

# HOME RULE CHARTER FOR COLUMBIA COUNTY, FLORIDA

## PREAMBLE

*THE PEOPLE OF COLUMBIA COUNTY, FLORIDA*, by the grace of God free and independent, in order to attain greater self-determination, to exercise more control over our own destiny, to create a more responsible and effective government, and to guarantee constitutional rights to all equally, do hereby ordain and establish this Home Rule Charter as our form of government for Columbia County.

## ARTICLE 1: CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT

### 1.1 Creation and general powers of home rule charter government

Columbia County shall be a home rule charter county, and, except as may be limited by this Home Rule 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

Columbia County shall be a body corporate and politic. The corporate name shall be Columbia 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 Home Rule 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/or 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. To this end, the Board of County Commissioners may by ordinance create districts for the purpose of levying ad valorem taxes and special assessments to pay for the furnishing of municipal services, and the tax imposed shall be within the limits of millage set for municipal purposes. Should such services be furnished within a municipality, the total millage levied by the municipality and the county district levy for this municipal purpose shall not exceed the maximum millage set by law for municipal purposes.

#### **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 Division of powers**

This Charter hereby establishes the separation between legislative and administrative functions of this government. 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.

**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; Pre-Exemption**

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, however, that the County may by ordinance adopt minimum countywide standards for (i) regulating adult entertainment, (ii) protecting the environment by regulating air or water pollution, (iii) outdoor burning, (iv) hours of sale of alcoholic beverages, (v) animal control, (vi) firearms and weapons, and (vii) protection of Level of Service standards for County-maintained roads. The intent of this section is that no person within a municipality shall be governed simultaneously by two sets of ordinances covering the same subject matter, activity, or conduct, except in matters of minimum adult entertainment, pollution, regulatory standards, outdoor burning, hours of sale of alcoholic beverages, animal control, firearms and weapons, and protection of Level of Service standards for County-maintained roads. Where a county ordinance establishes a minimum standard as authorized by this section, nothing prevents a municipality from establishing a more restrictive ordinance which shall prevail within its municipal boundaries to the extent of any conflict with county ordinance.

**1.9 Code of Ethics**

In order to provide a high level of transparency and ethical conduct under charter government, the Board of County Commissioners shall enact by ordinance a Code of Ethics no later than January 31, 2021. The Code of Ethics shall prescribe standards of conduct for members of the Board of County Commissioners and its employees, as well as to all members of appointed boards and committees that have been created by the Board of County Commissioners. The Code of Ethics shall supplement and not contradict or supersede any statutory or administrative standards of conduct which apply to any such officer or employee. The Code of

Ethics shall be adopted by Ordinance in substantially the form approved by the 2020 Charter Review Commission on June 17, July 1, and July 13, 2020. The Code shall not conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office. The Code shall not be repealed but shall be subject to amendment from time to time through ordinance and upon an affirmative vote of no fewer than four County Commissioners.

[As amended November 3, 2020, Ord. 2020-16]

## **ARTICLE 2: LEGISLATIVE BRANCH: BOARD OF COUNTY COMMISSIONERS**

### **2.1 Composition**

There shall be five county commissioners' districts in Columbia County, which shall be numbered one to five, inclusive, the districts together covering the entire county and as nearly equal in population as practicable. Five County Commissioners shall reside one in each of the districts, and each Commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the Commissioner.

### **2.2 Redistricting**

In the first odd-numbered year after each decennial census, the Board of County Commissioners shall initiate the process to divide the county into districts of contiguous territory, following the existing boundaries of municipalities where possible and as nearly equal in population as possible. The Board of County Commissioners may initiate the process to redivide the districts in any other odd-numbered year.

