

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA PURSUANT TO SECTIONS 125.60-64 AND 125.82, FLORIDA STATUTES, PROPOSING TO THE ELECTORS OF THE COUNTY THE ADOPTION OF A HOME RULE CHARTER; EXCLUDING THE CONSTITUTIONAL COUNTY OFFICERS FROM THE EFFECT OF THE CHARTER; PROVIDING IN SUCH CHARTER FOR THE FORM AND POWERS OF THE COUNTY GOVERNMENT; SEPARATION OF LEGISLATIVE FROM EXECUTIVE POWERS; CREATION OF A CHARTER BOARD OF COMMISSIONERS AS THE GOVERNING BODY OF THE COUNTY; PROVISION FOR RESIDENCY REQUIREMENTS, DISTRICTS, REDISTRICTING, NONPARTISAN ELECTION, TERM LIMITATION, CAMPAIGN FINANCE REGULATION, TERMS OF OFFICE, VACANCIES, COMPENSATION AND RECALL OF COMMISSIONERS; PROVISION FOR CONFLICT RESOLUTION BETWEEN COUNTY ORDINANCES AND MUNICIPAL ORDINANCES; PROVISION FOR THE ORGANIZATION OF THE EXECUTIVE BRANCH, THE ADOPTION OF AN ADMINISTRATIVE CODE, AND FOR THE APPOINTMENT, QUALIFICATIONS, AND COMPENSATION OF A COUNTY ADMINISTRATOR AS HEAD OF THAT BRANCH; PROVISION FOR THE APPOINTMENT, QUALIFICATIONS, COMPENSATION, DUTIES AND POWERS OF A COUNTY ATTORNEY; PROVISION FOR METHODS AND LIMITATIONS OF AMENDMENT OF THE CHARTER; PROVISION FOR A CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES, FOR THE PROHIBITION OF POLITICAL ACTIVITY BY THE COUNTY ADMINISTRATOR OR COUNTY ATTORNEY, AND THE PROHIBITION OF EMPLOYMENT DISCRIMINATION; PROVISION FOR A MAJORITY PLUS ONE OF THE BOARD FOR APPROVAL OF CERTAIN DEVELOPMENT ORDERS IN THE AREA EAST OF THE INTRA-COASTAL WATERWAY WITHIN THE UNINCORPORATED AREA OF THE COUNTY; PROVISION OF AN EFFECTIVE DATE OF THE CHARTER AND FOR CONTINUITY AND TRANSITION OF GOVERNMENT; AND PROVISION FOR SEVERABILITY FROM THE CHARTER OF ANY INVALID PORTION; PROVIDING FOR THE SUBMISSION OF THE PROPOSED CHARTER TO THE ELECTORS OF THE COUNTY AT A GENERAL ELECTION ON NOVEMBER 4, 2008 AND FOR THE BALLOT TITLE AND SUMMARY OF THE MEASURE; PROVIDING FOR OTHER CHARTER RELATED PROVISIONS; PROVIDING FOR SEVERABILITY OF ANY INVALID PORTIONS OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, St. Johns County, Florida, is presently a non-charter county government as established under Article VIII, Section 1(f) of the Florida Constitution; and

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

WHEREAS, Sections 125.60-64 and Sections 125.80, *et. seq.* of the Florida Statutes, provides a method whereby a non-charter county may locally initiate a county home rule charter by ordinance and referendum; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, that:

SECTION 1. HOME RULE CHARTER.

The proposed Home Rule Charter of St. Johns County, Florida shall read as follows:

ST. JOHNS COUNTY HOME RULE CHARTER

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Preamble

We, the people of St. Johns County, Florida, in order to attain greater local self-determination, to exercise more control over our own destiny, to create a more responsible and effective government, and to guarantee equal civil and political rights to all, do avail ourselves of the opportunity afforded by the Florida Constitution to become a chartered county and do hereby ordain and establish by this Home Rule Charter a new form of government of and for St. Johns County.

Article I. Creation

Section 1.01. Chartered County.

St. Johns County shall be a charter county under Art. VIII, § 1(g) of the Florida Constitution. Its boundaries shall be as now and hereafter prescribed by law.

Section 1.02. Extent.

This charter creates a charter county government for St. Johns County, except that nothing in this charter shall alter or affect the constitutional status or authority of the constitutional county officers described in Art. VIII, § 1(d) of the Florida Constitution, or otherwise affect the powers and duties of those officers conferred by general law.

Article II. Powers

Section 2.01. Form and Powers.

