

PART I - HOME RULE CHARTER^[1]

Footnotes:

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Editor's note— The home rule charter, arts. I through IV, is set out as adopted by reference in Ord. No. 86-20, adopted on Sept. 9, 1986. The home rule charter became effective on January 1, 1987.

PREAMBLE

The citizens of Alachua County, Florida, believing that governmental decisions affecting local interests should be made locally rather than by the state, and, in order to bring to the county the full home rule benefits afforded by the constitution of the State of Florida to charter counties, do ordain and establish this home rule charter for Alachua County, Florida.

ARTICLE I. - CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER AND GOVERNMENT

Sec. 1.1. - Creation and general powers of home rule charter government.

Alachua County shall be a home rule charter county, and, except as may be limited by this home rule charter, shall have all county and municipal powers of self-government granted now or in the future by the constitution and laws of the State of Florida.

Sec. 1.2. - Body corporate, name and boundaries.

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

Sec. 1.3. - Relation to state law.

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

Sec. 1.4. - Relation to municipal ordinances.

Municipal ordinances shall prevail over county ordinances to the extent of any conflict. Notwithstanding the foregoing, if the county and a municipality enact ordinances establishing different standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution, the ordinances imposing more stringent standards shall prevail to the extent of the difference and be fully enforceable within the boundaries of such municipality; however, the ordinances imposing less stringent standards shall not be deemed to conflict with ordinances imposing more stringent standards and shall also be fully enforceable within the boundaries of such municipality.

(Res. No. 00-116, § 1, 12-12-00)

Sec. 1.5. - Land use planning.

Each municipality shall be responsible for land use planning within its respective boundaries and the county shall be responsible for land use planning in the unincorporated area. Notwithstanding the foregoing, the county and any municipality may enter into an interlocal agreement to provide for joint planning in portions of the unincorporated area not located within any area designated pursuant to general or special law as a reserve for annexation by another municipality or in portions of the area within such municipality.

(Res. No. 00-116, § 2, 12-12-00)

Sec. 1.6. - Campaign finance regulation.

- (A) *Authority—Campaign finance regulation.* Alachua County shall have the power to adopt by charter amendment restrictions more stringent than those imposed by general law upon the financing of campaigns conducted by candidates for elective county offices identified in Article II, Section 2.2 (Legislative branch) and Article III, Section 3.1 (Elected county constitutional offices) of this home rule charter. These additional restrictions may apply to all aspects of campaign financing, including solicitations, contributions, expenditures, recordkeeping, reporting requirements, and noncriminal penalties for violation. The initial additional restrictions authorized by this section shall be proposed by amended amendment of this home rule charter at the general election held in either 2004 or 2006 and shall be adopted if approved by a majority of the electors of Alachua County voting on the amendment in that general election. All additional restrictions shall be proposed by amendment of this home rule charter at a subsequent general election and shall be adopted if approved by a majority of those electors of Alachua County voting on the amendment in that general election. Charter amendments adopted pursuant to the authority granted in this section shall not be preempted by general law unless the general law expressly supersedes all special acts authorizing county charter home rule power for campaign financing.
- (B) *Applicability.* Candidates for elective county offices, as identified in Article II Section 2.2 and Article III Section 3.1 of this Home Rule Charter, shall adhere to the rules set forth in this section for financing campaigns.
- (C) *Campaign Contribution Limitations.* Candidates shall not accept campaign contributions made by persons as defined in Section 106.011, Florida Statutes, political committees, and committees of continuous existence in an amount exceeding \$250.00 per election. This limitation does not apply to contributions from political parties.
- (D) *Filing financial reports/time for accepting contributions.* Candidates shall adhere to the following requirements when accepting campaign contributions and filing financial reports:
- (1) Candidates shall accept only those campaign contributions received on or before midnight on the seventh day prior to the date of the election.
 - (2) Candidates shall file their last period candidate treasurer reports with the Alachua County Supervisor of Elections by no later than 5:00 p.m. on the sixth day prior to the date of the election. This deadline may not be extended by use of a postmark or other courier receipt.
 - (3) Candidate treasurer reports shall be filed in electronic format no later than the due date for the paper original reports.
 - (4) When reporting their campaign contributions, candidates shall report the source of the contribution as being from those persons and entities described in Chapter 106, Florida Statutes; candidates shall also report the type of contributor and the cumulative total contribution amount from each contributor as of the date of the report.
- (E) *Election.* For the purposes of this section, 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.