Recommendations for redistricting shall be the responsibility of a citizens redistricting committee appointed by the Board of County Commissioners. The redistricting committee shall be funded by the Board of County Commissioners. The redistricting committee shall be composed of an odd number of not less than 11 and not more than 15 members. No elected officials nor employees of Columbia County

shall be a member of the redistricting committee. All members of the redistricting committee shall be registered voters residing within Columbia County. Vacancies shall be filled within 30 days in the same manner as the original appointment. The redistricting committee shall have its first meeting before May 15 of the odd numbered year in which redistricting is required. The redistricting committee shall adopt rules of procedure to govern its actions and all meetings of the redistricting committee shall be open to the public and conducted in compliance with Florida's sunshine laws. The redistricting committee shall, to the extent practicable and consistent with the law, preserve the several municipalities and geographically cohesive racial or ethnic minority communities from fragmentation. The redistricting committee shall present their recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting of September of that year. The Board of County Commissioners may approve the recommendation without amendment or reject the recommendation with written explanation for the rejection provided to the redistricting committee. If the recommendation is rejected, the redistricting committee shall reconvene and consider the written explanation for rejection presented by the Board of County Commissioners. The redistricting committee shall present their final recommendation to the Board of County Commissioners no later than the Board of County Commissioner's first regular meeting in October of that year. The Board of County Commissioners shall act upon the recommendation of the redistricting committee at that meeting by accepting, modifying, or rejecting the redistricting committee's recommendation. If the Board of County Commissioners modifies or rejects the final recommendation of the redistricting committee, it shall adopt a final redistricting plan no later than the Board of County Commissioner's first regular meeting in December.

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/or four (4) 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. The publication of such copy shall be

for information only and shall not be jurisdictional.

[As amended November 6, 2012, Am. 1]

### **2.3 Qualifications and Election**

County commissioners shall be qualified electors of the county. Commissioners shall reside one in each of the commission districts. Candidates shall reside in their respective districts at the time of qualifying to run, or at the time of appointment to any vacancy. Candidates shall otherwise qualify for election at the same time and in the same manner provided by general law for county commissioners in non-charter counties, except that election shall be non-partisan as provided in Section 5.2 of this Charter. 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 so that one more or one less than half of the commissioners elected from residence areas are elected every two years.

*-Ed. "Election" refers to the date of the General Election in November. Use of a primary election date to determine the start date for any term would cause terms of office to vary from four years as otherwise provided by this part.*

### **2.5 Salary and other compensation**

Salary 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.

### **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, except that the filling of any vacancy by election shall be on a non-partisan basis as provided in this Charter. Commissioners and other

elected county officers 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 Meetings**

The organizational meeting of the Board of County Commissioners shall be held on a date in December of each year which is established by the Board of County Commissioners in the County Administrative Code. At its organizational meeting the Board of County Commissioners shall elect a chair and vice-chair by majority vote to serve for a period of one(1) year, and shall each year thereafter elect from its membership a chair and a vice- chair, who may succeed themselves.

The Board of County Commissioners shall provide by resolution for the location, time, and place for holding all regular meetings of the Board of County Commissioners.

[As amended November 7, 2006]

### **2.7.1 Special meetings.**

Special meetings may be held on call of the chair or two (2) or more commissioners. Upon call for a special meeting, the County Manager shall give adequate public notice of the time, place, and purpose of the meeting in accordance with the procedures established in the administrative code. Action by the Board of County Commissioners at a special meeting shall be limited to the purpose for which the special meeting was called.

### **2.7.2 Location of meetings.**

The Board of County Commissioners shall meet at the county seat except that it may determine by resolution, from time to time, the place or places within the county at which the Board of County Commissioners shall meet for the purpose of conducting its business, provided that the notice of the time and place shall be published in a newspaper of general circulation in the county at least one (1) week prior to the holding of any such meeting outside the county seat. Such notice shall contain an agenda of all matters to be acted upon.

## 2.8 Powers and duties

The Board of County Commissioners shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida, provided that such powers shall be exercised in a manner consistent with this Charter. The Board of County Commissioners, in addition to the powers and duties provided in the Charter, shall have the specific powers and duties to:

- (1) Appoint and reappoint the County Manager by a vote of a majority of the entire Board of County Commissioners, and remove the County Manager during a contract term by either a majority vote of the entire Board of County Commissioners at each of two successive regular meetings or by a majority plus one vote of the entire Board of County Commissioners at one meeting of the Board of County Commissioners, which meeting may be a regular meeting or a special meeting.

[As amended November 6, 2012, Am. 2]

- (2) Adopt such ordinances as may be necessary to carry out both county and municipal powers and purposes; except that the Board of County Commissioners shall not have the power currently granted by law to municipalities to impose a utility or public services tax.
- (3) Review the budgetary requests including salaries and make the final budgetary determinations and appropriations for all county governmental operations including but not limited to county management, all administrative departments of the government, adjustment boards and special authorities and tax districts which request a portion of the millage levied for county purposes under the Constitution of Florida or such other millage as may be levied by the county for municipal service districts, excepting the school system.
- (4) Adopt by a two-thirds vote of the entire Board of County Commissioners such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the Board of County Commissioners.