The county government shall have all powers of local self-government as prescribed by Art. VIII, §1(g) of the Florida Constitution as limited by this charter. The St. Johns County charter government shall operate under an elected charter county commission and an appointed county manager form of government with separation of legislative and executive functions in accordance with the provisions of this home rule charter. The county manager appointed under Section 5.03 shall be designated "County Administrator."

Article III. Separation of Powers

Section 3.01. Separation of Legislative and Executive Powers.

The power of the county government shall be divided between legislative and executive branches. No person belonging to one branch shall exercise any powers appertaining to the other branch unless expressly provided herein.

Article IV. Legislative Branch

Section 4.01. Legislative Power.

Pursuant to Art. VIII, § 1(e) of the Florida Constitution, the legislative powers of the county shall be vested in a governing body to be known as the Charter Board of County Commissioners, subject only to those restrictions provided in Art. VIII, § (1)(g) of the Florida Constitution, or in this charter. The term "board" means the Charter Board of County Commissioners.

Section 4.02. Charter Board of County Commissioners.

(1) The Charter Board of County Commissioners shall consist of five Charter Commissioners serving staggered terms of 4 years each. Each Charter Commissioner shall be elected countywide by qualified electors residing in St. Johns County. Charter Commissioners shall be entitled to engage in other employment, professions, and businesses that do not interfere with the Charter Commissioner's full discharge of duties on the board in accordance with all applicable codes of ethics now or hereafter provided by general law, by this charter or by more restrictive ordinance, if any. Prior to voting on any matter, any Charter Commissioner having a conflict of interest shall declare that conflict to the board in accordance with all applicable codes of ethics as provided by general law, by this charter or by more restrictive ordinance, if any.

(2) During the first meeting of the Charter Board of County Commissioners held on or after the third Tuesday following the first Monday in November, the newly elected board shall elect a chairperson, who shall serve a term of one year and who may be re-elected. The chairperson may be removed without cause by a majority of the board at any public meeting. Upon the resignation, removal, incapacitating disability or death of the chairperson, the board shall elect a

successor to serve for the unexpired term. The board may not remove a Charter Commissioner from the office of Charter Commissioner.

Section 4.03. Districts.

The Charter Board of County Commissioners shall by ordinance divide the territory of the county into five separate geographic districts, designated as districts 1 through 5, respectively, as nearly equal in population as practicable. The initial districts shall be those established in the superseded non-charter county government pursuant to the 2000 decennial census as specified by Section 11.02 and shall remain until supplanted as specified by Section 4.04.

Section 4.04. Redistricting.

Unless otherwise required by law, from time to time, the Charter Board of County Commissioners shall by ordinance reapportion and redesignate the boundaries of districts 1 through 5. The Charter Board of Commissioners shall divide the county into five districts of contiguous territory as nearly equal in population as practicable in accordance with Art. VIII, § 1(e) of the Florida Constitution. The charter board of county commission district boundaries shall be changed only after notice and a public hearing as provided by general law.

Section 4.05. Residency Requirement.

Each candidate for a seat on the Charter Board of County Commissioners shall be a registered voter of the district for which the candidate qualifies and must reside within that district at the time of qualifying to run for the office of Charter Commissioner. Each Charter Commissioner shall reside within the district elected for Charter Commissioner, provided that any Charter Commissioner who is removed from a district due to redistricting may continue to serve during the balance of the term in office.

Section 4.06. Election and Terms of Office.

(1) Except as provided herein, elections for the Charter Board of County Commissioners shall be as provided for county commissioners in non-charter counties. Each Charter Commissioner shall be elected countywide by qualified electors residing in St. Johns County.

(2) Each Charter Commissioner shall be elected for a term of 4 years. Terms of office shall commence on the second Tuesday following the general election at which the Charter Commissioner was elected.

(3) The terms of office of Charter Commissioners representing even-numbered districts shall coincide with the term of office for the current even-numbered district commissioners.

(4) The terms of office of Charter Commissioners representing odd-numbered districts shall coincide with the terms of office for the current odd-numbered district commissioners.

Section 4.07. Nonpartisan Elections.

Elections for the office of Charter County Commissioner shall be on a nonpartisan basis. No candidate for the office of Charter County Commissioner shall be required to pay any party assessment or be required to state the party of which he or she is a member or the manner in which they voted or will vote in any election. The names of candidates for the office of Charter County Commissioner shall be placed on the ballot without reference to political party affiliation.

Section 4.08. Term Limitations.

No member of the Charter Board of County Commissioners elected after the adoption of this Charter who has served or, but for resignation or removal, would have served for eight consecutive years as a member of the Charter Board of County Commissioners shall appear on the ballot for re-election in the next succeeding term.

Section 4.09 Salaries and Compensation.

