting on the matter in a referendum to be held in the county in conjunction with the general election occurring on November 4, 2008 under the provisions of the Constitution and laws of Florida. The Charter Government shall assume all powers and duties provided by this Charter on the first day of January, 2009, the effective date of this Charter.

7.2 Transition

7.2.1 Continuation of laws, ordinances and contracts. Unless expressly provided otherwise in this Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Wakulla County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected county officer, whose term shall continue as if this Charter had not been adopted.

7.2.2 Initial county commissioners. The persons comprising the Wakulla County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the charter government and shall perform the functions thereof until the expiration of their terms or until qualification of their successors as provided by law.

7.2.3 Initial County Administrator and Initial County Attorney. The County Administrator and County Attorney serving on the effective date of this Charter shall serve as the initial County Administrator and initial County Attorney respectively.

7.2.4 Employee continuation. All employees of the former county government shall on the effective date of this Charter become employees of the county government created by this Charter. All existing wages, benefits, collective bargaining certifications and agreements, contracts and conditions of employment shall continue, until modified by lawful action of the Board of County Commissioners.

7.2.5 Continuation of agencies and advisory bodies. All existing appointments or designations of non-governmental agencies or corporations to act as official agencies of the County shall remain in full force and effect in accordance with their original terms, until amended or terminated by the Board of County Commissioners in accordance with the terms of such appointment and the provisions of this Charter. All members of advisory boards, resource groups or committees appointed for terms expiring after the effective date of this Charter shall continue to serve their terms without necessity of reappointment under this Charter.

7.2.6 Outstanding bonds. All 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.

7.3 Charter amendment

7.3.1 Amendment by Board of County Commissioners. The Board of County Commissioners, upon the concurrence of not less than a majority plus one of its entire membership, shall have the authority to propose by ordinance amendments or revisions to this Charter not inconsistent with the State Constitution or with general law, and may also propose by ordinance the repeal of the charter.

7.3.2 Amendment by petition. Amendments to this Charter, not inconsistent with the State Constitution or with general law, may be proposed by a petition signed by a number of electors at least equal to thirty (30) percent of the number of electors qualified to vote in the last preceding general election; provided that the number shall contain at least thirty (30) percent of the number of such qualified electors in each of the commission election districts; and further provided that any such amendment shall embrace but one subject and matter directly connected therewith. The sponsor of an amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed. The procedures for initiative petitions set forth in Section 6.1.1 of this Charter shall thereafter be followed. The power to amend this Charter by initiative shall not extend to administrative or judicial functions; the county budget, debt obligations or capital improvement programs; the zoning of land; salaries of county officers and employees; the assessment or collection of taxes; or, matters inconsistent with the Constitution or general laws of Florida.

7.3.3 Amendment referendum. The Board of County Commissioners shall cause any Charter amendment proposed under section 7.3.1 or 7.3.2 to be submitted to the electors for their approval during the next general election scheduled more than ninety (90) days after the proposed amendment is validated. Notice of said referendum, together with the language of the proposed amendment, shall be published as provided by general law. Passage of proposed amendments, revisions or repeal shall require approval of a majority of electors voting in said election.

7.4 Charter Review Commission

Not later than July 1 of the year 2015 and of every eighth year thereafter, the Board of County Commissioners shall appoint a Charter Review Commission to review the Charter of the county. The Charter Review Commission shall consist of 15 electors of Wakulla County, shall be funded by the Board of County Commissioners pursuant to a budget set by said Board and shall be known as the "Wakulla County Charter Review Commission." Elected officials and their employees, and employees of local governments in Wakulla County shall be prohibited from serving on the Charter Review Commission. The Charter Review Commission shall, within one (1) year from the date of its first meeting, present to the Board of County Commissioners its recommendations for amendment, revision or repeal of the Charter or its recommendation that no amendment, revision or repeal is appropriate. If amendment, revision or repeal of the charter is to be recommended, the Charter Review Commission shall conduct at least two (2) public hearings, at intervals of not less than ten (10) nor more than twenty (20) days, immediately prior to the transmittal of its recommendations to the Board of County Commissioners. Such recommendations shall be approved by an affirmative vote of not less than ten (10) members of the Charter Review Commission. The Board of County Commissioners shall schedule a referendum on the proposed charter amendments, revisions or repeal concurrent with the next general election. After adoption of its recommendations, the Charter Review Commission may remain in existence until the general election for purposes of conducting and supervising public educational programs concerning the proposed amendments, revisions or repeal.