(Res. No. 02-142, § 1, 12-10-02; Ord. No. 04-01, Exh. A, 1-27-04)

Editor's note— Two charter amendments amending section 1.6 were put before the voters by Ord. No. 04-01 and were approved by referendum on Nov. 2, 2004.

Sec. 1.7. - Sale or conversion of county-owned lands used or acquired for conservation, recreation, or cultural purposes.

- (A) A registry is hereby created, consisting of special places owned by Alachua County that are acquired or used for conservation, recreation, or cultural purposes, and that are deemed by the board of county commissioners to be worthy of the highest level of protection. The registry shall be known as the "Alachua County Registry of Protected Public Places." At a public hearing the board may add properties to the registry by adopting a resolution by a majority plus one vote of the membership of the county commission. The resolution shall contain the legal descriptions of the sites and a description of the values that supported their inclusion on the registry, and shall be recorded in the official public records.
- (B) Properties, or portions or properties, on the Alachua County Registry of Protected Public Places may not be sold, or converted to a use that will result in a loss of a value or values for which a property was placed on the registry, except by a majority vote of the electors voting in a countywide referendum election.
- (C) The above restrictions on divestiture or conversion of property shall not apply where the property is being taken for a public purpose by the state or federal government by way of eminent domain.

(Ord. No. 08-16, §§ 1—8, 8-12-08)

Editor's note— The addition of § 1.7 to the county charter was approved by the voters at an election held on Nov. 4, 2008.

ARTICLE II. - ORGANIZATION OF COUNTY GOVERNMENT

Sec. 2.1. - Elected commission and appointed county manager form of government.

Alachua County shall operate under an elected county commission and appointed county manager form of government with separation of legislative and executive functions in accordance with the provisions of this home rule charter. The legislative responsibilities and powers of the county shall be assigned to, and vested in, the board of county commissioners. The executive responsibilities and power of the county shall be assigned to and vested in the county manager, who shall carry out the directives and policies of the board of county commissioners and enforce all orders, resolutions, ordinances, and regulations of the board, the county charter, and all applicable general law, to assure that they are faithfully executed.

Sec. 2.2. - Legislative branch.

- (A) *The county commission.* The governing body of the county shall be a board of county commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be one (1) commissioner for each of the five (5) county commission districts established pursuant to general law and they shall be elected on a countywide basis by the electors of the county. Each candidate for the office of county commissioner shall reside within the district from which such candidate seeks election at the time of qualifying to run for that office, and during the term of office each commissioner shall reside in the district from which such commissioner ran for office, provided that any commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.
- (B) *Redistricting.* County commission district boundaries shall be changed only after notice and a public hearing as provided by general law.
- (C) *Salaries and other compensation.* Salaries and other compensation of the county commissioners shall be set by county ordinance and shall be the same as those set by general law for the county commissioners of noncharter counties.

- (D) *Authority.* The board of county commissioners shall exercise all legislative authority provided by this home rule charter in addition to all other powers and duties authorized by general law or special law approved by a vote of the electorate. Provided, the board of county commissioners shall not adopt any ordinance creating classifications based upon sexual orientation, sexual preference, or similar characteristics, except as necessary to conform county ordinances to federal or state law.
- (E) *Administrative code.* The county commission shall adopt an administrative code in accordance with general law.
- (1) The administrative code shall organize the administration of county government and set forth the duties and responsibilities and powers of all county officials and agencies.
 - (2) The administrative code shall not apply to the elected constitutional officers.
- (F) *Vacancies.* A vacancy in the office of county commissioner shall be defined and filled as provided by general law.
- (G) *Recall.* The members of the board of county commissioners shall be subject to recall as provided by general law.
- (H) *Initiative.*
- (1) The electors of Alachua County shall have the right to initiate county ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition by a number of electors qualified to vote equal to seven (7) percent of their total number in the county as a whole in the last preceding general election.
 - (2) The sponsor of an initiative ordinance shall, prior to obtaining any signatures, submit the text of the proposed ordinance to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the supervisor of elections and upon submission shall pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon.
 - (3) Within sixty (60) days after the requisite number of names have been verified by the supervisor of elections and reported to the county commission, the county commission shall notice and hold a public hearing on the proposed ordinance according to law and vote on it. If the county commission fails to adopt 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 county commission 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 county commission shall not amend or repeal an ordinance adopted by initiative for a period of five (5) years after the effective date of such ordinance; except that during the second through fifth years, such an ordinance may be amended or repealed by the board of county commissioners by an affirmative vote of at least four (4) of the five (5) county commissioners.
 - (4) The right to initiate county ordinances shall not include ordinances establishing, amending or repealing the county budget, existing debt obligations, the comprehensive plan of the county, or the zoning or re-zoning of land.