Salaries and other compensation of the Charter Commissioners of the Charter Board of County Commissioners shall be established by ordinance at a rate not exceeding the rate provided by general law for members of the boards of county commissioners of non-chartered counties. The salaries and other compensation of the Charter Commissioners of the Charter Board of County Commissioners shall not be lowered during an officer's term in office.

Section 4.10 Vacancies.

Vacancies in the offices of the Charter Board of County Commissioners shall be defined and shall be filled in accordance with the constitution and laws applying to county commissioners in non-charter counties.

Section 4.11. Enactment of Ordinances, Resolutions and Motions.

The Charter Board of County Commissioners may take official action only by the adoption of ordinances, resolutions, or motions. Unless otherwise provided herein or by applicable law, all ordinances and resolutions shall be adopted by an affirmative vote of a majority of the total membership of the Charter Commission, and all other motions shall be adopted by majority vote of the Charter Commissioners present. Unless a larger number is otherwise prescribed herein or by applicable law, a quorum shall consist of not fewer than three Charter Commissioners.

Section 4.12. Conflict With Municipal Ordinances.

A St. Johns County ordinance in conflict with a municipal ordinance or general law shall not be effective within the municipality to the extent of such conflict, unless adopted by the municipality. To the extent that a county ordinance is specifically applicable to the incorporated area and a municipal ordinance shall cover the same subject without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.

Section 4.13. Limitations on Powers.

The charter county shall have the power of eminent domain as specified in Art. X, § 6 of the Florida Constitution, subject to the provisions and limitations of general law.

Article V. Executive Branch

Section 5.01. County Administrator.

Except as vested in constitutional county officers prescribed by Art. VIII, § 1(d) of the Florida Constitution or otherwise prescribed herein, the executive authority of the charter government shall be vested in a county administrator. The County Administrator, with the approval of the Charter Board of County Commissioners, may appoint assistant county administrators who shall serve at the discretion of the County Administrator. Subject to the budget approved by the Charter Board of County Commissioners, the County Administrator shall employ all employees necessary to perform the work of the charter county government and may remove them in accordance with lawful procedures.

Section 5.02. Administrative Organization.

Except as vested in constitutional county officers prescribed by Art. VIII, § 1(d) of the Florida Constitution or otherwise prescribed herein, all functions of the executive branch shall be allotted among departments or offices. The County Administrator shall appoint department heads, in accordance with general law, who shall report to and serve at the discretion of the County Administrator. Each department shall be administered in accordance with the administrative code prescribed herein.

Section 5.03. County Administrator: Qualifications, Appointment and Compensation.

- (1) The County Administrator shall be a full-time officer and employee of the charter government.
- (2) The County Administrator shall have a minimum of 5 years of executive or management experience in public administration in local government. The County Administrator shall at minimum hold a bachelor's degree, awarded by a nationally recognized accredited institution, in the areas of political science, public administration or management, or a related field, with a master's degree in public administration preferred. The County Administrator need not be a resident of the county at the time of appointment, but shall, within 6 months from the date of taking office, become and remain a resident of the county. The County Administrator shall not engage in any other business, profession, or occupation.
- (3) The County Administrator shall be appointed by an affirmative vote of a majority of the total membership the Charter Board of County Commissioners and may be removed at any time by an affirmative vote, upon notice, of a majority of the total membership of the Charter Board of County Commissioners, after a hearing if such is requested by the County Administrator.

(4) The Charter Board of County Commissioners shall fix by resolution the compensation of the County Administrator at a level commensurate with the requirements of the position. The employment contract for the County Administrator may include a provision for severance pay.

(5) The office of County Administrator shall be deemed vacant if the incumbent takes up residence outside the county, dies, becomes unable to perform the functions of the office for any reason, resigns, or is removed by the board. The board shall fill a vacancy in the office of County Administrator in the same manner as the original appointment. The board may appoint an interim administrator in the case of a temporary vacancy in the office for any reason. An interim administrator shall serve until a successor has taken office, the County Administrator has returned, or as otherwise directed by the board.

5.04. Political Activity by Administrator.

The County Administrator shall not hold any political office or take part in any political activity other than voting.

Article VI. County Attorney

Section 6.01. Legal Affairs.

Except as otherwise provided herein and by law, the legal affairs of the charter county shall be vested in the office of the County Attorney. The Charter Board of County Commissioners shall appoint the County Attorney by an affirmative vote of a majority of the total membership of the Charter Board of County Commissioners and may remove the County Attorney at any time by an affirmative vote of a majority of the total membership of the Charter Board of County Commissioners. Subject to the budget and approved by the Charter Board of County Commissioners, the County Attorney may appoint assistant county attorneys, hire administrative staff, and, with the approval of the Charter Board of County Commissioners, hire outside counsel when needed or as provided by ordinance. Assistant attorneys shall serve at the discretion of the County Attorney. The County Attorney may appoint a Deputy County Attorney to act in his or her stead when appointed. If such appointment is made for a period greater than two weeks, the appointment must be approved by the Charter Board of County Commissioners.

