

**Dade County Home Rule Amendment
To The Florida Constitution**

Home Rule Charter

Port Authority Act

November 6, 1956

DADE COUNTY HOME RULE AMENDMENT
TO THE FLORIDA CONSTITUTION

HOME RULE CHARTER

PORT AUTHORITY ACT

Act Creating Charter Board

*Chapter 30686 Special
Act 1955*

*Chapter 31420 -
1956 Extra Session*

1957

FLORIDA CONSTITUTION
HOME RULE AMENDMENT, A. 8, S. 11
ADOPTED NOVEMBER 6, 1956

Section 11 Dade County, home rule charter.

(1) The electors of Dade County, Florida, are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, Florida, under which the Board of County Commissioners of Dade County shall be the governing body. This charter:

(a) Shall fix the boundaries of each county commission district, provide a method for changing them from time to time, and fix the number, terms and compensation of the commissioners, and their method of election.

(b) May grant full power and authority to the Board of County Commissioners of Dade County to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof: to levy and collect such taxes as may be authorized by general law and no other taxes, and do everything necessary to carry on a central metropolitan government in Dade County.

(c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners, as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.

(d) May provide a method by which any and all of the functions or powers of any municipal corporation or other governmental unit in Dade County may be transferred to the Board of County Commissioners of Dade County.

(e) May provide a method for establishing new municipal

corporations, special taxing districts, and other governmental units in Dade County from time to time and provide for their government and prescribe their jurisdiction and powers.

(f) May abolish and may provide a method for abolishing from time to time all offices provided for by Article VIII, Section 6, of the Constitution or by the Legislature, except the Superintendent of Public Instruction and may provide for the consolidation and transfer of the functions of such offices, provided, however, that there shall be no power to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided for by this Constitution or by general law, or the judges or clerks thereof although such charter may create new courts and judges and clerks thereof with jurisdiction to try all offenses against ordinances passed by the Board of County Commissioners of Dade County and none of the other courts provided for by this Constitution or by general law shall have original jurisdiction to try such offenses, although the charter may confer appellate jurisdiction on such courts, and provided further that if said home rule charter shall abolish any county office or offices as authorized herein, that said charter shall contain adequate provision for the carrying on of all functions of said office or offices as are now or may hereafter be prescribed by general law.

(g) Shall provide a method by which each municipal corporation in Dade County shall have the power to make, amend or repeal its own charter. Upon adoption of this home rule charter by the electors this method shall be exclusive and the Legislature shall have no power to amend or repeal the charter of any municipal corporation in Dade County.

(h) May change the name of Dade County.

(i) Shall provide a method for the recall of any commissioner and a method for initiative and referendum, including the initiation of and referendum on ordinances and the amendment or revision of the home rule charter, provided, however, that the power of the Governor and Senate relating to the suspension and removal of officers provided for in this constitution shall not be impaired, but shall extend to all officers provided for in said home rule charter.

(2) Provision shall be made for the protection of the creditors of any governmental unit which is merged, consolidated, or abolished or whose

boundaries are changed or functions or powers transferred.

(3) This home rule charter shall be prepared by a Metropolitan Charter Board created by the Legislature and shall be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Until a home rule charter is adopted the Legislature may from time to time create additional Charter Boards to prepare charters for ratification or rejection in the manner provided by the Legislature. Such Charter, once adopted by the electors, may be amended only by the electors of Dade County and this charter shall provide a method for submitting future charter revisions and amendments to the electors of Dade County.

(4) The County Commission shall continue to receive its pro rata share of all revenues payable by the state from whatever source to the several counties and the state of Florida shall pay to the Commission all revenues which would have been paid to any municipality or Dade County which may be abolished by or in the method provided by this home rule charter; provided, however, the Commission shall reimburse the comptroller of Florida for the expense incurred if any, in the keeping of separate records to determine the amounts of money which would have been payable to any such municipality.

(5) Nothing in this section shall limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties in the state of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida, and the home rule charter provided for herein shall not conflict with any provision of this Constitution nor of any applicable general laws now applying to Dade County and any other one or more counties of the State of Florida except as expressly authorized in this section nor shall any ordinance enacted in pursuance to said home rule charter conflict with this Constitution or any such applicable general law except as expressly authorized herein, nor shall the charter of any municipality in Dade County conflict with this Constitution or such applicable general law except as expressly authorized herein, provided however that said charter and said ordinances enacted in pursuance thereof may conflict with, modify or nullify any existing local, special or general law applicable only to Dade County.

(6) Nothing in this section shall be construed to limit or restrict

the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties of the state of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida relating to county or municipal affairs and all such general laws shall apply to Dade County and to all municipalities therein to the same extent as if this section had not been adopted and such general laws shall supersede any part or portion of the home rule charter provided for herein in conflict therewith and shall supersede any provision of any ordinance enacted pursuant to said charter and in conflict therewith, and shall supersede any provision of any charter of any municipality in Dade County in conflict therewith.

(7) Nothing in this section shall be construed to limit or restrict the power and jurisdiction of the Railroad and Public Utilities Commission or of any other state agency, bureau or commission now or hereafter provided for in this Constitution or by general law and said state agencies, bureaus and commissions shall have the same powers in Dade County as shall be conferred upon them in regard to other counties.

(8) If any section, subsection, sentence, clause or provisions of this section is held invalid as violative of the provisions of Section 1 Article XVII of this Constitution the remainder of this section shall not be affected by such invalidity.

(9) It is declared to be the intent of the Legislature and of the electors of the State of Florida to provide by this section home rule for the people of Dade County in local affairs and this section shall be liberally construed to carry out such purpose, and it is further declared to be the intent of the Legislature and of the electors of the State of Florida that the provisions of this Constitution and general laws which shall relate to Dade County and any other one or more counties of the State of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida enacted pursuant thereto by the Legislature shall be the supreme law in Dade County, Florida, except as expressly provided herein and this section shall be strictly construed to maintain such supremacy of this Constitution and of the Legislature in the enactment of general laws pursuant to this Constitution.

HOME RULE CHARTER
Recorded Official Records Book 182, page
667, Public Records of Dade County.
Adopted May 21, 1957

PREAMBLE

We, the people of this County, in order to secure for ourselves the benefits and responsibilities of home rule, to create a metropolitan government to serve our present and future needs, and to endow our municipalities with the rights of self determination in their local affairs, do under God adopt this home rule Charter.

ARTICLE 1

BOARD OF COUNTY COMMISSIONERS

Section 1.01 Powers.

A. The Board of County Commissioners shall be the Legislative and the governing body of the county and shall have the power to carry on a central metropolitan government. This power shall include but shall not be restricted to the power to:

(1) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate facilities; and develop and enforce master plans for the control of traffic and parking.

(2) Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems.

(3) License and regulate taxis, jitneys, limousines for hire, rental cars and other passenger vehicles for hire operating in the unincorporated areas of the county.

(4) Provide central records, training, and communications for fire and police protection; provide traffic control and central crime investigations; provide fire stations, jails, and related facilities; and subject to Section 1.01A (18) provide a uniform system for fire and police protection.

(5) Prepare and enforce comprehensive plans for the development of the county.

(6) Provide hospitals and uniform health and welfare programs.

(7) Provide parks, preserves, playgrounds, recreation areas, libraries, museums, and other recreational and cultural facilities and programs.

(8) Establish and administer housing, slum clearance, urban renewal, conservation, flood and beach erosion control, air pollution control, and drainage programs and cooperate with governmental agencies and private enterprises in the development and operation of these programs.

(9) Provide and regulate or permit municipalities to provide and regulate waste and sewage collection and disposal and water supply and conservation programs.

(10) Levy and collect taxes and special assessments, borrow and expend money, and issue bonds, revenue certificates, and other obligations of indebtedness, in such manner, and subject to such limitations, as may be provided by law.

(11) By ordinance, establish, merge, and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets, sidewalks, street lighting waste and sewage collection and disposal, waste and sewage collection and disposal, drainage, and other essential facilities and services. All county funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board.

(12) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.

(13) Adopt and enforce uniform building and related technical codes and regulations for both the incorporated and unincorporated areas of the county; provide for examinations for contractors and all parties engaged in the building trades and for the issuance of certificates of competency and their revocation after hearing. Such certificates shall be recognized and required for the issuance of a license in all municipalities in the county. No municipality shall be entitled to require examinations or any additional certificate of competency or impose any other conditions for the issuance of a municipal license except the payment of the customary fee. The municipality may issue building permits and conduct the necessary inspection in accordance with the uniform codes and charge fees therefor.

(14) Regulate, control, take over, and grant franchises to, or itself operate gas, light, power, telephone, and other utilities, sanitary and sewage collection and disposal systems, water supply, treatment, and service systems, and public transportation systems, provided, however, that:

(a) Franchises under this subsection may only be granted by a two-thirds vote of the members of the Board present and approved by a majority vote of those qualified electors voting at either a special or general election.

(b) The county shall not operate a light, power, or telephone utility to serve any territory in the county which is being supplied with similar service except by a majority vote of those qualified electors voting in an election held not less than six months after the Board has passed an ordinance to that effect by a two-thirds vote of the members of the Board present. Such ordinance shall contain information on cost, method of financing, agency to regulate rates, agency to operate, location and other information necessary to inform the general public of the feasibility and practicability of the proposed operation.

(15) Use public funds for the purposes of promoting the development of the county, including advertising the area's advantages.

(16) Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas and approve municipal regulations on hours of sale of alcoholic beverages.

(17) Enter into contracts with other governmental units within or outside the boundaries of the county for joint performance or performance by one unit in behalf of the other of any authorized function.

(18) Set reasonable minimum standards for all governmental units in the county for the performance of any service or function. The standards shall not be discriminatory as between similar areas. If a governmental unit fails to comply with such standards, and does not correct such failure after reasonable notice by the Board, then the Board may take over and perform, regulate, or grant franchises to operate any such service. The Board may also take over and operate, or grant franchises to operate any municipal service if:

(a) In an election called by the Board of County Commissioners within the municipality a majority of those voting vote in favor of turning the service over to the county; or

(b) The governing body of the municipality requests the county to take over the service by a two-thirds vote of its members, or by referendum.

(19) By ordinance, abolish or consolidate the offices of Sheriff, Constables, or any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction or to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided by the Constitution or by general law, or the judges or clerks thereof.

(20) Make investigations of county affairs, inquire into the conduct, accounts, records, and transactions of any department or office of the county, and for these purposes require reports from all county officers and employees, subpoena witnesses, administer oaths, and require the production of records.

(21) Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.

(22) Adopt such ordinances and resolutions as may be required in the exercise of its powers, and prescribe fines and penalties for the

violation of ordinances.

(23) Perform any other acts consistent with law which are required by this Charter or which are in the common interest of the people of the county.

(24) Supersede, nullify, or amend any special law applying to this county, or any general law applying only to this county, or any general law where specifically authorized by the Constitution.

B. No enumeration of powers in this Charter shall be deemed exclusive or restrictive and the foregoing powers shall be deemed to include all implied powers necessary and proper to carrying out such powers. All of these powers may be exercised in the incorporated and unincorporated areas, subject to the procedures herein provided in certain cases relating to municipalities.

C. The Board shall have the power to eminent domain and the right to condemn property for public purposes. The Board shall make fair and just compensation for any properties acquired in the exercise of its powers, duties, or functions. The Board shall also provide for the acquisition or transfer of property, the payment, assumption, or other satisfaction of the debts, and the protection of pension rights of affected employees of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

D. The Board shall be entitled to levy in the unincorporated areas all taxes authorized to be levied by municipalities and to receive from the state any revenues collected in the unincorporated areas on the same basis as municipalities.