(Amend. of 11-8-94; Res. No. 2010-114, § 1(Exh. A), 11-23-10)

Editor's note— A circuit court order issued Nov. 22, 1996 effectively declared the last sentence of subsection (D) above unconstitutional. The order was not appealed and consequently the county is enjoined from enforcing the provision.

Sec. 2.3. - Executive branch.

(A) *The county manager.*

- (1) The county manager shall be appointed by and serve at the pleasure of the board of county commissioners. The county manager shall be the chief executive officer of the county and all executive responsibilities and power shall be assigned to and vested in the county manager. The county manager shall exercise all executive authority provided by this home rule charter in addition to all other powers and duties authorized by general or special law.
- (2) The county manager shall be qualified by administrative and executive experience and ability to serve as the chief administrator of the county. [The] minimum qualifications for the county manager shall be established by county ordinance. The county manager shall be appointed by an affirmative vote of a majority of the membership of the board of county commissioners. The county manager may be removed at any time by an affirmative vote, upon notice, of not less than a majority of the membership of the board, after a hearing if such a hearing is requested by the county manager. The county manager need not be a resident of the county at the time of appointment, but during the tenure in office the county manager shall reside within the county.
- (3) The compensation of the county manager shall be fixed by the board of county commissioners.
- (4) The office of county manager shall be deemed vacant if the incumbent moves his residence from the county or is, by death, illness, or other casualty, unable to continue in office. A vacancy in the office shall be filled in the same manner as the original appointment. The board of county commissioners may appoint an acting county manager in the case of vacancy or temporary absence or disability until a successor has been appointed and qualified or the county manager returns.

(B) *County department heads.*

- (1) The county department heads, with the exception of the county attorney, shall be appointed by and shall be responsible to the county manager. The board of county commissioners shall by majority vote confirm the appointment of department heads.
- (2) The county manager shall have the sole authority to suspend or discharge any department head with or without cause.

(C) *County attorney.* There shall be a county attorney selected by the board of county commissioners who shall serve at the pleasure of the board. The county attorney shall report directly to the board of county commissioners. The county attorney shall provide legal services to the board of county commissioners, county departments, and county boards and agencies as specified by county ordinance.

ARTICLE III. - ELECTED COUNTY CONSTITUTIONAL OFFICES

Sec. 3.1. - 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 offices and the powers, duties and functions shall not be altered by this home rule charter. The constitutional officers shall perform their executive and administrative functions as specified by law.

ARTICLE IV. - HOME RULE CHARTER TRANSITION, AMENDMENTS, REVIEW, SEVERANCE, EFFECTIVE DATE

Sec. 4.1. - Home rule charter transition.

- (A) *General provisions.* Unless expressly provided otherwise in this home rule charter, the adoption of this charter shall not affect any existing contracts or obligations of Alachua County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected county officer, whose term shall continue as if this charter had not been adopted.
- (B) *Initial county commissioners.* The persons comprising the Alachua County board of county commissioners on the effective date of this charter shall become the initial members of the board of county commissioners of the charter government and shall perform the functions thereof until the normal expiration of their terms or until the election and qualification of their successors as provided by law.
- (C) *Outstanding bonds.* All outstanding bonds, revenue certificates, and other financial obligations of the county outstanding on the effective date of this charter shall be obligations of the charter government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this charter not taken effect.
- (D) *Employees 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, and conditions of employment shall continue, until modified by lawful action of the county commission or joint agreement of the county commission and the appropriate bargaining agent when a collective bargaining agreement exists and controls.

Sec. 4.2. - Home rule charter amendments.