- (5) Designate which officers and employees shall be bonded and fix the amount and approve the form of the bond.
- (6) Adopt an Administrative Code. The Administrative Code shall organize the administration of county government and set forth the duties, powers and operating procedures of all County officials, agencies, and departments under the Board of County Commissioners. The Administrative Code shall not apply to the elected county constitutional officers.
- (7) On or before the first day of April of each calendar year, each Commissioner shall subject the County Manager to a performance review for the preceding calendar year. Performance grading shall be on a scale from 1 to 5 with 1 being unsatisfactory and 5 being exceptional. The County Manager's performance shall be reviewed as to each of the duties imposed by this Charter, as well as the County Manager's demonstrated interpersonal skills with citizens, employees, and Commissioners. At the Board's first regular meeting in the month of May of each calendar year the results of the Commissioners' review of the County Manager shall be presented to the public.

[As amended November 3, 2020, Ord. 2020-15]
- (8) Exercise any power of the County not lodged in any other office by this Charter.

**2.9 Legislative procedures**

The Board of County Commissioners may take official action only by the adoption of ordinances, resolutions, or motions. Except as otherwise provided by this Charter, all ordinances, resolutions, or motions shall be adopted by majority vote of the entire Board of County Commissioners in accordance with the provisions of the Constitution and laws of Florida. A majority of the entire Board of County Commissioners shall constitute a quorum and the concurrence of a majority of the entire Board shall be required to adopt, amend or repeal any ordinance. The concurrence of a majority of those present shall be required to adopt, amend, or repeal a resolution or motion under the terms of this provision. All commissioners

in attendance, including the chair or presiding officer, shall vote on all Board of County Commissioners actions except when prevented from doing so by a provision of general law.

### **2.10 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.

### **2.11 Public Notice and Information**

In addition to any notice required by law, the Board of County Commissioners shall use the Internet, or any other widely available and economically feasible technology hereafter developed and specified in the Administrative Code, to provide the public with convenient and timely access to its regular and special (non-emergency and non-confidential) meeting agendas, including the information provided to the Board for its consideration. The failure of the Board to provide such information shall not invalidate any action as to which all statutorily required notice has been provided, but such failure may be deemed nonfeasance in office. The Board shall also adopt measures to ensure that such information is available for the meetings of any subordinate boards for which any notices in addition to those required by Section 286.011, Florida Statutes, are required to be published.

[As amended November 7, 2006]

### **2.12 Surplus Year-end Funds**

With respect to any surplus arising from an excess of the estimated cash balance over the estimated amount of unpaid obligations to be carried over in a fund at the end of any fiscal year, all such surplus shall be transferred to any of the other funds of the county, and the amount so transferred shall be budgeted as a receipt to such other funds. Said excess funds shall not be expended except as through such funds for those purposes approved through the annual budget process for the then-current fiscal year.

[As amended November 3, 2020, Ord. 2020-16]

**ARTICLE 3:  
ADMINISTRATIVE BRANCH: COUNTY MANAGER**

**3.1 County Manager: qualifications**

There shall be a County Manager 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 Manager shall be chosen on the basis of his or her professional training, executive and administrative experience, and qualifications. The County Manager 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 Manager at a level which 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 Manager shall be head of the administrative branch of county government and shall be responsible to the Board of County Commissioners for the proper administration of all affairs of the county. The County Manager shall attend all regular and special meetings of the Board and shall have the right to participate in its discussions. The County manager 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.

The County Manager shall:

- (1) Administer and carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances, and regulations of the Board to assure that they are faithfully executed.