Section 1.02 Resolutions and Ordinances.

A. The Board shall adopt its own rules of procedure and shall decide which actions of the Board shall be by ordinance or resolution, except as otherwise provided in this Charter and except that any action of the Board which provides for raising revenue, appropriating funds, or incurring indebtedness, or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

B. Every ordinance shall be introduced in writing and shall contain a brief title. The enacting clause shall be "Be it Ordained by the Board". After passage on first reading, a short summary of the ordinance shall be published in a daily newspaper of general circulation at least once together with a notice of the time when and place where it will be given a public hearing and be considered for final passage. The first such publication shall be at least one week prior to the time advertised for hearing. No ordinance shall be declared invalid by reason of any defect in publication or title if the published summary gives reasonable notice of its intent.

C. At the time and place so advertised, or at any time and place to which such public hearing may from time to time be adjourned, the ordinance shall be read by title and a public hearing shall be held. After the hearing, the Board may pass the ordinance with or without amendment.

D. The Board may adopt in whole or in part any published code by reference as an ordinance in the manner provided by law.

E. The effective date of any ordinance shall be prescribed therein, but the effective date shall not be earlier than ten days after its enactment.

F. To meet a public emergency affecting life, health, property, or public safety the Board by two-thirds vote of the members of the Board may adopt an emergency ordinance at the meeting at which it is introduced, and may make it effective immediately, except that no such ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money. After the adoption of an emergency ordinance, the Board shall have it published in full within ten days in a daily newspaper of general circulation.

G. Each ordinance and resolution after adoption shall be given a serial number and shall be entered by the clerk in a properly indexed record kept for that purpose.

H. Within two years after adoption of this Charter the Board shall have prepared a general codification of all county ordinances and resolutions having the effect of law. The general codification thus prepared shall be adopted by the Board in a single ordinance. After adoption the Board shall have the codification printed immediately in an appropriate

manner together with the Charter and such rules and regulations as the Board may direct. Additions or amendments to the code shall be prepared, adopted, and printed at least every two years.

Section 1.03. Districts.

A. There shall be five County Commission districts. The initial boundaries of these districts shall be identical with the boundaries of the five County Commission districts existing at the time of the 1956 general election.

B. The Board may by ordinance adopted by two-thirds vote of the members of the Board change the boundaries of the districts from time to time. The boundaries shall be fixed on the basis of the character, population, and geography of the districts.

Section 1.04 Composition of the Board.

A. From each of the districts there shall be:

(1) A County Commissioner who shall be a qualified elector residing within the district for six months before qualifying who shall be elected by the qualified electors of his district. Beginning with the state primary elections in 1958 such Commissioners shall be elected for a term of four years.

(2) A County Commissioner who shall be a qualified elector residing within the district for six months before qualifying who shall be elected by the qualified electors of the county at large. Beginning with the state primary elections in 1964 such Commissioners shall be elected for a term of four years.

B. From each municipality in this county which shall have a population of 60,000 inhabitants or more according to latest federal census, there shall be a County Commissioner who shall be a qualified elector residing within the municipality for six months before qualifying who shall be elected by the qualified electors of such municipality. Such Commissioners shall serve for a term of four years.

Section 1.05 Forfeiture of Office.

Any member of the Board who ceases to be a qualified voter of the county or removes himself from the district or municipality from which he was elected, or who fails to attend meetings without good cause for a

period of six months, shall immediately forfeit his office.

Section 1.06. Salary.

Each County Commissioner shall receive a salary of \$6,000 per year payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

Section 1.07. Vacancies.

Any vacancy in the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy. The person chosen to fill the office vacated must be a resident for a period of six months prior to his appointment of the district or municipality from which the vacating Commissioner was elected. If the person is appointed he shall serve only until the next state primary election or until the expiration of the term for which the vacating Commissioner was elected whichever occurs first. If the person is elected he shall serve for the remainder of the unexpired term of the vacating Commissioner.

Section 1.08. Organization of the Board.

The Board shall select its own chairman and vice-chairman, each of whom shall serve at the pleasure of the Board. The Clerk of the Circuit Court or his deputy shall serve as clerk of the Board. No action of the Board shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office are present. All meetings shall be public.

ARTICLE 2

ELECTIONS

Section 2.01. Election and Commencement of Terms of County Commissioners.

A. Except as otherwise provided in this Charter, the election for County Commissioners elected from and by districts shall be held every four years at the time of the state primary elections beginning in 1958, and the election for County Commissioners elected at large shall be held every four years at the time of the state primary elections beginning in 1960.

B. A candidate must receive a majority of the votes cast to be elected.

If no candidate receives a majority of the votes cast there will be a run-off election at the time of the state second primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter, the terms of office of County Commissioners shall commence on the second Tuesday next succeeding the date provided for the state second primary election.

Section 2.02. Election of County Commissioners from Municipalities.

At such time as a municipality becomes entitled to elect a County Commissioner, that municipality shall by ordinance fix the time and method of election of such Commissioner and the date on which his four year term shall begin. If the municipality fails so to provide within 90 days the office shall be treated as a vacancy on the Board.

Section 2.03. Non-Partisan Elections.

All elections for the Board shall be non-partisan and no ballot shall show the party designation of any candidate. No candidate for the office of County Commissioner shall be required to pay any party assessment or state the party of which he is a member or the manner in which he voted or will vote in any election.

Section 2.04. Qualifications and Filing Fee. *April 2*

All candidates for the office of County Commissioner shall qualify with the Clerk of the Circuit Court at least 30 days prior to the date of the election at which he is a candidate in the method provided by law or ordinance and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county.

Section 2.05. Invalidity.

If any part of this Article relating to the method of election of Commissioners is declared invalid the general election laws of this state shall control in place of such invalid provision, except that if Section 2.03 is declared invalid the terms of the Commissioners elected at large and from districts shall commence on the second Tuesday next succeeding the general election.

Section 2.06. Additional Regulations and State Laws.

A. The Board may adopt by ordinance any additional regulations governing elections not inconsistent with this Charter.

B. Except as otherwise provided by this Charter or by ordinance adopted hereunder the provisions of the election laws of this state shall apply to elections held under this Charter.

Section 2.07. Canvassing Elections.

All elections under this Charter shall be canvassed by the Board of County Commissioners, the Clerk of the Circuit Court, and one County Judge sitting as a canvassing board.

ARTICLE 3

THE COUNTY MANAGER

Section 3.01. Appointment and Removal.

The Board of County Commissioners shall appoint a County Manager who shall be the chief executive officer and head of the administrative branch of the county government. The Board shall fix the Manager's compensation, and he shall serve at the will of the Board.

Section 3.02. Qualifications.

The Manager shall be chosen by the Board on the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the state. No County Commissioner shall be eligible for the position of Manager during or within two years after the expiration of his latest term as Commissioner.

Section 3.03. Absence of Manager.

The Board may designate a qualified administrative officer of the County to assume the duties and authority of the Manager during periods of temporary absence or disability of the Manager.

Section 3.04. Powers and Duties .

A. The Manager shall be responsible to the Board of County Commissioners for the administration of all units of the county government under his jurisdiction, and for carrying out policies adopted by the Board. The Manager, or such other persons as may be designated by resolution of the Board, shall execute contracts and other instruments, sign bonds and other evidences of indebtedness, and accept process.

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B. The Manager shall have the power to appoint and remove all administrative officers and employees of the county subject to the provisions of this Charter and civil service rules and regulations.

Section 3.05. Restriction on Board Members.

Neither the Board nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the Manager or any of his subordinates, or take part in the appointment or removal of officers and employees in the administrative services of the county. Except for the purpose of inquiry, as provided in Section 1.01A(20), the Board and its members shall deal with the administrative service solely through the Manager and neither the Board nor any members thereof shall give orders to any subordinates of the Manager, either publicly or privately. Any wilful violation of the provisions of this Section by a member of the Board shall be grounds for his removal from office by an action brought in the Circuit Court by the State Attorney of this county.

ARTICLE 4

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

Section 4.01. Departments.

There shall be departments of finance, personnel, planning, law, and such other departments as may be established by administrative order of the Manager. All functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Manager.

Section 4.02. Administrative Procedure.

The Manager shall have the power to issue and place into effect administrative orders, rules, and regulations. The organization and operating procedure of departments shall be set forth in administrative regulations which the Manager shall develop, place into effect by administrative orders, and submit to the Board. The Board may, by ordinance, modify such orders, rules, or regulations.

Section 4.03. Financial Administration.

A. The department of finance shall be headed by a finance director appointed by the Manager. The finance director shall have charge of the financial affairs of the county.

B. Not less than 120 days before the beginning of the fiscal year,

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the Manager shall recommend to the Board a proposed budget presenting a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget.

C. No money shall be drawn from the county treasury nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriation and except that the Board may establish working capital, revolving, pension, or trust funds and may provide that expenditures from such funds can be made without specific appropriation. The Board, by ordinance, may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, subject to the provisions of ordinance. Any portion of the earnings or balance of the several funds, other than sinking funds for obligations not yet retired, may be transferred to the general funds of the county by the Board.

D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves the expenditure of \$2000 or more. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Manager, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

E. Any county official or employee of the county who has a special financial interest, direct or indirect, in any action by the Board shall make known that interest and shall refrain from voting upon or otherwise participating in such transaction. Wilful violation of this section shall constitute malfeasance in office, shall effect forfeiture of office or position, and render the transaction voidable by the Board.

F. Such officers and employees of the county as the Board may designate shall give bond in the amount and with the surety prescribed by the Board. The bond premiums shall be paid by the county.

G. At the end of each fiscal year the Board shall provide for an audit by an independent certified public accountant designated by the Board of

the accounts and finances of the county for the fiscal year just completed.

H. The Budget Commission created by Chapter 21874, Laws of Florida, 1943, is hereby abolished, and Chapter 21874 shall no longer be of any effect.

Section 4.04. Assessment and Collection of Taxes.

A. Beginning with the tax year 1961, the county tax rolls prepared by the county shall be the only legal tax rolls in this county for the assessment and collection of county and municipal taxes. Thereafter no municipality shall have an assessor or prepare an ad valorem tax roll. Each municipality shall continue to have the right to adopt its own budget, fix its own millage, and levy its own taxes. Each municipality shall certify its levies to the County Manager not later than 30 days after the county tax rolls have been finally approved by the Board. Any municipality may obtain a copy of this tax roll upon payment of the cost of preparing such a copy, and copies of the tax rolls shall be available for public inspection at reasonable times. Maps showing the assessed valuation of each parcel of property may be prepared and made available for sale to the public at a reasonable price.

B. All county and municipal taxes for the tax year beginning January 1, 1961, and all subsequent tax years, shall be collected by the county on one bill prepared and sent out by the county. The amounts of county and municipal taxes shall be shown as separate items, and may be paid separately.

C. Delinquent municipal taxes shall be collected in the same manner as delinquent county taxes.

D. All the tax revenues collected for any municipality shall be returned monthly by the county to the municipality.

Section 4.05. Department of Personnel.

A. The Board of County Commissioners shall establish and maintain personnel and civil service, retirement, and group insurance programs. The personnel system of the county shall be based on merit principles in order to foster effective career service in county employment and to employ those persons best qualified for county services which they are to perform.

B. The County Manager shall appoint a personnel director who shall

head the department of personnel and whose duty it shall be to administer the personnel and civil service programs and the rules governing them. The standards of such programs shall not be less than those prevailing at the time of the effective date of this Charter.

C. Except as provided herein, Chapter 30255, General Laws, 1955, as it exists on the effective date of this Charter, shall remain in effect until amended or changed by ordinance of the Board of County Commissioners adopted by two-thirds vote of the members present after recommendation from either the Personnel Advisory Board or the County Manager.