Section 6.02. County Attorney Duties.

The County Attorney shall report to the Charter Board of County Commissioners and shall represent the board and the executive branch of government. The board may authorize the County Attorney to represent the constitutional county officers prescribed by Art. VIII, § 1(d) of the Florida Constitution and other governmental entities when no conflict exists. Nothing in this charter shall require the County Attorney to render legal services in any particular circumstance that in the professional discretion and judgment of the County Attorney would violate the Florida Bar Code of Professional Responsibility or create a direct conflict of interest between the Charter Board of County Commissioners or other charter county clients and the County Attorney.

Section 6.03. County Attorney: Qualifications, Appointment and Compensation.

(1) The county attorney shall be a member of The Florida Bar, shall have had at least 5 years of experience in local government law, and shall meet other qualifications prescribed by resolution of the Charter Board of County Commissioners. The county attorney need not be a resident of the county at the time of appointment but shall within 6 months of taking office become and remain a resident of the county.

(2) The county attorney shall be a full-time employee of the county and shall not otherwise engage in the practice of law or other occupation, profession, or business except as authorized by the board by resolution.

(3) The Charter Board of County Commissioners shall fix compensation of the county attorney by resolution at a level commensurate with the position. The employment contract of the county attorney may include a provision for severance pay.

(4) The office of the county attorney shall be deemed vacant if the incumbent takes up residence outside the county, dies, becomes unable to perform the functions of the office for any reason, resigns, or is removed by the board. In the event of a temporary vacancy in the office of county attorney, the Charter Board of County Commissioners may appoint the deputy county attorney, if one has been appointed, other assistant county attorney, or any other lawyer possessing the credentials prescribed herein to serve as interim county attorney until the vacancy terminates.

Section 6.04. Political Activity By County Attorney.

The county attorney shall not hold any political office or take part in any political activity other than voting.

Article VII. Elected Constitutional Offices

Section 7.01. Elected County Constitutional Offices.

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and Supervisor of Elections shall remain as elected constitutional county offices and this home rule charter shall not alter their powers, duties, and functions. The constitutional county officers shall perform their executive and administrative functions as specified by law.

Article VIII. Administrative Code

Section 8.01. Administrative Code.

(1) The Charter Board of County Commissioners shall adopt an administrative code by ordinance to organize the executive branch of the charter county government into departments and offices; to prescribe the functions of the departments and offices; to prescribe the duties, responsibilities and authority of all county officials and agencies without express authorization

by the board; and to codify other ordinances, rules, regulations, practices and procedures as directed by the board.

(2) The County Administrator shall compile, publish, and disseminate the administrative code electronically and in print, and from time to time as directed by the board, propose revisions thereto.

(3) Nothing herein shall impair the authority of constitutional county officers under Art. VIII, § 1(d) of the Florida Constitution.

(4) The County Administrator shall submit a proposed administrative code to the Charter Board of County Commissioners within 120 days after the date of the first organizational meeting of the board under this charter. Unless the board adopts an administrative code within 90 days after the date the County Administrator submits a proposal, the County Administrator's proposed administrative code shall become the administrative code by operation of law and shall remain in effect until superseded by an administrative code adopted by the board.

Article IX. Amendments

Section 9.01. Proposals By the Charter Board of County Commissioners.

The Charter Board of County Commissioners by majority vote plus one of all members may propose amendments to this charter by resolution placing the approved amendments on the ballot as stated in Section 9.04.

Section 9.02. Proposals by the Charter Review Committee.

(1) Within 3 years after the effective date of this charter and every 7 years thereafter, the Charter Board of County Commissioners shall appoint a charter review committee comprised of fifteen electors of the county. Each Charter Commissioner shall nominate three members of the committee who are residents of the appointing Charter Commissioner's district. All appointees shall be subject to approval by a vote of a majority of the total membership of the Charter Board of County Commissioners.

(2) Committee members shall serve without pay for one calendar year from the date of the organizational meeting of the committee unless the committee completes its work and dissolves on an earlier date. No member of the charter review committee may be an elected or appointed official in any government.

(3) The committee shall be independent of the Charter Board of County Commissioners and all other officers and employees of St. Johns County and shall have the authority to conduct a comprehensive study of any or all phases of county government.