- (2) Report to the Board on action taken pursuant to any directive or policy within the time set by the Board and provide an annual report to the Board on the state of the county, the work of the previous year, and any recommendations as to actions or programs the administrator deems necessary for the improvement of the county and the welfare of its residents.
- (3) Provide the Board, or individual members thereof upon request, with data or information concerning county government and to provide advice and recommendations on county government operations to the Board.
- (4) Establish the schedules and procedures to be followed by all county departments, offices, and agencies in connection with the budget and supervise and administer all phases of the budgetary process.
- (5) Prepare and submit to the Board after the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year and submit his or her recommendations.
- (6) Supervise the care and custody of all county property.
- (7) Recommend to the Board a current position classification and pay plan for all positions in county service.
- (8) Develop, install, and maintain centralized budgeting, personnel, legal, purchasing, and other administrative procedures and systems.
- (9) Organize the work of county departments, subject to an administrative code developed by the manager and adopted by the Board, and review the departments, administration and operation of the county and make recommendations pertaining thereto for reorganization by the Board.
- (10) Employ, supervise, discharge, or remove any employee under the jurisdiction of the Board pursuant to procedures adopted by the Board.

- (11) Negotiate leases, contracts, and other agreements, including consultant services, for the county, subject to approval of the Board, and make recommendations concerning the nature and location of county improvements. Ensure that all terms and conditions in all leases, contracts, and agreements are performed and notify the Board of any noted violation thereof
- (12) Order, upon advising the Board, any agency under the manager's jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of the county government to do so.
- (13) Ensure completion of all performance reviews of the County Manager by each member of the Board of County Commissioners on or before April 1 of each calendar year and set upon the Board's regular meeting agenda for the first regular meeting of May each year for presentation of the results of said performance reviews.  
[As amended November 3, 2020, Ord. 2020-15]
- (14) Perform such other duties as may be required 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 Manager by giving said employee or employees any instruction 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 Manager or County Attorney.

[As amended November 7, 2006]

### **3.5 Temporary absence or incapacity**

The Board of County Commissioners may appoint an acting manager in

the case of vacancy or temporary absence or disability of the County Manager, until a successor has been appointed and qualified or until the County Manager returns.

#### **ARTICLE 4: ADMINISTRATIVE DEPARTMENTS**

##### **4.1 Initial departments**

The initial departments of the Board of County Commissioners shall be those that exist upon the adoption of this Charter. Departments may be created, revised, merged, or abolished by the Board of County Commissioners.

##### **4.2 Department heads**

Department heads shall be appointed, supervised, and terminated by the County Manager, and shall be employees at will and shall be responsible to the County Manager. The County Manager shall have the sole authority to terminate any department head with or without cause. The decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners pursuant to policy adopted by the Board.

#### **ARTICLE 5: COUNTY OFFICERS**

##### **5.1 County constitutional officers**

The 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.

##### **5.2 Non-partisan election of county officers**

###### **5.2.1 Non-partisan offices**

The County Commissioners, the County Attorney, the

Superintendent of Schools and the County Constitutional Officers shall be elected on a non-partisan basis.

[As amended November 7, 2006; Unconstitutional in part. *Orange County v. Singh*, 268 So.3d 668]

### **5.2.2 Non-partisan election procedures.**

- (a) The name of an unopposed candidate for an office provided to be non-partisan by this Charter shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general election.
- (b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the first primary election. If any candidate for such office receives a majority of the votes cast for such office in the first primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.
- (c) The candidate who receives the highest number of votes cast for the office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

### **5.2.3 Qualification by petition.**

A candidate for non-partisan office may qualify for election to such

office by means of the petitioning process provided in general law.

#### **5.2.4 Other provisions.**

In all respects not expressly provided in this charter, non-partisan elections shall be governed by the procedures set forth in general law for non-partisan school board elections; provided that nothing therein shall impair the constitutional rights of candidates to freedom of expression and association.

### **ARTICLE 6: POWERS RESERVED TO THE PEOPLE: INITIATIVE AND RECALL**

#### **6.1 Initiative**

The electors of Columbia 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 seven percent of electors qualified to vote in the last preceding general election; provided that the number shall contain at least seven percent of the qualified electors in three or more commission election districts. Any citizen also has a constitutional right to instruct representatives and petition for redress of grievances.

##### **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 therefor. 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 is 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 or amend this Charter by initiative shall not include ordinances or provisions relating to administrative or judicial functions; the county budget; debt obligations, capital improvement programs, salaries of county officers and employees, the assessment or collection of taxes; or matters inconsistent with the Charter, the general laws of Florida, or the Florida Constitution.