D. Employees of municipalities who, by merger, transfer, or assignment of governmental units or functions become county employees, shall not lose the civil service rights or privileges which have accrued to them during their period of employment with such municipality, and the county shall use its best efforts to employ these employees within the limits of their capabilities. However, if because of the merger of a department or division of a municipality with the county, all of the employees of such department or division are unable to be employed by the county, either because of lack of funds or lack of work, the employee possessing the greater amount of service shall be retained in accordance with civil service rules and regulations. Those employees who are not retained shall be placed on a priority list for employment by the county subject to seniority. Any non-retained employee shall have the option, if a vacancy occurs or exists in another department, and if he is qualified to render the service required, to either accept such employment or remain on the priority list until such time as employment shall be available for him in his own or similar classification.

E. The pension plan presently provided by the state for county employees shall not be impaired by the Board. Employees of municipalities, who by merger, transfer, or assignment of governmental units or functions become county employees shall not lose their pension rights, or any reserves accrued to their benefit during their period of employment with such municipality. The Board of County Commissioners shall provide a method by which these employees' rights and reserves shall be protected, and these employees shall continue until retirement, dismissal,

or death in a pension status no less beneficial than the status held by them at the time of merger or assignment.

F. The Board of County Commissioners shall provide and place into effect a practical group insurance plan for all county employees.

Section 4.06. Department of Law.

There shall be a county attorney appointed by the Board of County Commissioners who shall serve at the will of the Board and who shall head the department of law. He shall devote his full time to the service of the county and shall serve as legal counsel to the Board, Manager, and all county departments, offices, and agencies, and perform such other legal duties as may be assigned to him. With the approval of the Board, he may appoint such assistants as may be necessary in order that his duties may be performed properly. The Board may employ special counsel for specific needs.

Section 4.07. Department of Planning.

The department of planning shall be headed by a planning director appointed by the County Manager. The planning director shall be qualified in the field of planning by special training and experience. Under the supervision of the Manager and with the advice of the Planning Advisory Board elsewhere provided for in this Charter, the planning director shall among other things:

(1) Conduct studies of county population, land use, facilities, resources, and needs and other factors which influence the county's development, and on the basis of such studies prepare such official and other maps and reports as, taken together, constitute a master plan for the welfare, recreational, economic, and physical development of the county.

(2) Prepare for review by the Planning Advisory Board, and for adoption by the Board of County Commissioners, zoning, subdivision, and related regulations for the unincorporated areas of the county and minimum standards governing zoning, subdivision, and related regulations for the municipalities; and prepare recommendations to effectuate the master plan and to coordinate the county's proposed capital improvements with the master plan.

(3) Review the municipal systems of planning, zoning, subdivision, and related regulations and make recommendations thereon with a view to coordinating such municipal systems with one another and with those of the county.

Section 4.08. Boards.

The Board of County Commissioners shall by ordinance create a Planning Advisory Board, a Zoning Appeals Board, and such other boards it may deem necessary, prescribing in each case the number, manner of appointment, length of term, and advisory or quasi-judicial duties of members of such boards, who shall serve without compensation but who may be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the Board of County Commissioners.

ARTICLE 5

MUNICIPALITIES

Section 5.01. Continuance of Municipalities.

The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. The right of self determination in local affairs is reserved and preserved to the municipalities except as otherwise provided in this Charter.

Section 5.02. Municipal Powers.

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.

Section 5.03. Municipal Charters.

A. Except as provided in Section 5.04, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten per cent of the qualified electors of the municipality, draft or have

drafted by a method determined by municipal ordinance a proposed charter, amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

B. All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.

Section 5.04. Changes in Municipal Boundaries.

A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned.

B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, unless the change involves the annexation or separation of an area of which more than 250 residents are electors, in which case an affirmative vote of a majority of those electors voting shall also be required. Upon any such boundary change any conflicting boundaries set forth in the charter of such municipality shall be considered amended.

C. No municipal boundary shall be altered except as provided by this Section.

Section 5.05. Creation of New Municipalities.

The Board of County Commissioners and only the Board may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of

County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida.

Section 5.06. Contracts With Other Units of Government.

Every municipality in this county shall have the power to enter into contracts with other governmental units within or outside the boundaries of the municipality or the county for the joint performance or performance by one unit in behalf of the other of any municipal function.

Section 5.07. Franchise and Utility Taxes.

Revenues realized from franchise and utility taxes imposed by municipalities shall belong to municipalities.

ARTICLE 6

METROPOLITAN COURT

Section 6.01. Metropolitan Court Established.

A. A Court is hereby established, the name of which shall be the Metropolitan Court. There shall be as many judges of this Court as the Board shall deem necessary to administer promptly and expeditiously the business of the Court.

B. The judges shall be appointed by the Board by vote of two-thirds of the members of the Board to serve for six years. Terms of office of judges may be staggered. The senior judge shall be the administrative officer of the Court. All judges shall be attorneys who have been qualified for five years to practice law in the State of Florida. The compensation of the judges and all Court employees shall be fixed by ordinance.

C. Any judge may be removed for malfeasance, misfeasance, or non-feasance by vote of two-thirds of the members of the Board after public hearing.

Section 6.02. Jurisdiction and Procedure.

A. The Court shall have jurisdiction to try all cases arising under ordinances adopted by the Board.

B. The clerk of the Metropolitan Court shall be appointed by the

Board. The clerk may appoint deputy clerks upon approval of the Manager.

The Court may hold sessions in such places as the Board may designate.

C. Arrests, complaints, prosecutions, and convictions shall be instituted and processed in the manner provided by the rules of the Court. When the complaint is made in the name of the county, a formal complaint shall not be necessary to give the Court jurisdiction of offenses triable in such Court, but the accused may be tried for the offense for which he is docketed, provided such docket entry is sufficient to put the accused upon notice of the offense with which he is charged.

D. No person shall upon conviction for the violation of any county ordinance be punished by a fine exceeding \$1,000 or imprisonment in the county jail for more than one year or by both such fine and imprisonment. If the offense is punishable by a fine exceeding \$500 or imprisonment in the county jail for more than 60 days, the accused shall be entitled to a trial by jury upon demand.

E. All prosecutions for violations of any ordinance punishable by fine or imprisonment shall be conducted by the State Attorney of this county, if he be willing, and, if not, by the department of law. The Board may by ordinance provide for a public defender.

F. Appeals will lie to the Circuit Court of this county from any final judgment. All such appeals shall be taken within 20 days from the entry of the judgment in the manner provided by the rules of the Circuit Court. The decision of the Circuit Court shall be subject to review in the same manner and within the same time as any other decision of the Circuit Court.

G. The judges of the Metropolitan Court are hereby empowered to adopt rules of procedure governing the Court, to punish for contempt of court including imprisonment not in excess of 48 hours, to issue search warrants, and to fix the amount of bail and appeal bonds. The judges and the clerks or their deputies may administer oaths, issue witness subpoenas, and warrants for arrest.

ARTICLE 7

INITIATIVE, REFERENDUM, AND RECALL

Section 7.01. Initiative and Referendum.

The electors of the county shall have the power to propose to the

Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

(1) The person proposing the exercise of this power shall submit the proposal to the Board which shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.

(2) The person or persons circulating the petition shall, within one month of the approval of the form of the petition, obtain the signatures of voters in numbers at least equal to five per cent of the total vote in the county for the office of Governor at the last preceding gubernatorial general election, or 10,000 whichever is less. Each signer of a petition shall place thereon, after his name, the date, and his place of residence or precinct number. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.

(3) The signed petition shall be filed with the Board which shall within 30 days order a canvass of the signatures thereon to determine the sufficiency of the signatures. If the number of signatures is insufficient or the petition is deficient as to former compliance with this section, the Board shall notify the person filing the petition and allow 30 days for filing of additional petition papers, at the end of which time the sufficiency or insufficiency of the petition shall be finally determined.

(4) The Board shall within 30 days after the date a sufficient petition is presented either:

(a) Adopt the ordinance as submitted in an initiatory petition or repeal the ordinance referred to by a referendary petition, or

(b) Determine to submit the proposal to the electors.

(5) The vote of the electors, if required, shall take place within 120 days after the date the petition is presented to the Board, preferably in an election already scheduled for other purposes, otherwise in a special election. The result shall be determined by a majority vote of the electors voting on the proposal.

(6) An ordinance proposed by initiatory petition or the repeal of

an ordinance by referendary petition shall be effective on the day after the election, except that:

(a) Any reduction or elimination of existing revenue or any expenditures not provided for by the current budget or existing bond issues shall not take effect until the beginning of the next succeeding fiscal year; and

(b) Rights accumulated under an ordinance between the time a certified referendary petition against the ordinance is presented to the Board and the repeal of the ordinance by the voters, shall not be enforced against the county; and

(c) Should two or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest number of votes shall prevail as to those provisions.

(7) An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Board for a period of one year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

Section 7.02. Recall.

Any member of the Board of County Commissioners or the Sheriff or any Constable may be removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

(1) The Clerk of the Circuit Court shall approve the form of the petition.

(2) The person or persons circulating the petition must obtain signatures of electors of the county, district, or municipality concerned in numbers at least equal to ten per cent or 10,000, whichever is smaller, of the qualified voters in the county, district, or municipality.

(3) The signed petition shall be filed with and canvassed and certified by the Clerk of the Circuit Court.

(4) The Board of County Commissioners must provide for a recall election not less than 45 nor more than 90 days after the certification of the petition.

(5) The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.

(6) If the majority is against recall the officer shall continue in office under the terms of his previous election. If the majority is for recall he shall, regardless of any defect in the recall petition, be deemed removed from office immediately.

(7) No recall petition against such an officer shall be certified within one year after he takes office nor within one year after a recall petition against him is defeated.

(8) Any vacancy created by recall in the offices of Sheriff or Constables shall be filled for the remaining term by appointment by the Board of County Commissioners, or the Board may require the office to be filled at the next regular election or at a special election called for that purpose.

ARTICLE 8

GENERAL PROVISIONS

Section 8.01. Abolition of Certain Offices and Transfer of Functions.

A. On May 1, 1958, the following offices are hereby abolished, and the powers and functions of such offices are hereby transferred to the County Manager who shall provide for the continuation of all the duties and functions of these offices required under the Constitution and general laws of this state: County Assessor of Taxes, County Tax Collector, County Surveyor, County Purchasing Agent, and County Supervisor of Registration.

B. The County Manager may delegate to suitable persons the powers and functions of such officers, provided however that until the term of office for which they were elected shall terminate the County Assessor of Taxes, the County Tax Collector, the County Supervisor of Registration, and the County Purchasing Agent shall each if he so desires remain in his position and receive the same salary as presently provided by statute.

C. In the event that other elective offices are abolished by the Board, the Board shall provide that any person duly elected to such office shall if he so desires remain in the same or similar position and receive the same salary for the remainder of the term for which he was elected, and shall provide for the continuation of all the duties and functions of these offices required under the Constitution and general laws.

Section 8.02. Waiver of Immunity.

Any county or municipal officeholder or employee who, upon being called before a grand jury to testify concerning the conduct of his office or the performance of his official duties or employment, refuses to sign a waiver of immunity against subsequent criminal prosecution, or to answer any relevant question concerning such matters before the grand jury, shall be removed from office or public employment by the appropriate authority, or upon suit by the State Attorney of this county.

Section 8.03. Tort Liability.