7.5 Severability and validity

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

SECTION 2. BALLOT QUESTION TO BE PRESENTED TO THE ELECTORATE.

The proposed Charter of Wakulla County, Florida, shall be presented to the qualified Wakulla County electorate by placing the question of whether to adopt the same on the ballot at the General Election to be held on November 4, 2008.

SECTION 3. BALLOT QUESTION FORM.

The question on the ballot shall be substantially in the following form as proposed by
Wakulla County Ordinance No. 2008-14.

Ballot Title:

“Proposed Home Rule Charter for Wakulla County”

Question

“Shall there be a Home Rule Charter establishing the form and powers of Wakulla County government; preserving the elected county constitutional officers; providing for the recall of county commissioners from office by citizen referendum; authorizing the proposal and adoption of ordinances by voter initiative and referendum; preserving an appointed professional manager; preserving the legislative powers of a board of five commissioners elected countywide; and, providing methods for amendment only by vote of the electorate?”

Yes ___ For Approval

No ___ Against Approval

PASSED AND ADOPTED by the Board of County Commissioners of Wakulla County, Florida, by a vote of 3 to 2, this 4th day of AUG, 2008.

WAKULLA COUNTY BOARD OF
COUNTY COMMISSIONERS

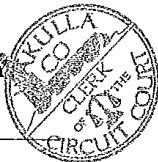
BY: Edward E. Brimner
EDWARD E. BRIMNER, Chairman

ATTEST:

Brent X. Thurmond
BRENT X. THURMOND
Ex Officio Clerk to the Board

APPROVED AS TO FORM ONLY

Ronald W. Mowrey
RONALD W. MOWREY
County Attorney



Attachment 2

OKALOOSA COUNTY HOME RULE CHARTER

PREAMBLE

We, the citizens of Okaloosa County, Florida, believe that governmental decisions affecting local interests should be made locally rather than by the State. In order to bring to the County the full home rule benefits afforded by the Constitution of the State of Florida to charter counties, we ordain and establish this Home Rule Charter for Okaloosa County, Florida.

ARTICLE I

CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT

Section 1.1 Creation, Powers and Ordinances of Home Rule Charter Government.

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

Section 1.2 Body Corporate, Name and Boundaries.

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

Section 1.3 Relation to State Law.

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

Section 1.4 Relation to Municipal Ordinances.

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

Section 1.5 Relation to Existing Independent Districts.

The provisions of this Charter shall not affect existing independent special districts created by general law or special law.

ARTICLE II ORGANIZATION OF COUNTY GOVERNMENT

Section 2.1 Elected Commission and Appointed County Manager Form of Government.

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

Section 2.2 Legislative Branch.

A. **THE COUNTY COMMISSION.** The governing body of the County shall be a Board of County Commissioners composed of five members serving staggered terms of four years. There shall be one Commissioner for each of the five County Commission districts established pursuant to general law and they shall be elected on a county-wide basis by the electors of the County. Each candidate for the office of County Commissioner shall reside within the district for which such candidate seeks election at the time of qualifying to run for that office. During the term of office, each Commissioner shall reside in the district from which such Commissioner ran for office, provided that any Commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.

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

C. **SALARIES AND OTHER COMPENSATION.** Salaries and other compensation of the County Commissioners shall be the same as those set by general law for the county commissioners of non-charter counties.

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

E. **ADMINISTRATIVE CODE.** The Board of County Commissioners shall adopt an Administrative Code in accordance with general law within twelve months of the effective date of this Charter.

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

(2) The Administrative Code shall not apply to the Elected County Officers, who shall adopt administrative" procedures concerning the operation of their respective offices.