(A) *Amendments proposed by petition.*

- (1) Amendments to the home rule charter may be proposed by petition signed by a number of electors equal to at least ten (10) percent of the number of electors qualified to vote in the county as a whole in the last preceding general election. Each such proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each charter amendment proposed by petition shall be placed on the ballot by resolution of the board of county commissioners for the general election occurring in excess of ninety (90) days from the certification by the supervisor of elections that the requisite number of signatures has been verified.
- (2) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the supervisor of elections, with the form on which the signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after the date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the supervisor of elections and upon submission pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon.
- (3) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

(B) *Amendments and revisions by charter review commission.*

- (1) A charter review commission consisting of not less than eleven (11) nor more than fifteen (15) electors of the county shall be appointed by the board of county commissioners at least twelve (12) months but not more than eighteen (18) months before the general election occurring in

1990 and at least twelve (12) months but not more than eighteen (18) months before the general election occurring every ten (10) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the state legislature or the board of county commissioners shall be a member of the charter review commission. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

- (2) The charter review commission shall meet for the purpose of organization within thirty (30) days after the appointments have been made. The charter review commission shall elect a chairman and vice chairman from among its membership. Further meetings of the commission shall be held upon the call of the chairman or a majority of the members of the commission. All meetings shall be open to the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may adopt such other rules for its operations and proceedings as it deems desirable. Members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.
 - (3) Expenses of the charter review commission shall be verified by a majority vote of the commission and forwarded to the board of county commissioners for payment from the general fund of the county. The charter review commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary and desirable.
 - (4) The charter review commission shall hold at least three (3) public hearings at intervals of not less than ten (10) days nor more than twenty (20) days on any proposed charter amendment or revision, and no charter amendment or revision shall be submitted to the electorate for adoption unless favorably voted upon by a majority of the entire membership of the charter review commission.
 - (5) No later than ninety (90) days prior to the general election, the charter review commission shall deliver to the board of county commissioners the proposed amendments or revisions, if any, to the home rule charter, and the board of county commissioners shall by resolution place such amendments or revisions on the general election ballot. If a majority of the electors voting on the amendments or revisions favor adoption, such amendments or revisions shall become effective on January 1 of the succeeding year or such other time as the amendment or revision shall provide.
 - (6) If it does not submit any proposed charter amendments or revisions to the board of county commissioners at least ninety (90) days prior to the general election, the charter review commission shall be automatically dissolved. Otherwise, the charter review commission shall be automatically dissolved on the date of such general election. Upon dissolution of the charter review commission, all property of the charter review commission shall thereupon become the property of the county.
- (C) *Amendments proposed by the board of county commissioners.*
- (1) Amendments to this home rule charter may be proposed by ordinance adopted by the board of county commissioners by an affirmative vote of a majority plus one (1) of the membership of the board of county commissioners. Each proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each proposed amendment shall only become effective upon approval by a majority of the electors of Alachua County voting in a referendum at the next general election. The board of county commissioners shall give public notice of such referendum election at least ninety (90) days prior to the general election referendum date.
 - (2) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.
- (D) *Home rule charter amendments affecting municipal power.* Effective January 1, 2011, an amendment adopted pursuant to this charter that limits a power of a municipality, which amendment is not otherwise subject to the dual referendum requirement pursuant to Article VIII, section 4, Florida

Constitution, shall be effective within or in regard to a municipality, except that it shall not be effective within or in regard to a municipality where a majority of the electors voting in the referendum in that municipality do not approve the amendment. Provided however, such an amendment proposed pursuant to this charter may have county-wide effect, including those municipalities whose electors do not approve the amendment, when the amendment expressly declares that it be effective county-wide and the proposing charter review commission, board of county commissioners or citizen initiative petition sponsor has determined that the county-wide amendment fulfills an important county purpose. Provided further however, the limitation on county-wide effectiveness of a charter amendment shall not supersede an inconsistent special law approved by the electors or a general law authorizing the adoption of a charter amendment preempting a municipal power to the county.

(Res. No. 00-116, § 3, 12-12-00; Res. No. 2010-114, § 2(Exh. B), 11-23-10)

Sec. 4.3. - Severance.

If any provision of this charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the charter which can be given effect without the invalid provision or application, and to this end the provisions of this charter are declared severable.

Sec. 4.4. - Home rule charter effective date.

This charter shall become effective on January 1, 1987.