The county shall be liable in actions of tort to the same extent that municipalities in the State of Florida are liable in actions in tort. However no suit shall be maintained against the county for damages to persons or property or for wrongful death arising out of any tort unless written notice of claim shall first have been given to the county in the manner and within the time provided by ordinance, except that the time fixed by ordinance for notice shall be not less than 30 days nor more than 120 days.

Section 8.04. Supremacy Clause.

A. This Charter and the ordinances adopted hereunder shall in cases of conflict supersede all municipal charters and ordinances, except as herein provided, and, where authorized by the Constitution, shall in cases of conflict supersede all special and general laws of the state.

B. All other special and general laws and county ordinances and rules and regulations not inconsistent with this Charter shall continue in effect until they are superseded by ordinance adopted by the Board pursuant to this Charter and the Constitution.

Section 8.05. Existing Franchises, Contracts, and Licenses.

All lawful franchise, contracts, and licenses in force on the effective date of this Charter shall continue in effect until terminated or modified

in accordance with their terms or in the manner provided by law or this Charter.

Section 8.06. Effect of the Charter.

A. This Charter shall be liberally construed in aid of its declared purpose, which is to establish effective home rule government in this county responsive to the people. If any Article, Section, subsection, sentence, clause, or provision of this Charter or the application thereof shall be held invalid for any reason, the remainder of the Charter and of any ordinances or regulations made thereunder shall remain in full force and effect.

B. Nothing in this Charter shall be construed to limit or restrict the power and jurisdiction of the Florida Railroad and Public Utilities Commission.

Section 8.07. Amendments.

Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering five per cent of the number voting in the county for the office of Governor in the last preceding gubernatorial general election. The Board shall call an election not less than 60 nor more than 120 days after it adopts the resolution or receives a petition certified in the manner required for an initiatory petition for an ordinance. The result shall be determined by a majority of the electors voting on the amendment.

Section 8.08. Effective Date.

This Charter shall become effective 60 days after it is ratified by a majority of the qualified electors of the county voting on the Charter.

ARTICLE 9

TRANSITORY PROVISIONS

Section 9.01. Composition of the First Board of County Commissioners.

A. The County Commissioners who were elected at large at the general election in 1956 shall hold office for the term of four years for which they were elected and their term of office and their salary shall not be changed by this Charter. Until additional Commissioners are elected and take office as herein provided, the Commissioners elected in 1956 and

their replacements if any as provided by law shall constitute the Board of County Commissioners under this Charter. The term of the Commissioners elected at large in 1960 shall begin on the first Tuesday after the first Monday in January, 1961, and end on the second Tuesday next succeeding the date provided for the 1964 state second primary election.

B. The election of the first Commissioner by any eligible municipality shall be as provided by this Charter. The first such Commissioner shall not take office before the second Tuesday next succeeding the 1958 state second primary election. If any eligible municipality has not elected a Commissioner by that date, the position shall be considered a vacancy and filled in the manner provided herein.

Section 9.02. Appointment of County Manager.

The County Manager shall be appointed no later than October 31, 1957.

Section 9.03. Reassessment.

A. On or before May 1, 1958, the Board of County Commissioners shall provide for the reassessment according to law of all real and tangible personal property within the incorporated and unincorporated areas of the county exclusive of property assessed by the state. The cost of this reassessment shall be paid out of the general funds of the county or any other funds that might be available. This reassessment shall be completed as expeditiously as possible but in no event later than January 1, 1961.

B. After this reassessment has been completed and made official by the Board, county tax rolls reflecting this reassessment shall be completed and promptly made available to each municipality. Beginning with the 1961 tax year, no other real and tangible personal property tax rolls than those prepared by the county shall be legal or in any manner used for the assessment of taxes within the incorporated and unincorporated areas, except as provided in 9.03D.

C. Prior to January 1, 1961, each municipality shall conform its fiscal year to that of the county, and to accomplish this may levy taxes for less or more than one year but for not more than two years at once.

D. Upon petition from any municipality on grounds of hardship caused by use of the county tax rolls or prescribed fiscal year, the Board may from year to year grant that municipality an exemption, but no such

exemption shall extend beyond January 1, 1966.

Section 9.04. Appropriation.

There is hereby appropriated from the general fund, fine and forfeiture fund, or any other appropriate fund, from unanticipated receipts and unexpected balances in such funds, sufficient monies as determined by the Board to pay for the cost of establishing the various departments, positions, and procedures required by this Charter. Such appropriations and expenditures are hereby declared to be for county purposes and are legitimate expenditures, properly payable from the 1956-57 budget, as hereby amended.

Section 9.05. Change of Commission Districts.

No County Commission district shall be changed until the results of the 1960 federal census are available.

Section 9.06. Transition.

In order that there may be no interruption of the business of the county, all persons holding office at the time this Charter takes effect shall continue in the performance of their functions and duties until their successors are appointed, or until their functions and duties are transferred, altered, or abolished in accordance with this Charter. All laws in force when this Charter becomes effective and not inconsistent therewith shall continue in force until they are superseded by ordinances adopted by the Board in pursuance of this Charter. All ordinances and resolutions of the county in force when this Charter becomes effective, and all lawful rights, claims, actions, orders, obligations, proceedings, and contracts shall continue until modified, amended, repealed, or superseded in accordance with this Charter.

Section 9.07. Termination of this Article.

After January 1, 1967, this Article 9 shall cease to be a part of this Charter.

PORT AUTHORITY ACT CH. 22963 LAWS 1945

AS AMENDED THROUGH 1957 SESSION

Section 1. Definitions. In the interpretation hereof the following words and terms shall be taken to include the following meanings when the context shall require or permit, to-wit:

(a) "County" shall mean any county having a population of 260,000 inhabitants or more according to the latest Federal Census and shall include "Board of County Commissioners" of such county.

(b) The word "project" shall embrace any one or any combination of two or more of the following, to-wit: harbor, port, shipping and airport facilities of all kinds, including, but not limited to harbors, channels, turning basins, anchorage areas, jetties, breakwaters, water ways, canals, locks, tidal basins, wharves, docks, piers, slips, bulkheads, public landings, warehouses, terminals, refrigerating and cold storage plants, railroads and motor terminals for passengers and freight, rolling stock, car ferries, boats, conveyors and appliances of all kinds for the handling, storage, inspection and transportation of freight and the handling of passenger traffic, airport facilities of all kinds for land and sea planes, including, but not limited to, landing fields, water areas for the landing and taking off of aircraft, hangars, shops, buses, trucks, and all other facilities for the landing, taking off, operating, servicing, repairing and parking of aircraft, and the loading and unloading and handling of passengers, mail, express and freight; administration buildings, toll highways, tunnels, causeways and bridges connected therewith or incident or auxiliary thereto, and may include all property, rights, easements and franchises relating to any such project and deemed necessary or convenient for the acquisition, construction, purchase or operation thereof.

(As amended by Ch. 28386, Laws 1953)

(c) The term "Cost" as applied to improvements shall mean the cost of constructing or acquiring improvements as hereinabove defined and shall embrace the cost of all labor and materials, the cost of all machinery and equipment, financing charges, cost of engineering and legal expenses, plans, specifications, and such other expenses as

may be necessary or incident to such construction or acquisition.

(d) The term "Cost" as applied to a project acquired, constructed, extended or enlarged, shall include the purchase price of any project acquired, the cost of improvements, the cost of such construction, extension or enlargement, the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest during construction and, if deemed advisable, for one year after completion of construction, cost of investigations and audits and of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project and the placing of the same in operation. Any obligation or expense incurred by the County prior to the issuance of revenue bonds under the provisions of this Act for engineering studies and for estimates of cost and of revenues and for other technical, financial or legal services in connection with the acquisition or construction of any project may be regarded as a part of the cost of such project. (As amended by Ch. 28387, Laws 1953)

(e) The term "board of county commissioners" shall include all members of the board of county commissioners in such county whether their offices are created by the constitution, the legislature, or by any home rule charter. (Added by amendment Ch. 57-911, Laws 1957)

Section 2. When the population of any county according to the latest Federal Census shall exceed 260,000 inhabitants then any such county and the County Commissioners of any such county shall have the power, in addition to the powers otherwise conferred: (as amended by Ch. 24296, Laws 1947)

(1) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate any project as herein defined either within or without the territorial boundaries of the County; (as amended by Ch. 24269, Laws 1947)

(2) Subject to the jurisdiction of the United States of America

and the State of Florida, to construct, establish and improve harbors in the County and all navigable and non-navigable water connected therewith, to regulate and control all such waters, to construct and maintain such canals, slips, turning basins and channels and upon such terms and conditions as may be required by the United States of America, and to enact, adopt and establish by resolution, rules and regulations for the complete exercise of jurisdiction and control over all said waters; (As amended by Ch. 24296, Laws 1947)

(3) To acquire by grant, purchase, gift, devise, condemnation, exchange or in any other manner, all property, real or personal, or any estate or interest therein, upon such terms and conditions as the said County shall by resolution fix and determine; (As amended by Ch. 24296, Laws 1947)

(a) Repealed. (Ch. 31437, Laws Extraordinary Session 1956)

(b) There is hereby granted to such County and the Board of County Commissioners thereof, the specific right, power and authority to construct, maintain and operate elevated toll roads, and the approaches thereto, along, over and across any public street or streets of any city, town or municipality located within any such County. (Added by amendment Ch. 28387, Laws 1953)

(4) Repealed (Ch. 31437, Laws Extraordinary Session 1956)

(5) To appoint shipping masters for ports or harbors under its control, to determine their qualifications, and to adopt rules and regulations prescribing their duties; (As amended by Ch. 24296, Laws 1947)

(6) To license stevedores as independent contractors for hire to handle stevedoring at and in the harbors and airports in the county and to fix the terms and conditions of such licenses and to determine the fees to be charged for same, and any and all such licenses of all persons, firms, groups or corporations so licensed shall continue at the pleasure of the County; (as amended by Ch. 24296, Laws 1947)

(7) To issue revenue bonds, payable solely from revenues, to pay all or a part of the cost of acquisition, construction, extension, enlargement, improvement or modernization of any project, and to pledge the revenues to secure the payment of bonds, but such bonds shall not bear

interest to exceed five per centum (5%) per annum; (as amended by Ch. 24296, Laws 1947)

(8) For the purpose of paying all or a part of the cost of a project, to issue certificates of indebtedness or bonds secured by purchase money mortgage lien upon the title to the real or personal property constituting a project, but neither shall bear interest at a rate exceeding five per centum (5%) per annum; (as amended by Ch. 24296, Laws 1947)

(9) To enter into joint arrangements with steamship lines, railroads, airlines or other transportation lines, or any common carrier, if the County shall deem it advantageous so to do; (as amended by Ch. 24296, Laws 1947)

(10) To make and enter into all contracts and agreements and to do and perform all acts and deeds necessary and incidental to the performance of its duties and the exercise of its powers; (as amended by Ch. 24296, Laws 1947)

(11) To fix, regulate and collect rates and charges for the services and facilities furnished by any project under its control, to establish, limit and control the use of any project as may be deemed necessary to insure the proper operation of the project; to impose sanctions to promote and enforce compliances; and to prescribe rules and regulations and impose penalties and sanctions to insure the proper performance of the duties of any stevedore or of any such shipping master and the enforcement of any rule or regulation which the County may adopt in the regulation of the ports, harbors, wharves, docks, airports and other projects under its control. (as amended by Ch. 24296, Laws 1947 and Ch. 28387, Laws 1953)

(12) To fix the rates of wharfage, dockage, warehousing, storage and port and terminal charges for the use of the port and harbor facilities located within or without said County and owned or operated by said County, to fix and determine the rates, tolls and other charges for the use of harbor and airport improvements and harbor and airport facilities located within or without said County insofar as it may do so under the Constitution of the State of Florida and the Constitution and laws of the United States of America. (as amended by Ch. 24296, Laws 1947)