(4) The Charter Board of County Commissioners, constitutional county officers prescribed by Art. VIII, § 1(d) of the Florida Constitution, and any citizen of St. Johns County may propose subjects to be studied by the committee. Prior to beginning its studies, the committee shall hold a

public hearing to receive suggestions but has the sole authority to determine the matters it will review.

(5) The Charter Board of County Commissioners shall provide the charter review committee with professional, technical, clerical, and other assistance and funding reasonably required to perform its functions under this charter.

(6) The committee may propose charter amendments by an affirmative vote of not fewer than ten members of the committee. The committee may propose no amendment that has not been considered by the committee in two separately noticed public hearings on the proposal. The charter review committee shall file proposed charter amendments, if any, with the supervisor of elections who shall place them on the ballot as provided herein and by law. Upon the completion of its work, the committee may adjourn sine die without proposing amendments. Vacancies shall be filled within 30 days in the same manner as the original appointment.

(7) Upon concluding its work, the charter review committee shall provide the Charter Board of County Commissioners a written summary of its work. If the committee should not adjourn sine die by its own motion within 1 calendar year of the date of its creation, it shall be dissolved by operation of law and thereafter have none of the authority prescribed herein.

Section 9.03. Proposals by Initiative.

(1) This charter may be amended by initiative and referendum in accordance with general law.

(2) Any elector of St. Johns County may file a petition with the supervisor of elections to call for a referendum of a proposed charter amendment stated in the petition.

(3) The proposed charter amendment shall embrace but one subject, and the subject shall relate to the organization and powers of the St. Johns County charter government.

(4) The supervisor of elections shall approve the petition for form and enter the date upon the records of the office or shall reject the petition as not being in appropriate form and return it to the petitioner with reasons stated. The style and requirements of such form shall be specified by County ordinance.

(5) Upon receiving the supervisor of elections' approval as to form, petitioners may seek signatures of electors of the county who agree to have the proposed amendment placed upon the ballot for vote by the electors. The petition shall fail to invoke a ballot unless the petitioners obtain the number of verified signatures prescribed herein within 185 days after the date the supervisor of elections approves the proposed amendment as to form.

(6) To be placed upon the ballot, a petitioner must obtain verified signatures of electors from each and every numbered district from which the Charter Board of County Commissioners are elected in a number that is not fewer than 20 percent of the votes cast in each of such districts in the last preceding general election. Each signed petition must contain the name, address, and birthdate or voter identification number of the signatory and the date subscribed. In the event sufficient verified signatures are not acquired during the period prescribed herein, the petition

shall be ineffective to invoke an election and none of the signed petitions shall be effective to satisfy the requirements of a subsequent petition.

(7) A petitioner may submit signed petitions to the supervisor of elections who shall within 75 days determine whether the petitions contain the required valid signatures of electors. The 30-day review period applies to petitions submitted on the 185th day, but the supervisor of elections shall not count or process signed petitions submitted after the 185th day.

(8) The supervisor of elections shall undertake to verify no petition until having received payment for certification in the amount specified by general law.

(9) If the supervisor of elections determines that the proposed amendment is not supported by the required number of verified signatures, the supervisor shall notify the petitioner by certified mail, certify the result to the Charter Board of County Commissioners, and not place the proposed amendment on the ballot. The verified signed petitions shall not be used to invoke an election on any subsequent proposed amendment.

(10) If the supervisor of elections determines that the proposed amendment is supported by the required number of verified signatures, the supervisor shall notify the petitioner by certified mail, certify the result to the Charter Board of County Commissioners, and place the proposed amendment on the ballot for election as prescribed herein and by law. The verified signed petitions shall not be used to invoke an election on any subsequent proposed amendment.

(11) To the extent not prescribed herein, the supervisor of elections shall employ procedures prescribed by general law for constitutional amendments with the supervisor of elections performing the duties of the Secretary of State.

Section 9.04. Elections and Effective Date.

(1) Charter amendment elections shall be conducted pursuant to general law except as otherwise provided in this charter. Amendments proposed by resolution of the Charter Board of County Commissioners shall be voted on at a special election or general election as directed by the board. Amendments proposed by a charter review committee and by initiative shall be voted on at the next general election.

(2) Amendments shall become effective at midnight on the date fixed in the proposed amendment, and, if no date is fixed, at midnight of the last day of the year in which approved by the electors.

Section 9.05. Amendments Related to Municipalities.

No amendment shall be made to the charter that will diminish or otherwise affect the authority, governance, or operation of any municipal corporation located within St. Johns County, where such authority, governance, or operation is created or controlled by any provision of the Florida Constitution or by general law unless the amendment is approved by a majority of those persons voting in a separate referendum of the qualified electors of an affected municipality.

Section 9.06. Amendments Related to Constitutional Officers.