(3) The Elected County Officers shall provide a copy of their offices' administrative procedures to the Board of County Commissioners. A copy of each Elected County Officer's administrative procedures shall be kept in a file along with the Administrative Code. This file shall be known as the Collective Administrative Procedures of the County and shall be updated as necessary.

F. VACANCIES. A vacancy in the office of any Commissioner shall be filled by appointment by a majority vote of the remaining County Commissioners. Appointment shall be for the remainder of the term, if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next General Election. In the event of a tie vote, or if the vacancy has not been filled within forty-five days, the Governor shall make; the appointment from those candidates submitted by the Board of County Commissioners' in accordance with general law.

G. SUSPENSIONS. Suspensions from office shall be in accordance with the Constitution of the State of Florida or as provided by general law.

H. RECALL. Members of the County Commission shall be subject to recall as provided by general law.

I. NON-INTERFERENCE. Except for purposes of inquiry and information, County Commission members are prohibited from interfering with employees, officers, or agents under the direct or indirect supervision of the County Manager or Elected County Officers.

Section 2.3 Executive Branch.

A. THE COUNTY MANAGER.

(1) The County Manager shall be appointed and may be terminated with or without cause by a majority of the membership of the Board of County Commissioners. The County Manager shall be the Chief Executive Officer of the County. All executive responsibilities and powers shall be assigned to and vested in the County Manager, and shall include but not be limited to the following powers and duties:

(a) Report annually to the Board of County Commissioners and to the citizens on the state of the County, the work of the previous year, and recommendations for action or programs for improvement of the County and the welfare of its residents;

(b) Prepare and submit the annual proposed budget and capital programs to the Board of County Commissioners and execute the budget and capital programs in accordance with appropriations and ordinances adopted by the Board of County Commissioners; establish procedures to be followed by all County departments, offices and agencies in connection with the budget process; and, supervise and administer all phases of the budget process;

(c) Administer and implement the directives and policies of the Board of County Commissioners and enforce all orders, ordinances, resolutions and policies of the Board of County Commissioners, the Charter, and applicable general law to assure that they are faithfully executed;

(d) Review, analyze and forecast trends in all County services, expenditures and finances to report and make recommendations regarding same to the Board of County Commissioners;

(e) Develop, install and maintain centralized budgeting, personnel, purchasing and other administrative procedures as may be authorized by the Administrative Code;

(f) Execute any other duty or power assigned by the Charter or by ordinance or resolution of the Board of County Commissioners, or general or special law, including but not limited to those as contained in Section 125.85, Florida Statutes (1996).

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

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

(4) The office of County Manager shall be deemed vacant if the incumbent moves his or her residence from the County or is, by death, illness, or other casualty, unable to continue in office. A vacancy in the office shall be filled as prescribed by ordinance. The Board of County Commissioners shall appoint or designate an acting County Manager in the case of vacancy or disability until a successor has been appointed or the County Manager returns. The County Manager may, subject to approval by the Board of County Commissioners, appoint a Department Head or other senior employee to serve as County Manager in cases of temporary absence.

B. DEPARTMENTS. The Board of County Commissioners shall establish the departments of County government by ordinance.

(1) All departments currently established shall continue in place until changed by ordinance.

(2) A central purchasing' office shall be established to serve all County government departments and activities. Use of the central purchasing office by the Elected County Officers is encouraged but not mandatory.

(3) A central personnel office shall be established to serve all County government departments and activities. Use of the central personnel office by the Elected County Officers is encouraged but not mandatory. Interview and selection responsibilities remain with the official authorized to make the appointment

C. COUNTY DEPARTMENT HEADS.

(1) The County Department Heads shall be appointed by and shall be responsible to the County Manager. The Board of County Commissioners shall by majority vote confirm the appointment of Department Heads. Compensation and benefits of Department Heads shall be set by the Board of County Commissioners.

(2) The County Manager shall have the sole authority to suspend or terminate any Department Head.

D. SPECIAL FINANCIAL RESPONSIBILITY.

All Elected County Officers and the County Manager shall be bonded.

ARTICLE III

ELECTED COUNTY OFFICERS

Section 3.1 General Provisions.