(13) To regulate the operation, docking, storing and conduct of all water craft of any kind, plying or using the waterways within the County, and of all aircraft of any kind operating over and within the County or utilizing for air navigation purposes, any other area, field, location, or place within the County for air navigation purposes of the repair, storage or handling of aircraft; (as amended by Ch. 24296, Laws 1947)

(14) To receive and accept from any Federal agency, grants for or in aid of the construction, improvement or operation of any project and to receive and accept contributions from any source of either money, property, labor or other things of value; (as amended by Ch. 24296, Laws 1947)

(15) To make any and all applications required by the Treasury Department and other departments or agencies of the United States Government as a condition precedent to the establishment within the County of a freeport, foreign trade zone or area for the reception from foreign countries of articles of commerce and to expedite and encourage foreign commerce, and the handling, processing and delivery thereof into foreign commerce free from the payment of custom duties and to enter into any agreements required by such departments or agencies in connection therewith and to make like applications and agreements with respect to the establishment within said County of one or more bonded warehouses; (as amended by Ch. 24296, Laws 1947)

(16) To enter into any contract with the Government of the United States or any agency thereof, which may be necessary in order to procure assistance, appropriations and aid for the deepening, widening and extending of channels and turning basin, the building and construction of airport and airport facilities, slips, wharves, breakwaters, jetties, bulkheads and any and all other harbor and air navigation improvements and facilities; (as amended by Ch. 24296, Laws 1947)

(17) To employ consulting engineers, superintendents, managers, and such other engineering, construction and accounting experts and attorneys, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; (as amended by Ch. 24296, Laws 1947) and to pay to the Clerk of the Circuit Court of any such County

such compensation as such Board of County Commissioners may determine but not to exceed two thousand five hundred dollars (\$2,500.00) per annum, to be paid exclusively from the revenues arising from the operation of any project owned and operated under authority of this act, for his extraordinary services rendered to such Board in the performance of their duties and the exercise of their powers under this Act; such compensation shall be in addition to any and all other compensation provided by law for such Clerk of the Circuit Court. (added by amendment Ch. 30146, Laws 1955)

(18) To make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings and estimates of cost and revenues, as it may deem necessary, and may prepare and adopt a comprehensive plan or plans, for the location, construction, improvement and development of any project. (as amended by Ch. 24296, Laws 1947 and Ch. 28387, Laws 1953)

(19) To grant exclusive or non-exclusive franchises to persons, firms or corporations for the operating of restaurants, cafeterias, bars, taxicabs, vending machines and other concessions of a non-aeronautical nature in, on and in connection with any project owned and operated by the County; provided, however, that no exclusive franchise shall be so granted unless the Board of County Commissioners of said County shall first cause to be published in a newspaper of general circulation in said County notice of the fact that it intends to grant such exclusive franchise and will at a time certain to be fixed in said notice, not less than thirty (30) days after the publication of said notice, enter into negotiations with any interested parties as to the terms, conditions and provisions of any such exclusive franchise, and that such negotiations with any interested parties as to the terms, conditions and provisions of any such exclusive franchise are to continue for a period of not less than ten (10) days before such exclusive franchise is granted; (as amended by Ch. 24296, Laws 1947 and Ch. 30146, Laws 1955)

(20) To adopt and promulgate suitable rules, regulations and directions for the operation and conduct of any project owned or operated by the County and for the use of any such project and any facility connected therewith by others; (as amended by Ch. 24296, Laws 1947)

(21) To enter into contracts with utility companies or others for the supplying by said utility companies or others of water, electricity and/or telephone service to or in connection with any project; (as amended by Ch. 24296, Laws 1947)

(22) To approve or disapprove the location, establishment, construction and operation of privately owned airports within the County. No state airport license or state approval of an airport site shall be effective in the County without the approval of the County on the application therefor; (as amended by Ch. 24296, Laws 1947)

(23) The County shall have a lien upon all aircraft landing upon any airport owned and operated by it, for all charges for landing fees and other fees and charges for the use of the facilities of such airport by any such aircraft, whenever payment of such charges and fees is not made immediately upon demand therefor to the operator or owner of the aircraft by a duly authorized employee of the County. Such lien may be enforced as provided by law for the enforcement of warehousemen's liens in this State; (as amended by Ch. 24296, Laws 1947, and Ch. 25520, Laws 1949)

(a) It shall be unlawful for any person to remove or attempt to remove any such aircraft from such airport after notice of the lien has been served upon the owner or operator thereof or after posting of such notice upon such aircraft. Any person who shall remove or attempt to remove any such aircraft from such airport, after service or posting of the notice of lien as herein provided, and before payment of the amount due to the County for land fees and charges incurred by such aircraft, shall be punished as for a misdemeanor.

Provided, the provisions of this sub-paragraph (a) shall not apply in cases where by written contract fees and charges are payable at stated intervals. (amended by Ch. 25520, Laws 1949)

(24) To pledge by resolution or contract the revenues arising from the operation of any project or projects owned and operated by the County to the payment of the cost of operation, maintenance, repair, improvement, extension and/or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project

or projects, and to combine for financing purposes any two or more projects constructed or acquired by the County under the provisions of this Act. In any such case the County Commissioners may adopt separate budgets for the operation of such project or projects and it shall not be necessary to include such revenues and the expenditure thereof in the general County budget except by reference and for accounting purposes only. In every such case such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension and enlargement of the project or projects from the operation of which such revenues arise, for the performance of the County's contracts in connection with such project or projects, and for the payment of principal and interest requirements of any bonds issued in connection with the project or projects. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended in the succeeding year for the payment of the costs of operation of such project or projects or for the repair, improvement and/or extension thereof as the Commissioners may determine, unless such surplus has been pledged for the payment of principal and interest on bonds, as authorized in subparagraph (25) of this Section, in which event any such surplus shall be applied in accordance with the resolution pledging the same. (as amended by Ch. 24296, Laws 1947, Ch. 26652, Laws 1951, Ch. 28387, Laws 1953)

(25) The County Commissioners of any such County are authorized to issue general obligation bonds or revenue bonds of said County for the purpose of paying all or a part of the cost of any one or more projects as herein defined, including the cost of enlargement, expansion and/or development of such project whether the property used therefor has previously been acquired or not, and the cost of removing therefrom and/or relocating or reconstructing at another location, any buildings, structures or facilities which in the opinion of such Commissioners constitute obstructions or hazards to the safe or efficient operation of any such project, and for the purpose of paying off and retiring any revenue bonds issued under the provisions of this Act. (as amended by Ch. 24296, Laws 1947 and Ch. Ch. 25166, Laws 1949)

The bonds of each issue shall be dated, shall bear interest

at such rate or rates not exceeding five per centum (5%) per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Board, and may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the bonds. The Board shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. The bonds may be issued in coupon or in registered form, or both, as the Board may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any any other law, and the Board may sell such bonds in such manner, either at public or at private sale, for such price, as it may determine to be for the best interest of the County, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum (5%) per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity. (as amended by Ch. 24296, Laws 1947 and Ch. 25166, Laws 1949)

No general obligation bonds shall be issued hereunder unless

the issuance of such bonds shall have been approved in the manner required by the Constitution and Laws of Florida for the issuance of bonds of the County. (as amended by Ch. 24296, Laws 1947 and Ch. 25166, Laws 1949)

For the payment of the principal of and the interest on any general obligation bonds of the County issued under the provisions of this Act, the Board is hereby authorized and required to levy annually a special tax upon all taxable property within the County, over and above all other taxes authorized or limited by law, and in addition to the tax authorized by Section 5 of this Act, sufficient to pay such principal and interest as the same respectively become due and payable, and the proceeds of all such taxes shall when collected be paid into a special fund and used for no other purpose than the payment of such principal and interest; provided, however, that there may be pledged to the payment of such principal and interest the surplus of the revenues of the project or projects, after payment of the costs of operation, maintenance and repair thereof, and in the event of such pledge the amount of the annual tax levy herein required may be reduced in any year by the amount of such revenues actually received in the preceding year and then remaining on deposit to the credit of the special fund for the payment of such principal and interest. (as amended by Ch. 24296, Laws 1947 and Ch. 25166, Laws 1949)

(26) To do all other acts and things necessary or proper in the exercise of the powers herein granted. (as amended by Ch. 24296, Laws 1947)

(27) To construct, own, maintain and operate trade marts and exposition halls and buildings for the display, exhibition and sale of goods, wares and merchandise, which are hereby defined to be projects within the meaning of this Act; to rent space in, around or connected with such trade marts to others and to collect rents, fees and charges therefor; to sublet the whole or any part thereof to others and to enter into contracts with others for the operation thereof on such terms and conditions as said Board of County Commissioners shall by resolution determine to be for the best interests of the County; to rent, let and lease to others

ground space on, in or connected with any project owned and operated by the County for the construction, maintenance and operation thereon of any such trade mart, exposition hall or building; to use the proceeds arising from the operation or rental of any such trade mart or exposition hall or building or from the rental of ground space therefor to pay the expense of operation, upkeep and maintenance thereof and for advertising and publicity thereof and for such other purposes as the said Board of County Commissioners shall determine to be for the best interest of the County. (as amended by Ch. 25166, Laws 1949)

(28) To borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of this Act and to refund the same; to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds; to secure an advance of credit for any such purpose or purposes under a credit agreement or other agreement with any bank or trust company or any person, firm or corporation within or without the State; and to secure any such borrowing, notes or agreement by a pledge of all or any part of the available income or revenues to be received by the County under the provisions of this Act or by an agreement to exercise any of the powers conferred by this Act. (as amended by Ch. 28387, Laws 1953)

Section 3. For administrative convenience the board of county commissioners in the exercises of the powers hereby conferred and those powers otherwise conferred, may be hereafter designated, described and referred to as the county port authority or any other appropriate title duly adopted by resolution of the board of county commissioners. Provided, that in counties to which this act applies that have adopted, or may hereafter adopt, a home rule form of government and that create or establish thereunder a port authority to conveniently administer the business and exercise the powers provided for in this act, the words "port authority" shall apply wherever the words "county" or "board of county commissioners" are used, and such authority may exercise all the powers granted under this act. (as amended by Ch. 57-911, Laws 1957)

Section 4. Repealed. (Ch. 30304, Laws 1955)

Section 5. Ad Valorem Tax. Annually an ad valorem tax of not

exceeding one and one-half mills may be levied upon all property in such County, which tax when levied shall be levied and collected as other such county taxes are levied and collected, and subject only to the limitations of a general fund as contained in Section 193.32 Florida Statutes, 1941; such taxes shall be charged to the general fund, but such revenue may be appropriated by said County for the cost of constructing, operating, maintaining, expanding, enlarging, improving and/or developing any project or projects herein specified, and/or for the payment of the costs of removing and relocating any structures, installations or facilities which in the opinion of such Board of County Commissioners may be required for the safe and efficient operation of any such projects; said tax may be levied, collected and expended for any of the purposes herein specified notwithstanding the cost and expense thereof may have been incurred in a previous year, and when so collected and used shall be considered to be levied, collected and used for a county purpose. (as amended by Ch. 24296, Laws 1947, Ch. 25166, Laws 1949, and Ch. 28387, Laws 1953)

Section 6. Administrative Agents. The County may employ agents, clerks and/or servants to administer any project under the rules, regulations, directions and supervision of the county, and may exact of any agent, clerk and/or servant a good and sufficient bond with proper surety to secure the faithful performance of his or their duties and otherwise conditioned as it shall see fit.