## **6.2 Recall**

The County Commissioners shall be subject to recall as provided by general law. Any elected constitutional county officer may be recalled in the manner provided by general law for recall of a county commissioner of a charter county. A successor to the unexpired term of office of any recalled commissioner or elected constitutional county officer shall be selected in the manner provided by the Constitution or general laws of Florida for filling of vacancies in office after recall in charter counties.

## **ARTICLE 7: SPECIAL DISTRICTS AND AUTHORITIES**

As provided in Article VIII, §1(g) and §6 of the State Constitution, the Board of County Commissioners may by ordinance amend or repeal any local or special act of the Legislature applicable solely to the unincorporated area of the County.

## **ARTICLE 8: MISCELLANEOUS PROVISIONS**

### **8.1 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 November 2002 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 2003, the effective date

of this Charter.

## **8.2 Transition**

### **8.2.1 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 Columbia 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.

### **8.2.2 Initial county commissioners**

The persons comprising the Columbia 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.

### **8.2.3 Initial County Manager and attorney**

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

### **8.2.4 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.

### **8.2.5 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.

### **8.2.6 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.

## **8.3 Charter amendment**

### **8.3.1 Amendment by Board of County Commissioners**

The Board of County Commissioners, upon the concurrence of not fewer than a majority plus one of its entire membership, shall have the authority to propose by ordinance amendments to this Charter not inconsistent with the State Constitution or with general law.

### **8.3.2 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 ten per cent of the number of electors qualified to vote in the last preceding general election; provided that the number shall contain at least ten percent of the number of such qualified electors in three or more 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, capital improvement programs, salaries of county officers and employees, the assessment or collection of taxes; or matters inconsistent with the Constitution or general laws of Florida.

### **8.3.3 Amendment referendum**

The Board of County Commissioners shall cause any Charter amendment proposed under section 8.3.1 or 8.3.2 to be submitted to the electors for their approval. If a general election is scheduled more than sixty (60) days after the proposed amendment is proposed or validated, the question shall be placed on the ballot at a special election held concurrent with the general election, or at any earlier special election called for that purpose. Notice of said referendum, together with the language of the proposed amendment, shall be published at least twice in a newspaper of general circulation in the county, at intervals of at least seven (7) days, but not less than five (5) nor more than thirty (30) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election.

## **8.4 Charter review**

Not later than July 1 of the year 2011 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 be appointed in the same manner as a Charter Commission under Section 125.61 of the Florida Statutes as that section now exists or may be hereafter amended. The commission shall be funded by the Board of County Commissioners and shall be known as the "Columbia County Charter Review Commission." It shall, within one (1) year from the date of its first meeting, present to the Board of County Commissioners its recommendations for amendment or revision of the Charter or its recommendation that no amendment or revision is appropriate. If amendment or revision is to be recommended, the Charter Review Commission shall conduct three (3) 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. The Board of County Commissioners shall schedule a referendum on the proposed charter amendments or revisions concurrent with the next general election. The Charter Review Commission may remain in existence until the general election for purposes of conducting and supervising education and information on the proposed amendments or revisions.

[As amended November 7, 2006]

### **8.5 Severability and validity**

If any part of this Charter is held invalid or unconstitutional, the remainder thereof shall remain in full force and effect. It is the intent of the people of Columbia County that the provisions of this Charter with respect to the non-partisan election of County Commissioners are an exercise of their constitutional prerogative to provide for their governing body under Article VIII, section 1(e) of the Constitution of Florida; and that the provisions of this Charter with respect to the non-partisan election and recall of the county constitutional officers are an exercise of their constitutional prerogative to choose county officers in another manner or to abolish such offices as provided in Article VIII, section 1(d) of the Constitution of Florida. To the extent that it is necessary to the protection of these prerogatives of self-government, offices under this Charter are deemed created by the people of Columbia County through this Charter, and all of the powers and duties conferred by general law upon offices of like name in non-charter counties are transferred to the offices of the same name under this Charter. This Charter shall not otherwise be construed to alter, transfer, diminish or abolish any of the powers or duties of such offices now or hereafter existing under the Constitution and general laws of Florida.

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All amendments effective January 1, 2021

Received and approved for publication by the Columbia County Board of County Commissioners this 21<sup>st</sup> day of January, 2021.

  
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**Rocky Ford, Chairman**