The offices of the Sheriff, Property Appraiser, Tax Collector, Supervisor of Elections and Clerk of the Circuit Court are hereby abolished and all of those offices' powers and duties are expressly transferred to the respective elected county offices as described herein.' The Elected County Officers shall be the Sheriff, Property Appraiser, Tax Collector, Supervisor of Elections and Clerk of the Circuit Court. All of the powers, duties, functions, and terms of office now or hereafter prescribed by the Constitution and general law that are applicable to such offices and officers in non charter counties are preserved, except as provided by this Charter. Compensation shall be as provided by law for such officers in non charter counties. Suspensions from office shall be in accordance with the Constitution of the State of Florida as provided by general law. Vacancies shall be filled as specified by general law. The departments of County government headed by Elected County Officers are not subject to supervision by the County Manager or the Board of County Commissioners.

Section ~3.2 Transfer of Powers.

A power or function existing in any county office by virtue of the Constitution of the State of Florida or general law and placed in this Charter under an Elected County Officer may not be further transferred or removed without amendment to this Charter. In all other cases the Board of County Commissioners may by ordinance make changes in any or all department organizations.

ARTICLE IV

ELECTIONS

Section 4.1 Conduct of Elections.

All elections will be conducted pursuant to general law, except as otherwise provided in this Charter.

Section 4.2 Nonpartisan Elections.

Elections for County Commissioners, all Elected County Officers, School Board members and the Superintendent of Schools shall be on a nonpartisan basis. Candidates for these offices shall qualify for election at the same time and in the same manner provided by general law for their counterparts in non-charter counties, except that no candidate shall be required to pay any party assessment. Further, candidates shall not be required to declare any party affiliation or state the manner in which he or she voted or will vote in any election. All candidates' names shall be placed on the ballot without reference to political party affiliation. A candidate qualifying by the alternative method of petition of electors shall present the signatures of at least one percent (1%) of the qualified electors of the County as shown by compilation by the Department of State for the last preceding general election.

Section 4.3 Primary and General Elections.

In the event that more than two candidates qualify for any elective office, a primary election shall be held. If no candidate for an elective office in the primary receives a majority of the votes cast, the two candidates receiving the highest number of votes for that office shall be placed on the ballot in the general election.

ARTICLE V PERSONNEL POLICY

Section 5.1 Prohibition of Political Use of Office.

All County employees, Department Heads, County Commissioners, Elected County Officers, and the County Manager are prohibited from using the assets of his or her office or time during usual and ordinary business hours, for the political advantage or disadvantage of any person, party or cause.

Section 5.2 Status Independent of Party Affiliation.

No County employee's employment or employment status may be affected because of his or her political support or activity, or lack of support, for any person, party or cause.

ARTICLE VI

BUDGET

All County departments and agencies funded by the County shall operate under a unified and uniform budget system. All fees collected by officers and employees of the County shall be kept on deposit in accordance with general law. The County Manager shall compile all budget input from county departments and agencies. The County Manager shall prepare a tentative operating budget, capital budget and capital programs budget along with comparative analysis from past years to be submitted to the Board of County Commissioners for consideration. The head of each County department or agency, including those headed by Elected County Officers, shall submit to the County Manager a detailed uniform budget for the ensuing year's operation, plus such additional information as may be requested. The Board of County Commissioners shall review, amend and adopt the budget as submitted by the County Manager; provided, however, that the budget of each department headed by an Elected County Officer shall be fixed and approved by the Board of County Commissioners, subject to the approval and review provided by general law to officers of like powers and functions in non charter counties.

ARTICLE VII

CODE OF ETHICS

The Code of Ethics as provided by general law shall apply to all employees and office holders of the County. Penalty for violation shall be as provided by general law. The Board of County Commissioners, by ordinance, may establish additional higher standards and policies regarding ethics that are not inconsistent with general law.

ARTICLE VIII

CHARTER AMENDMENTS, REVIEW, TRANSITION, SEVERANCE, AND EFFECTIVE DATE

Section 8.1 Charter Amendments.