No amendment shall be made to the charter that will diminish or otherwise affect the authority, governance, or operation of any constitutional office created by Art. VIII, § 1(d) of the Florida Constitution unless such amendment is proposed by a resolution approved by not fewer than four Charter Commissioners placing the amendment on the referendum ballot as stated in Section 9.04. The approval of the amendment by referendum shall require a vote in favor of the amendment by 60 percent of the qualified electors voting on the proposed amendment.

Section 9.07. Comprehensive Study for Amendments.

Any proposed charter amendment submitted to the Supervisor of Elections for placement on a ballot after January 1, 2009 shall include a comprehensive study, proportional to the scope of the proposed amendment, describing how the proposed amendment affects the operation of county government and of the ways in which the conduct of the county government would be improved if the proposed charter amendment is adopted by the electorate. The comprehensive study shall also describe how the proposed amendment is not inconsistent with general law and the existing Charter. The Charter Board of County Commissioners is authorized to enact by ordinance detailed requirements for comprehensive studies consistent with this section.

Section 9.08. Public Interest Impact Statement for Amendments.

Any proposed charter amendment submitted to the Supervisor of Elections for placement on a ballot after January 1, 2009 shall include a public interest impact statement, describing how the proposed amendment would increase or decrease the need for county government, and increase or decrease the need for a revenue source pertaining to county government, if the proposed charter amendment is adopted by the electorate. The Charter Board of County Commissioners is authorized to enact by ordinance detailed requirements for public interest impact statements consistent with this section.

Article X. General Provisions

Section 10.01. Construction of the Charter.

This charter shall be liberally construed to achieve the objectives of local home rule and separation of powers as set forth herein.

Section 10.02. Code of Ethics.

The code of ethics for public officers and employees and the penalties for violation thereof as provided by general law or more restrictive ordinance, if any, shall be applicable to all employees and officeholders of this charter county government. Nothing herein shall impair the authority of constitutional county officers under Art. VIII, § 1(d) of the Florida Constitution.

Section 10.03. Political Activities.

Political activities of officers and employees of the county government shall be governed and controlled by general law except as provided herein. Nothing herein shall impair the authority of constitutional county officers under Art. VIII, § 1(d) of the Florida Constitution.

Section 10.04. Public Meetings.

Meetings of the Charter Board of County Commissioners and other boards shall be held and conducted as provided by Art. I, § 24 of the Florida Constitution, general law, and rules and ordinances of the Charter Board of County Commissioners not inconsistent therewith. Nothing herein shall impair the authority of constitutional county officers under Art. VIII, s. 1(d) of the Florida Constitution.

Section 10.05. Recall.

The people shall have the power to recall elected officials by recall election initiated, called, held, and conducted as provided by general law for chartered counties. The provisions of this section shall not apply to constitutional county officers.

Section 10.06. Discrimination Prohibited.

The charter government shall not deprive any person of any right because of race, sex, age, national origin, religion, physical disability, or political affiliation and shall provide for equal employment opportunities in the charter government. The Charter Board of County Commissioners shall enact an ordinance to protect these rights.

Section 10.07. Service in the Armed Forces.

Nothing in this charter shall prohibit service in the National Guard or military reserve.

Article XI. Transition and Schedule

Section 11.01. Offices and Officers of Former Government.

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 until the first Charter Commissioners of the Charter Board of County Commissioners are elected and sworn into office.

Section 11.02. Initial Districts of the Charter Board of County Commissioners.

The initial districts of the Charter Board of County Commissioners shall be those established in the superseded non-charter county government pursuant to the 2000 federal decennial census.

Section 11.03. Effective Date of Government.

Upon adoption and ratification of this charter, charter county government shall be effective January 1, 2009. Those persons comprising the St. Johns County Board of County Commissioners shall become the initial members of the Charter Board of County Commissioners and shall perform the functions thereof until the expiration of their terms as provided by this charter, and in accordance with general law.

Section 11.04. Preservation of Existing Government and of Existing Ordinances.

(1) All provisions of the laws or parts thereof rendered ineffective by the adoption of this charter that are not inconsistent with this charter shall become ordinances of the charter government subject to amendment or repeal as are other ordinances; however, those laws that are not expressly reenacted as charter government ordinances by the Charter Board of County Commissioners after this charter becomes effective shall be repealed by operation of law on November 15, 2010.

(2) All ordinances, codes, rules, regulations, and resolutions of St. Johns County or any of its agencies that are not inconsistent with this charter shall become ordinances, rules, and regulations of the county government subject to amendment or repeal by the Charter Board of County Commissioners as are other ordinances, rules, and regulations of the charter government.

Section 11.05. Rights Reserved.