Section 7. All rules and regulations promulgated and all impositions and exactions made by authority hereof shall be just and reasonable and consistent with public interest, and their application shall be subject to review by certiorari in any court of proper and competent jurisdiction.

All rules and regulations shall be published and dispensed by the county at cost to all applicants therefor.

Section 8. All powers, acts and deeds hereby conferred or authorized are hereby found to be and made a county purpose. Each project financed under the provisions of this Act and the income therefrom, and any bonds issued under the provisions of this Act and the income therefrom shall at all times be free from taxation within the state. (as amended by Ch. 28387, Laws 1953)

Section 9. Provision of Act Severable. The provisions of this Act are severable, and it is the intention to confer the whole or any part of the powers provided for herein, and if any of the provisions of this Act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

See also Ch. 27489, Special Laws, 1951 ratifying acquisition of Venetian Causeway, etc.

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

DADE COUNTY HOME RULE AMENDMENT
TO THE FLORIDA CONSTITUTION

HOME RULE CHARTER

PORT AUTHORITY ACT

* * *

11/6/54

FLORIDA CONSTITUTION
HOME RULE AMENDMENT, A. 8, S. 11
ADOPTED NOVEMBER 6, 1956

Section 11 Dade County, home rule charter.

(1) The electors of Dade County, Florida, are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, Florida, under which the Board of County Commissioners of Dade County shall be the governing body. This charter:

(a) Shall fix the boundaries of each county commission district, provide a method for changing them from time to time, and fix the number, terms and compensation of the commissioners, and their method of election.

(b) May grant full power and authority to the Board of County Commissioners of Dade County to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof: to levy and collect such taxes as may be authorized by general law and no other taxes, and do everything necessary to carry on a central metropolitan government in Dade County.

(c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.

(d) May provide a method by which any and all of the functions or powers of any municipal corporation or other governmental unit in Dade County may be transferred to the Board of County Commissioners of Dade County.

(e) May provide a method for establishing new municipal

corporations, special taxing districts, and other governmental units in Dade County from time to time and provide for their government and prescribe their jurisdiction and powers.

(f) May abolish and may provide a method for abolishing from time to time all offices provided for by Article VIII, Section 6, of the Constitution or by the Legislature, except the Superintendent of Public Instruction and may provide for the consolidation and transfer of the functions of such offices, provided, however, that there shall be no power to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided for by this Constitution or by general law, or the judges or clerks thereof although such charter may create new courts and judges and clerks thereof with jurisdiction to try all offenses against ordinances passed by the Board of County Commissioners of Dade County and none of the other courts provided for by this Constitution or by general law shall have original jurisdiction to try such offenses, although the charter may confer appellate jurisdiction on such courts, and provided further that if said home rule charter shall abolish any county office or offices as authorized herein, that said charter shall contain adequate provision for the carrying on of all functions of said office or offices as are now or may hereafter be prescribed by general law.

(g) Shall provide a method by which each municipal corporation in Dade County shall have the power to make, amend or repeal its own charter. Upon adoption of this home rule charter by the electors this method shall be exclusive and the Legislature shall have no power to amend or repeal the charter of any municipal corporation in Dade County.

(h) May change the name of Dade County.

(i) Shall provide a method for the recall of any commissioner and a method for initiative and referendum, including the initiation of and referendum on ordinances and the amendment or revision of the home rule charter, provided, however, that the power of the Governor and Senate relating to the suspension and removal of officers provided for in this constitution shall not be impaired, but shall extend to all officers provided for in said home rule charter.

(2) Provision shall be made for the protection of the creditors of any governmental unit which is merged, consolidated, or abolished or whose

boundaries are changed or functions or powers transferred.

(3) This home rule charter shall be prepared by a Metropolitan Charter Board created by the Legislature and shall be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Until a home rule charter is adopted the Legislature may from time to time create additional Charter Boards to prepare charters for ratification or rejection in the manner provided by the Legislature. Such Charter, once adopted by the electors, may be amended only by the electors of Dade County and this charter shall provide a method for submitting future charter revisions and amendments to the electors of Dade County.

(4) The County Commission shall continue to receive its pro rata share of all revenues payable by the state from whatever source to the several counties and the state of Florida shall pay to the Commission all revenues which would have been paid to any municipality or Dade County which may be abolished by or in the method provided by this home rule charter; provided, however, the Commission shall reimburse the comptroller of Florida for the expense incurred if any, in the keeping of separate records to determine the amounts of money which would have been payable to any such municipality.

(5) Nothing in this section shall limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties in the state of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida, and the home rule charter provided for herein shall not conflict with any provision of this Constitution nor of any applicable general laws now applying to Dade County and any other one or more counties of the State of Florida except as expressly authorized in this section nor shall any ordinance enacted in pursuance to said home rule charter conflict with this Constitution or any such applicable general law except as expressly authorized herein, nor shall the charter of any municipality in Dade County conflict with this Constitution or such applicable general law except as expressly authorized herein, provided however that said charter and said ordinances enacted in pursuance thereof may conflict with, modify or nullify any existing local, special or general law applicable only to Dade County.

(6) Nothing in this section shall be construed to limit or restrict

the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties of the state of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida relating to county or municipal affairs and all such general laws shall apply to Dade County and to all municipalities therein to the same extent as if this section had not been adopted and such general laws shall supersede any part or portion of the home rule charter provided for herein in conflict therewith and shall supersede any provision of any ordinance enacted pursuant to said charter and in conflict therewith, and shall supersede any provision of any charter of any municipality in Dade County in conflict therewith.

(7) Nothing in this section shall be construed to limit or restrict the power and jurisdiction of the Railroad and Public Utilities Commission or of any other state agency, bureau or commission now or hereafter provided for in this Constitution or by general law and said state agencies, bureaus and commissions shall have the same powers in Dade County as shall be conferred upon them in regard to other counties.

(8) If any section, subsection, sentence, clause or provisions of this section is held invalid as violative of the provisions of Section 1 Article XVII of this Constitution the remainder of this section shall not be affected by such invalidity.

(9) It is declared to be the intent of the Legislature and of the electors of the State of Florida to provide by this section home rule for the people of Dade County in local affairs and this section shall be liberally construed to carry out such purpose, and it is further declared to be the intent of the Legislature and of the electors of the State of Florida that the provisions of this Constitution and general laws which shall relate to Dade County and any other one or more counties of the State of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida enacted pursuant thereto by the Legislature shall be the supreme law in Dade County, Florida, except as expressly provided herein and this section shall be strictly construed to maintain such supremacy of this Constitution and of the Legislature in the enactment of general laws pursuant to this Constitution.

HOME RULE CHARTER

Recorded Official Records Book 182, page

667, Public Records of Dade County.

Adopted May 21, 1957

PREAMBLE

We, the people of this County, in order to secure for ourselves the benefits and responsibilities of home rule, to create a metropolitan government to serve our present and future needs, and to endow our municipalities with the rights of self determination in their local affairs, do under God adopt this home rule Charter.

ARTICLE 1

BOARD OF COUNTY COMMISSIONERS

Section 1.01 Powers.

A. The Board of County Commissioners shall be the Legislative and the governing body of the county and shall have the power to carry on a central metropolitan government. This power shall include but shall not be restricted to the power to:

(1) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate facilities; and develop and enforce master plans for the control of traffic and parking.

(2) Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems.

(3) License and regulate taxis, jitneys, limousines for hire, rental cars and other passenger vehicles for hire operating in the unincorporated areas of the county.

(4) Provide central records, training, and communications for fire and police protection; provide traffic control and central crime investigations; provide fire stations, jails, and related facilities; and subject to Section 1.01A (18) provide a uniform system for fire and police protection.

(5) Prepare and enforce comprehensive plans for the development of the county.

(6) Provide hospitals and uniform health and welfare programs.

(7) Provide parks, preserves, playgrounds, recreation areas, libraries, museums, and other recreational and cultural facilities and programs.

(8) Establish and administer housing, slum clearance, urban renewal, conservation, flood and beach erosion control, air pollution control, and drainage programs and cooperate with governmental agencies and private enterprises in the development and operation of these programs.

(9) Provide and regulate or permit municipalities to provide and regulate waste and sewage collection and disposal and water supply and conservation programs.

(10) Levy and collect taxes and special assessments, borrow and expend money, and issue bonds, revenue certificates, and other obligations of indebtedness, in such manner, and subject to such limitations, as may be provided by law.

(11) By ordinance, establish, merge, and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets, sidewalks, street lighting waste and sewage collection and disposal, waste and sewage collection and disposal, drainage, and other essential facilities and services. All county funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board.

(12) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.

(13) Adopt and enforce uniform building and related technical codes and regulations for both the incorporated and unincorporated areas of the county; provide for examinations for contractors and all parties engaged in the building trades and for the issuance of certificates of competency and their revocation after hearing. Such certificates shall be recognized and required for the issuance of a license in all municipalities in the county. No municipality shall be entitled to require examinations or any additional certificate of competency or impose any other conditions for the issuance of a municipal license except the payment of the customary fee. The municipality may issue building permits and conduct the necessary inspection in accordance with the uniform codes and charge fees therefor.

(14) Regulate, control, take over, and grant franchises to, or itself operate gas, light, power, telephone, and other utilities, sanitary and sewage collection and disposal systems, water supply, treatment, and service systems, and public transportation systems, provided, however, that:

(a) Franchises under this subsection may only be granted by a two-thirds vote of the members of the Board present and approved by a majority vote of those qualified electors voting at either a special or general election.

(b) The county shall not operate a light, power, or telephone utility to serve any territory in the county which is being supplied with similar service except by a majority vote of those qualified electors voting in an election held not less than six months after the Board has passed an ordinance to that effect by a two-thirds vote of the members of the Board present. Such ordinance shall contain information on cost, method of financing, agency to regulate rates, agency to operate, location and other information necessary to inform the general public of the feasibility and practicability of the proposed operation.

(15) Use public funds for the purposes of promoting the development of the county, including advertising the area's advantages.

(16) Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas and approve municipal regulations on hours of sale of alcoholic beverages.

(17) Enter into contracts with other governmental units within or outside the boundaries of the county for joint performance or performance by one unit in behalf of the other of any authorized function.

(18) Set reasonable minimum standards for all governmental units in the county for the performance of any service or function. The standards shall not be discriminatory as between similar areas. If a governmental unit fails to comply with such standards, and does not correct such failure after reasonable notice by the Board, then the Board may take over and perform, regulate, or grant franchises to operate any such service. The Board may also take over and operate, or grant franchises to operate any municipal service if:

(a) In an election called by the Board of County Commissioners within the municipality a majority of those voting vote in favor of turning the service over to the county; or

(b) The governing body of the municipality requests the county to take over the service by a two-thirds vote of its members, or by referendum.

(19) By ordinance, abolish or consolidate the offices of Sheriff, Constables, or any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction or to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided by the Constitution or by general law, or the judges or clerks thereof.

(20) Make investigations of county affairs, inquire into the conduct, accounts, records, and transactions of any department or office of the county, and for these purposes require reports from all county officers and employees, subpoena witnesses, administer oaths, and require the production of records.

(21) Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.

(22) Adopt such ordinances and resolutions as may be required in the exercise of its powers, and prescribe fines and penalties for the

violation of ordinances.

(23) Perform any other acts consistent with law which are required by this Charter or which are in the common interest of the people of the county.

(24) Supersede, nullify, or amend any special law applying to this county, or any general law applying only to this county, or any general law where specifically authorized by the Constitution.

B. No enumeration of powers in this Charter shall be deemed exclusive or restrictive and the foregoing powers shall be deemed to include all implied powers necessary and proper to carrying out such powers. All of these powers may be exercised in the incorporated and unincorporated areas, subject to the procedures herein provided in certain cases relating to municipalities.