A. AMENDMENTS PROPOSED BY PETITION.

(1) The Charter may be amended by initiative upon petition by a number of registered voters qualified to at least 10% of the number of registered voters qualified to vote in the County as a whole in the last general election. Any such amendment shall embrace but one subject and matter directly connected therewith. A charter amendment proposed by initiative shall be placed on the ballot by resolution of the Board of County Commissioners for the next general election in excess of 90 days from the date of certification by the Supervisor of Elections that the requisite number of signatures have been verified. The sponsor of such initiative shall bear the costs of

signature verification and ensure that the text of the proposed amendment complies with the restrictions to one subject and directly connected subject matter.

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

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

B. AMENDMENTS AND REVISIONS BY CHARTER REVIEW COMMISSION.

(1) A Charter Review Commission consisting of 15 electors of the County shall be appointed by the Board of County Commissioners at least 12 months before the general election occurring in the year 2000 and at least 12 months before the general election every ten years thereafter. Charter Review Commission members shall be appointed in the same manner provided by general law for the appointment of Charter Commissions in counties without Charters. The Charter Review Commission shall review the Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the State Legislature, Elected County Officer, County Manager, County Department Head, or County Attorney, shall be a member of the Charter Review Commission. Vacancies shall be filled within 30 days in the same manner as the original appointments.

(2) The Charter Review Commission shall meet for the purpose of organization within 30 days after the appointments have been made. The Charter Review Commission shall elect a chairman and vice chairman from among its membership. Further meetings of the Charter Review Commission shall be held upon the call of the chairman or a majority of the member of the Charter Review Commission. All meetings shall be open to the public. A majority of the members of the Charter Review Commission shall constitute a quorum. The Charter Review Commission may adopt such other rules for its operations and proceedings as it deems desirable. Members of the Charter Review Commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(3) Expenses of the Charter Review Commission shall be verified by a majority vote of the Charter Review Commission and forwarded to the Board of County Commissioners for payment from the general fund of the County. The Charter Review Commission shall provide for such supplies, materials, equipment and facilities as it deems necessary, but only as approved by the Board of County Commissioners.

(4) The Charter Review Commission shall hold at least three public hearings at intervals of not less than 10 days nor more than 20 days on any proposed Charter amendment or revision. No Charter amendment or revision shall be submitted to the electorate for adoption unless favorably voted upon by a majority of the entire membership of the Charter Review Commission.

(5) No later than 90 days prior to the general election, the Charter Review Commission shall deliver to the Board of County Commissioners the proposed amendments or revisions, if any, to the Charter. The Board of County Commissioners shall by resolution place such amendments or revisions on the general election ballot. If a majority of the electors voting on the amendments or revisions favor adoption, such amendments or revisions shall become effective on January 1 of the succeeding year or such other time as the amendment or revision shall provide.

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

C. AMENDMENTS PROPOSED BY THE BOARD OF COUNTY COMMISSIONERS.

(1) Amendments to this Charter may be proposed by ordinance enacted by the Board of County Commissioners. Each proposed amendment shall embrace but one subject and matter directly connected therewith. Each proposed amendment shall only become effective upon approval by a majority of the electors of the County voting in a referendum at the next general election. The Board of County Commissioners shall give public notice of such referendum election as required by general law. The Board of County Commissioners may seek input from an advisory committee composed of electors within the County prior to proposing amendments to the Charter.

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

Section 8.2 Charter Transition.

A. GENERAL PROVISIONS. Unless expressly provided otherwise in this Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Okaloosa County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any Elected County Officer, whose term shall continue as if this Charter had not been adopted.

B. INITIAL COUNTY COMMISSIONERS AND DISTRICTS. The persons comprising the Okaloosa County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the Charter Government

and shall perform the functions thereof until the normal expiration of their terms or until the election and installation of their successors as provided by law. The initial district boundaries of the County Commission Districts shall be those existing at the time of enactment of this Charter.

c. **OUTSTANDING BONDS.** All outstanding bonds, revenue certificates, and other financial obligations of the County outstanding on the effective date of this Charter shall be obligations of the Charter Government. All actions taken by the former government relating to the issuance of such obligations 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.

D. **OFFICES AND OFFICERS CONTINUED.** Unless otherwise provided by this Charter, all offices, officials, boards, commissions, and agencies of the former government shall continue to perform their respective duties and functions.