(1) All lawful rights, of whatever kind or nature, possessed by St. Johns County against any person or legal entity on the date this charter becomes effective shall become the lawful rights of the charter government.

(2) All lawful rights possessed by any person or legal entity, of whatever kind or nature, against St. Johns County on the date this charter becomes effective shall be binding against the charter government to the same extent that they would have been binding against the superseded non-charter government, except that these rights against the charter government shall be limited to the geographic area or specific funds that would have been subject to the rights if this charter had not been adopted.

Section 11.06. Employees and Officers.

All employees and officers of the county shall be transferred to the appropriate department, office, or agency prescribed by or pursuant to this charter. These transfers shall be without examination of the personnel and with no diminution of existing compensation, seniority, promotion rights, pension and retirement rights, privileges, or obligations of transferred officers or employees due to the charter. The adoption of any subsequent classified service plan shall not adversely affect the tenure, pension, seniority, or promotional rights of any county officer or employee in the classified service in existence when this charter is adopted. This provision shall not impair the charter county's authority to take disciplinary action against employees and officers for wrongful employment actions committed by them prior to or after the effective date of this charter. Nothing herein shall impair the authority of constitutional county officers under Art. VIII, § 1(d) of the Florida Constitution.

Article XII. Severability

Should any provision of this charter or amendment thereto be held to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this charter or amendment thereto.

Article XIII. Campaign Financing.

Section 13.01. Definitions.

As used in this article, the following terms have the following meanings:

(1) "Candidate" means any person who:

- (a) seeks to qualify for nomination or election by means of the petitioning process;
- (b) seeks to qualify for election as a write-in candidate;
- (c) receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, a county elective office; or
- (d) files qualification papers and subscribes to a candidate's oath as required by law.

(2) "Committee of continuous existence" means any group, organization, association, or other such entity that is certified pursuant to the provisions of section 106.04 of the Florida Statutes.

(3) "Contribution" means a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election.

(a) Notwithstanding the foregoing meaning of "contribution," the term shall not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee.

(b) This definition shall not be construed to include editorial endorsements.

(4) "Election" means any primary election, special primary election, general election, or special election held in the county for the purpose of nominating or electing candidates to county elective offices.

(5) "Expenditure" means a purchase, payment, distribution, loan, advance, transfer of funds, gift of money or anything of value made for the purpose of influencing the results of an election. However, "expenditure" does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election

when made by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization's newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

(6) "Issue" means any proposition that is required by the charter, ordinance, or resolution to be submitted to the electors for their approval or rejection at an election, or any proposition for which a petition is circulated in order to have such proposition placed on the ballot at any election.

(7) "Person" means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, political committee, or committee of continuous existence.

(8) "Political committee" means a combination of two or more individuals, or a person other than an individual that:

(a) accepts contributions for the purpose of making contributions to any candidate, political committee, committee of continuous existence, or political party;

(b) accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

(c) makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue;

(d) makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, committee of continuous existence, or political party; or

(e) the sponsor of a proposed charter amendment by initiative who intends to seek the signatures of registered electors.

(9) "Unopposed candidate" means a candidate for nomination or election to a county elective office who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office.

13.02. Campaign Finance Restrictions.

(1) St. Johns County shall have the power to impose more stringent campaign financing restrictions than those imposed by general law on candidates for the office of Charter County Commissioner. Any such restriction as specified in this article may apply to all aspects of campaign financing including, but not limited to, solicitations, contributions, expenditures, recordkeeping, reporting requirements and noncriminal penalties for violation.

(2) Any such restrictions provided in this article may apply to all aspects of campaign financing including, but not limited to, solicitations, contributions, expenditures, record keeping, reporting requirements and non-criminal penalties for violation.

(3) Candidates for the office of Charter Commissioner shall adhere to the provisions set forth in this article for financing campaigns.

13.03. Campaign Contributions.

(1) Candidates shall not accept campaign contributions made by persons, political committees, and committees of continuous existence, as defined in this article, in an amount exceeding \$250 per election. This limitation does not apply to contributions from political parties.

(2) The contribution limits of this article apply to each election. For purposes of this article, the primary election and general election are separate elections so long as the candidate is not an unopposed candidate as defined in this article.

(3) Candidates shall accept only those campaign contributions received on or before midnight on the 7th day prior to the date of the election.

13.04. Reporting Requirements.

(1) Candidates shall file their last period candidate treasurer reports with the St. Johns County Supervisor of Elections by no later than 5 p.m. on the 6th day prior to the date of the election. This deadline may not be extended by use of a postmark or other courier receipt.

(2) Candidate treasurer reports shall be filed in electronic format no later than the due date for the paper original reports.