C. The Board shall have the power to eminent domain and the right to condemn property for public purposes. The Board shall make fair and just compensation for any properties acquired in the exercise of its powers, duties, or functions. The Board shall also provide for the acquisition or transfer of property, the payment, assumption, or other satisfaction of the debts, and the protection of pension rights of affected employees of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

D. The Board shall be entitled to levy in the unincorporated areas all taxes authorized to be levied by municipalities and to receive from the state any revenues collected in the unincorporated areas on the same basis as municipalities.

Section 1.02 Resolutions and Ordinances.

A. The Board shall adopt its own rules of procedure and shall decide which actions of the Board shall be by ordinance or resolution, except as otherwise provided in this Charter and except that any action of the Board which provides for raising revenue, appropriating funds, or incurring indebtedness, or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

B. Every ordinance shall be introduced in writing and shall contain a brief title. The enacting clause shall be "Be it Ordained by the Board". After passage on first reading, a short summary of the ordinance shall be published in a daily newspaper of general circulation at least once together with a notice of the time when and place where it will be given a public hearing and be considered for final passage. The first such publication shall be at least one week prior to the time advertised for hearing. No ordinance shall be declared invalid by reason of any defect in publication or title if the published summary gives reasonable notice of its intent.

C. At the time and place so advertised, or at any time and place to which such public hearing may from time to time be adjourned, the ordinance shall be read by title and a public hearing shall be held. After the hearing, the Board may pass the ordinance with or without amendment.

D. The Board may adopt in whole or in part any published code by reference as an ordinance in the manner provided by law.

E. The effective date of any ordinance shall be prescribed therein, but the effective date shall not be earlier than ten days after its enactment.

F. To meet a public emergency affecting life, health, property, or public safety the Board by two-thirds vote of the members of the Board may adopt an emergency ordinance at the meeting at which it is introduced, and may make it effective immediately, except that no such ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money. After the adoption of an emergency ordinance, the Board shall have it published in full within ten days in a daily newspaper of general circulation.

G. Each ordinance and resolution after adoption shall be given a serial number and shall be entered by the clerk in a properly indexed record kept for that purpose.

H. Within two years after adoption of this Charter the Board shall have prepared a general codification of all county ordinances and resolutions having the effect of law. The general codification thus prepared shall be adopted by the Board in a single ordinance. After adoption the Board shall have the codification printed immediately in an appropriate

manner together with the Charter and such rules and regulations as the Board may direct. Additions or amendments to the code shall be prepared, adopted, and printed at least every two years.

Section 1.03. Districts.

A. There shall be five County Commission districts. The initial boundaries of these districts shall be identical with the boundaries of the five County Commission districts existing at the time of the 1956 general election.

B. The Board may by ordinance adopted by two-thirds vote of the members of the Board change the boundaries of the districts from time to time. The boundaries shall be fixed on the basis of the character, population, and geography of the districts.

Section 1.04 Composition of the Board.

A. From each of the districts there shall be:

(1) A County Commissioner who shall be a qualified elector residing within the district for six months before qualifying who shall be elected by the qualified electors of his district. Beginning with the state primary elections in 1958 such Commissioners shall be elected for a term of four years.

(2) A County Commissioner who shall be a qualified elector residing within the district for six months before qualifying who shall be elected by the qualified electors of the county at large. Beginning with the state primary elections in 1964 such Commissioners shall be elected for a term of four years.

B. From each municipality in this county which shall have a population of 60,000 inhabitants or more according to latest federal census, there shall be a County Commissioner who shall be a qualified elector residing within the municipality for six months before qualifying who shall be elected by the qualified electors of such municipality. Such Commissioners shall serve for a term of four years.

Section 1.05 Forfeiture of Office.

Any member of the Board who ceases to be a qualified voter of the county or removes himself from the district or municipality from which he was elected, or who fails to attend meetings without good cause for a

period of six months, shall immediately forfeit his office.

Section 1.06. Salary.

Each County Commissioner shall receive a salary of \$6,000 per year payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

Section 1.07. Vacancies.

Any vacancy in the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy. The person chosen to fill the office vacated must be a resident for a period of six months prior to his appointment of the district or municipality from which the vacating Commissioner was elected. If the person is appointed he shall serve only until the next state primary election or until the expiration of the term for which the vacating Commissioner was elected whichever occurs first. If the person is elected he shall serve for the remainder of the unexpired term of the vacating Commissioner.

Section 1.08. Organization of the Board.

The Board shall select its own chairman and vice-chairman, each of whom shall serve at the pleasure of the Board. The Clerk of the Circuit Court or his deputy shall serve as clerk of the Board. No action of the Board shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office are present. All meetings shall be public.

ARTICLE 2

ELECTIONS

Section 2.01. Election and Commencement of Terms of County Commissioners.

A. Except as otherwise provided in this Charter, the election for County Commissioners elected from and by districts shall be held every four years at the time of the state primary elections beginning in 1958, and the election for County Commissioners elected at large shall be held every four years at the time of the state primary elections beginning in 1960.

B. A candidate must receive a majority of the votes cast to be elected.

If no candidate receives a majority of the votes cast there will be a run-off election at the time of the state second primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter, the terms of office of County Commissioners shall commence on the second Tuesday next succeeding the date provided for the state second primary election.

Section 2.02. Election of County Commissioners from Municipalities.

At such time as a municipality becomes entitled to elect a County Commissioner, that municipality shall by ordinance fix the time and method of election of such Commissioner and the date on which his four year term shall begin. If the municipality fails so to provide within 90 days the office shall be treated as a vacancy on the Board.

Section 2.03. Non-Partisan Elections.

All elections for the Board shall be non-partisan and no ballot shall show the party designation of any candidate. No candidate for the office of County Commissioner shall be required to pay any party assessment or state the party of which he is a member or the manner in which he voted or will vote in any election.

Section 2.04. Qualifications and Filing Fee.

All candidates for the office of County Commissioner shall qualify with the Clerk of the Circuit Court at least 30 days prior to the date of the election at which he is a candidate in the method provided by law or ordinance and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county.

Section 2.05. Invalidity.

If any part of this Article relating to the method of election of Commissioners is declared invalid the general election laws of this state shall control in place of such invalid provision, except that if Section 2.03 is declared invalid the terms of the Commissioners elected at large and from districts shall commence on the second Tuesday next succeeding the general election.

Section 2.06. Additional Regulations and State Laws.

A. The Board may adopt by ordinance any additional regulations governing elections not inconsistent with this Charter.

B. Except as otherwise provided by this Charter or by ordinance adopted hereunder the provisions of the election laws of this state shall apply to elections held under this Charter.

Section 2.07. Canvassing Elections.

All elections under this Charter shall be canvassed by the Board of County Commissioners, the Clerk of the Circuit Court, and one County Judge sitting as a canvassing board.

ARTICLE 3

THE COUNTY MANAGER

Section 3.01. Appointment and Removal.

The Board of County Commissioners shall appoint a County Manager who shall be the chief executive officer and head of the administrative branch of the county government. The Board shall fix the Manager's compensation, and he shall serve at the will of the Board.

Section 3.02. Qualifications.

The Manager shall be chosen by the Board on the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the state. No County Commissioner shall be eligible for the position of Manager during or within two years after the expiration of his latest term as Commissioner.

Section 3.03. Absence of Manager.

The Board may designate a qualified administrative officer of the County to assume the duties and authority of the Manager during periods of temporary absence or disability of the Manager.

Section 3.04. Powers and Duties.

A. The Manager shall be responsible to the Board of County Commissioners for the administration of all units of the county government under his jurisdiction, and for carrying out policies adopted by the Board. The Manager, or such other persons as may be designated by resolution of the Board, shall execute contracts and other instruments, sign bonds and other evidences of indebtedness, and accept process.

B. The Manager shall have the power to appoint and remove all administrative officers and employees of the county subject to the provisions of this Charter and civil service rules and regulations.

Section 3.05. Restriction on Board Members.

Neither the Board nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the Manager or any of his subordinates, or take part in the appointment or removal of officers and employees in the administrative services of the county. Except for the purpose of inquiry, as provided in Section 1.01A(20), the Board and its members shall deal with the administrative service solely through the Manager and neither the Board nor any members thereof shall give orders to any subordinates of the Manager, either publicly or privately. Any wilful violation of the provisions of this Section by a member of the Board shall be grounds for his removal from office by an action brought in the Circuit Court by the State Attorney of this county.

ARTICLE 4

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

Section 4.01. Departments.

There shall be departments of finance, personnel, planning, law, and such other departments as may be established by administrative order of the Manager. All functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Manager.

Section 4.02. Administrative Procedure.

The Manager shall have the power to issue and place into effect administrative orders, rules, and regulations. The organization and operating procedure of departments shall be set forth in administrative regulations which the Manager shall develop, place into effect by administrative orders, and submit to the Board. The Board may, by ordinance, modify such orders, rules, or regulations.

Section 4.03. Financial Administration.

A. The department of finance shall be headed by a finance director appointed by the Manager. The finance director shall have charge of the financial affairs of the county.

B. Not less than 120 days before the beginning of the fiscal year,

the Manager shall recommend to the Board a proposed budget presenting a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget.

C. No money shall be drawn from the county treasury nor shall any obligation for the expenditure of money be incurred except pursuant to appropriation and except that the Board may establish working capital, revolving, pension, or trust funds and may provide that expenditures from such funds can be made without specific appropriation. The Board, by ordinance, may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, subject to the provisions of ordinance. Any portion of the earnings or balance of the several funds, other than sinking funds for obligations not yet retired, may be transferred to the general funds of the county by the Board.

D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves the expenditure of \$2000 or more. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Manager, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

E. Any county official or employee of the county who has a special financial interest, direct or indirect, in any action by the Board shall make known that interest and shall refrain from voting upon or otherwise participating in such transaction. Wilful violation of this section shall constitute malfeasance in office, shall effect forfeiture of office or position, and render the transaction voidable by the Board.

F. Such officers and employees of the county as the Board may designate shall give bond in the amount and with the surety prescribed by the Board. The bond premiums shall be paid by the county.

G. At the end of each fiscal year the Board shall provide for an audit by an independent certified public accountant designated by the Board of

the accounts and finances of the county for the fiscal year just completed.

H. The Budget Commission created by Chapter 21874, Laws of Florida, 1943, is hereby abolished, and Chapter 21874 shall no longer be of any effect.

Section 4.04. Assessment and Collection of Taxes.

A. Beginning with the tax year 1961, the county tax rolls prepared by the county shall be the only legal tax rolls in this county for the assessment and collection of county and municipal taxes. Thereafter no municipality shall have an assessor or prepare an ad valorem tax roll. Each municipality shall continue to have the right to adopt its own budget, fix its own millage, and levy its own taxes. Each municipality shall certify its levies to the County Manager not later than 30 days after the county tax rolls have been finally approved by the Board. Any municipality may obtain a copy of this tax roll upon payment of the cost of preparing such a copy, and copies of the tax rolls shall be available for public inspection at reasonable times. Maps showing the assessed valuation of each parcel of property may be prepared and made available for sale to the public at a reasonable price.

B. All county and municipal taxes for the tax year beginning January 1, 1961, and all subsequent tax years, shall be collected by the county on one bill prepared and sent out by the county. The amounts of county and municipal taxes shall be shown as separate items, and may be paid separately.

C. Delinquent municipal taxes shall be collected in the same manner as delinquent county taxes.

D. All the tax revenues collected for any municipality shall be returned monthly by the county to the municipality.

Section 4.05. Department of Personnel .