E. **EMPLOYEES CONTINUED.** All employees of the former county government shall on the effective date of this Charter become employees of the County government created by this Charter. All existing wages, benefits, and conditions of employment shall continue, until modified by lawful action of the Board of County Commissioners or The Elected County Officers.

F. **PROCEEDINGS CONTINUED.** All petitions, hearings and other proceedings pending before any officer, office, department or board of the former governments or any of its districts shall remain in full force and effect. All such petitions, hearings or other proceedings shall be completed by the officer, office, department or board of the Charter Government succeeding to the rights, duties and obligations of the former government.

G. **BALLOT AND REFERENDUM,** The referendum on this Charter shall be held during the general election scheduled for November of 1996. The question on the ballot shall be as shown below:

OKALOOSA COUNTY HOME RULE CHARTER REFERENDUM "Shall an Okaloosa County Home Rule Charter be enacted providing for: a legislative body of elected County Commissioners; Elected County Officers; an appointed County Manager with no supervisory power over Elected County Officers; nonpartisan elections of County Commissioners, Elected County Officers, School Board members and Superintendent of Schools; citizen recall of County Commissioners; filling of County Commissioner vacancies by remaining Commissioners; a unified budget; and Charter amendment by referendum?"

YES (for approval) NO (for rejection)

H. TERMINATION OF PARAGRAPHS G. AND H. THIS SECTION. Paragraphs "G." and "H." of this Section shall cease to be a part of this Charter effective January 1, 1997.

Section 8.3 Severance.

If any provision of this Charter or the application thereof to any agency, person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Charter which can be given effect without the invalid provision or application, and to this end the provisions of this Charter are declared severable. Section 8.4 Home Rule Charter Effective Date. This Charter shall become effective on January 1, 1997.

Attachment 3

Florida Charter Counties

Charter County	2007 Population (11/07)	Year Adopted	Number of Cities	Administrative Structure	Constitutional Officers	Countywide Power
Alachua	247,561	1987	9	administrator	no change	no
Brevard	552,109	1994	15	administrator	revised	no
Broward	1,765,707	1975	31	administrator	revised	yes
Charlotte	164,584	1986	1	administrator	residency req.	yes
Clay	184,644	1991	4	manager	revised	no
Columbia	65,373	2002	2	administrator	recall; nonpartisan election	yes
Duval	897,597	1968	5	executive	revised	yes
Hillsborough	1,192,861	1983	3	administrator	no change	yes
Lee	615,741	1996	5	administrator	no change	no
Leon	272,896	2002	1	administrator	supervisor nonpartisan	no
Miami-Dade	2,462,292	1957	34	executive	revised	yes
Orange	1,105,603	1986	13	chairman	comptroller	yes
Osceola	266,123	1992	2	administrator	BoCC Auditor	no
Palm Beach	1,295,033	1985	37	administrator	no change	yes
Pinellas	944,199	1980	24	administrator	no change	yes
Polk	581,058	1998	17	administrator	recall; nonpartisan election	no
Sarasota	387,461	1971	4	administrator	revised	no
Seminole	425,698	1989	7	administrator	no change	no
Volusia	508,014	1971	16	executive	revised	yes
Wakulla	29,417	2008	2	administrator	no change	No

BASIC DIFFERENCES BETWEEN CHARTER AND NON-CHARTER COUNTIES

Non-Charter

Structure of county government specified in State Constitution and State Statutes. Only amending the State Constitution or State law can change structure

Counties have powers of self-government as prescribed by the State Legislature

State Statutes do not provide for initiative or referendum, or recall of county officers

State Statutes do not require an Administrative Code

County cannot levy a utility tax in the unincorporated area.

Charter

Structure of county government specified in Charter as approved by the electorate. Structure can be tailored by the local electorate to meet the needs of the county

Counties have all powers of self-government unless they are inconsistent with the Constitution or State law.

County charter may provide for initiative, referendum and recall at the county level.

County Charter can require an Administrative Code detailing all regulations, policies and procedures.

County Charter can provide that a “municipal utility tax” is levied in the unincorporated area.