(3) When reporting their campaign contributions, candidates shall report the source of each contribution as being from those persons and entities described as defined in this article; candidates shall also report the type of contributor and the cumulative total contribution amount from each contributor as of the date of the report.

13.05 Penalties; Fines.

(1) Any person who knowingly and willfully violates any provision of this article shall, in addition to any other penalty prescribed by general law, pay to St. Johns County a sum equal to twice the amount contributed in violation of this charter.

(2) Each campaign treasurer shall pay all amounts contributed in violation of this charter to St. Johns County for deposit into the General Revenue Fund.

Article XIV. Land Development

Section 14.01. Structure Height In Coastal Areas.

No development order shall be approved or issued which permits structure height exceeding thirty five (35) feet in the unincorporated area of St. Johns County lying east of the Intracoastal Waterway, including the area lying east of the mean high waterline of the adjacent west shoreline of the Intracoastal Waterway, unless such approval or issuance is approved by a majority plus one of the membership of the Charter Board of County Commissioners. The Charter Board of County Commissioners is authorized to enact by ordinance, approved by a majority plus one of the membership of the Charter Board of County Commissioners, circumstances of vested rights, and classes of exceptions required for public health, safety and welfare.

SECTION 2. BALLOT QUESTION TO BE PRESENTED TO ELECTORATE.

(a) The proposed Charter of St. Johns County, Florida shall be presented to the qualified St. Johns County electorate by placing the question of whether to adopt same on the ballot as a referendum held with the General Election to be held on November 4, 2008.

SECTION 3. FORM OF BALLOT QUESTION.

The question on the ballot shall be substantially in the following form:

CHARTER FOR ST. JOHNS COUNTY, FLORIDA
PROPOSED BY ST. JOHNS COUNTY ORDINANCE NO. 2008- 43

Question

Shall St. Johns County electors adopt a home rule charter county government; provide for charter amendment methods and limitations; limit charter commissioner terms to eight consecutive years; provide non-partisan election of charter commissioners; provide for charter commissioner recall, residency requirements, and campaign finance regulations; require super majority charter commissioner approval of coastal structure height above 35 feet in unincorporated county area; provide for conflict resolution between municipal and county ordinances; and preserve elected constitutional officers?

Yes for Approval _____

No for Rejection _____

SECTION 4. FURTHER AUTHORIZATION.

The Board of County Commissioners of St. Johns County, Florida is authorized to adopt all resolutions and take all actions necessary in order for this Charter Referendum proposition; those propositions referenced in the Preamble and Articles of the proposed Charter herein; and the ballot question described above in Section 3 of this Ordinance, to be properly placed on the ballot for the general election of November 4, 2008. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

SECTION 5. SEVERABILITY.

If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such word, phrase, clause, section or portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall have an effective date in accordance with all applicable laws, but shall be of no further force or effect if the proposed Charter is not duly approved by the St. Johns County electorate at the November 4, 2008 general election. Upon adoption and ratification, the Home Rule Charter, approved by the St. Johns County electorate at the November 4, 2008 general election, shall become effective on January 1, 2009.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County,
Florida, this 29th day of August, 2008.

**ST. JOHNS COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: *Thomas G. Manuel*
Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk

By: *Patricia Ale Grande*
Deputy Clerk

Rendition Date: 08-29-08

Effective Date: 09-02-08



The St. Augustine Record

COPY OF ADVERTISEMENT

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **KAREN J BRANNON**

who on oath says that she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF MEETING**

In/ the matter of **HOME RULE CHARTER**

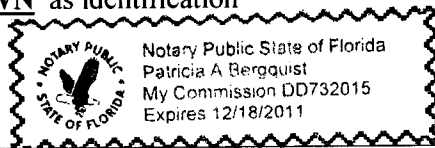
was published in said newspaper **AUG 21, 2008.**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **25th** day of **AUGUST 2008.**

by *Karen J Brannon* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification

Patricia A Bergquist
(Signature of Notary Public)
PATRICIA A BERGQUIST



(Seal)

NOTICE OF A SPECIAL MEETING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida will hold a special meeting on Friday, August 29, 2008 at 9:00 a.m. in the County Auditorium at the County Administration Building, 4020 Lewis Speedway, (CR16A & US1 North), St. Augustine, Florida.

The purpose of the special meeting will be to hold a public hearing to discuss and possibly take action on a proposed ordinance proposing to the electors of the County the adoption of a Home Rule Charter. The Board may also discuss and take action on any other business that may lawfully come before it during the special meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 4 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND,
ITS CLERK
By: Patricia DeGrande,
Deputy Clerk
L2367-8 Aug 21, 2008