A. The Board of County Commissioners shall establish and maintain personnel and civil service, retirement, and group insurance programs. The personnel system of the county shall be based on merit principles in order to foster effective career service in county employment and to employ those persons best qualified for county services which they are to perform.

B. The County Manager shall appoint a personnel director who shall

head the department of personnel and whose duty it shall be to administer the personnel and civil service programs and the rules governing them. The standards of such programs shall not be less than those prevailing at the time of the effective date of this Charter.

C. Except as provided herein, Chapter 30255, General Laws, 1955, as it exists on the effective date of this Charter, shall remain in effect until amended or changed by ordinance of the Board of County Commissioners adopted by two-thirds vote of the members present after recommendation from either the Personnel Advisory Board or the County Manager.

D. Employees of municipalities who, by merger, transfer, or assignment of governmental units or functions become county employees, shall not lose the civil service rights or privileges which have accrued to them during their period of employment with such municipality, and the county shall use its best efforts to employ these employees within the limits of their capabilities. However, if because of the merger of a department or division of a municipality with the county, all of the employees of such department or division are unable to be employed by the county, either because of lack of funds or lack of work, the employee possessing the greater amount of service shall be retained in accordance with civil service rules and regulations. Those employees who are not retained shall be placed on a priority list for employment by the county subject to seniority. Any non-retained employee shall have the option, if a vacancy occurs or exists in another department, and if he is qualified to render the service required, to either accept such employment or remain on the priority list until such time as employment shall be available for him in his own or similar classification.

E. The pension plan presently provided by the state for county employees shall not be impaired by the Board. Employees of municipalities, who by merger, transfer, or assignment of governmental units or functions become county employees shall not lose their pension rights, or any reserves accrued to their benefit during their period of employment with such municipality. The Board of County Commissioners shall provide a method by which these employees' rights and reserves shall be protected, and these employees shall continue until retirement, dismissal,

or death in a pension status no less beneficial than the status held by them at the time of merger or assignment.

F. The Board of County Commissioners shall provide and place into effect a practical group insurance plan for all county employees.

Section 4.06. Department of Law.

There shall be a county attorney appointed by the Board of County Commissioners who shall serve at the will of the Board and who shall head the department of law. He shall devote his full time to the service of the county and shall serve as legal counsel to the Board, Manager, and all county departments, offices, and agencies, and perform such other legal duties as may be assigned to him. With the approval of the Board, he may appoint such assistants as may be necessary in order that his duties may be performed properly. The Board may employ special counsel for specific needs.

Section 4.07. Department of Planning.

The department of planning shall be headed by a planning director appointed by the County Manager. The planning director shall be qualified in the field of planning by special training and experience. Under the supervision of the Manager and with the advice of the Planning Advisory Board elsewhere provided for in this Charter, the planning director shall among other things:

(1) Conduct studies of county population, land use, facilities, resources, and needs and other factors which influence the county's development, and on the basis of such studies prepare such official and other maps and reports as, taken together, constitute a master plan for the welfare, recreational, economic, and physical development of the county.

(2) Prepare for review by the Planning Advisory Board, and for adoption by the Board of County Commissioners, zoning, subdivision, and related regulations for the unincorporated areas of the county and minimum standards governing zoning, subdivision, and related regulations for the municipalities; and prepare recommendations to effectuate the master plan and to coordinate the county's proposed capital improvements with the master plan.

(3) Review the municipal systems of planning, zoning, subdivision, and related regulations and make recommendations thereon with a view to coordinating such municipal systems with one another and with those of the county.

Section 4.08. Boards.

The Board of County Commissioners shall by ordinance create a Planning Advisory Board, a Zoning Appeals Board, and such other boards it may deem necessary, prescribing in each case the number, manner of appointment, length of term, and advisory or quasi-judicial duties of members of such boards, who shall serve without compensation but who may be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the Board of County Commissioners.

ARTICLE 5

MUNICIPALITIES

Section 5.01. Continuance of Municipalities.

The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. The right of self determination in local affairs is reserved and preserved to the municipalities except as otherwise provided in this Charter.

Section 5.02. Municipal Powers.

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.

Section 5.03. Municipal Charters.

A. Except as provided in Section 5.04, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten per cent of the qualified electors of the municipality, draft or have

drafted by a method determined by municipal ordinance a proposed charter, amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

B. All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.

Section 5.04. Changes in Municipal Boundaries.

A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned.

B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, unless the change involves the annexation or separation of an area of which more than 250 residents are electors, in which case an affirmative vote of a majority of those electors voting shall also be required. Upon any such boundary change any conflicting boundaries set forth in the charter of such municipality shall be considered amended.

C. No municipal boundary shall be altered except as provided by this Section.

Section 5.05. Creation of New Municipalities.

The Board of County Commissioners and only the Board may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of

County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida.

Section 5.06. Contracts With Other Units of Government.

Every municipality in this county shall have the power to enter into contracts with other governmental units within or outside the boundaries of the municipality or the county for the joint performance or performance by one unit in behalf of the other of any municipal function.

Section 5.07. Franchise and Utility Taxes.

Revenues realized from franchise and utility taxes imposed by municipalities shall belong to municipalities.

ARTICLE 6

METROPOLITAN COURT

Section 6.01. Metropolitan Court Established.

A. A Court is hereby established, the name of which shall be the Metropolitan Court. There shall be as many judges of this Court as the Board shall deem necessary to administer promptly and expeditiously the business of the Court.

B. The judges shall be appointed by the Board by vote of two-thirds of the members of the Board to serve for six years. Terms of office of judges may be staggered. The senior judge shall be the administrative officer of the Court. All judges shall be attorneys who have been qualified for five years to practice law in the State of Florida. The compensation of the judges and all Court employees shall be fixed by ordinance.

C. Any judge may be removed for malfeasance, misfeasance, or nonfeasance by vote of two-thirds of the members of the Board after public hearing.

Section 6.02. Jurisdiction and Procedure.

A. The Court shall have jurisdiction to try all cases arising under ordinances adopted by the Board.

B. The clerk of the Metropolitan Court shall be appointed by the

Board. The clerk may appoint deputy clerks upon approval of the Manager. The Court may hold sessions in such places as the Board may designate.

C. Arrests, complaints, prosecutions, and convictions shall be instituted and processed in the manner provided by the rules of the Court. When the complaint is made in the name of the county, a formal complaint shall not be necessary to give the Court jurisdiction of offenses triable in such Court, but the accused may be tried for the offense for which he is docketed, provided such docket entry is sufficient to put the accused upon notice of the offense with which he is charged.

D. No person shall upon conviction for the violation of any county ordinance be punished by a fine exceeding \$1,000 or imprisonment in the county jail for more than one year or by both such fine and imprisonment. If the offense is punishable by a fine exceeding \$500 or imprisonment in the county jail for more than 60 days, the accused shall be entitled to a trial by jury upon demand.

E. All prosecutions for violations of any ordinance punishable by fine or imprisonment shall be conducted by the State Attorney of this county, if he be willing, and, if not, by the department of law. The Board may by ordinance provide for a public defender.

F. Appeals will lie to the Circuit Court of this county from any final judgment. All such appeals shall be taken within 20 days from the entry of the judgment in the manner provided by the rules of the Circuit Court. The decision of the Circuit Court shall be subject to review in the same manner and within the same time as any other decision of the Circuit Court.

G. The judges of the Metropolitan Court are hereby empowered to adopt rules of procedure governing the Court, to punish for contempt of court including imprisonment not in excess of 48 hours, to issue search warrants, and to fix the amount of bail and appeal bonds. The judges and the clerks or their deputies may administer oaths, issue witness subpoenas, and warrants for arrest.

ARTICLE 7

INITIATIVE, REFERENDUM, AND RECALL

Section 7.01. Initiative and Referendum.

The electors of the county shall have the power to propose to the

Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

(1) The person proposing the exercise of this power shall submit the proposal to the Board which shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.

(2) The person or persons circulating the petition shall, within one month of the approval of the form of the petition, obtain the signatures of voters in numbers at least equal to five per cent of the total vote in the county for the office of Governor at the last preceding gubernatorial general election, or 10,000 whichever is less. Each signer of a petition shall place thereon, after his name, the date, and his place of residence or precinct number. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.

(3) The signed petition shall be filed with the Board which shall within 30 days order a canvass of the signatures thereon to determine the sufficiency of the signatures. If the number of signatures is insufficient or the petition is deficient as to former compliance with this section, the Board shall notify the person filing the petition and allow 30 days for filing of additional petition papers, at the end of which time the sufficiency or insufficiency of the petition shall be finally determined.

(4) The Board shall within 30 days after the date a sufficient petition is presented either:

(a) Adopt the ordinance as submitted in an initiatory petition or repeal the ordinance referred to by a referendary petition, or

(b) Determine to submit the proposal to the electors.

(5) The vote of the electors, if required, shall take place within 120 days after the date the petition is presented to the Board, preferably in an election already scheduled for other purposes, otherwise in a special election. The result shall be determined by a majority vote of the electors voting on the proposal.

(6) An ordinance proposed by initiatory petition or the repeal of

an ordinance by referendary petition shall be effective on the day after the election, except that:

(a) Any reduction or elimination of existing revenue or any expenditures not provided for by the current budget or existing bond issues shall not take effect until the beginning of the next succeeding fiscal year; and

(b) Rights accumulated under an ordinance between the time a certified referendary petition against the ordinance is presented to the Board and the repeal of the ordinance by the voters, shall not be enforced against the county; and

(c) Should two or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest number of votes shall prevail as to those provisions.

(7) An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Board for a period of one year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

Section 7.02. Recall.

Any member of the Board of County Commissioners or the Sheriff or any Constable may be removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

(1) The Clerk of the Circuit Court shall approve the form of the petition.

(2) The person or persons circulating the petition must obtain signatures of electors of the county, district, or municipality concerned in numbers at least equal to ten per cent or 10,000, whichever is smaller, of the qualified voters in the county, district, or municipality.

(3) The signed petition shall be filed with and canvassed and certified by the Clerk of the Circuit Court.

(4) The Board of County Commissioners must provide for a recall election not less than 45 nor more than 90 days after the certification of the petition.

(5) The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.

(6) If the majority is against recall the officer shall continue in office under the terms of his previous election. If the majority is for recall he shall, regardless of any defect in the recall petition, be deemed removed from office immediately.

(7) No recall petition against such an officer shall be certified within one year after he takes office nor within one year after a recall petition against him is defeated.

(8) Any vacancy created by recall in the offices of Sheriff or Constables shall be filled for the remaining term by appointment by the Board of County Commissioners, or the Board may require the office to be filled at the next regular election or at a special election called for that purpose.

ARTICLE 8

GENERAL PROVISIONS

Section 8.01. Abolition of Certain Offices and Transfer of Functions.

A. On May 1, 1958, the following offices are hereby abolished, and the powers and functions of such offices are hereby transferred to the County Manager who shall provide for the continuation of all the duties and functions of these offices required under the Constitution and general laws of this state: County Assessor of Taxes, County Tax Collector, County Surveyor, County Purchasing Agent, and County Supervisor of Registration.

B. The County Manager may delegate to suitable persons the powers and functions of such officers, provided however that until the term of office for which they were elected shall terminate the County Assessor of Taxes, the County Tax Collector, the County Supervisor of Registration, and the County Purchasing Agent shall each if he so desires remain in his position and receive the same salary as presently provided by statute.

C. In the event that other elective offices are abolished by the Board, the Board shall provide that any person duly elected to such office shall if he so desires remain in the same or similar position and receive the same salary for the remainder of the term for which he was elected, and shall provide for the continuation of all the duties and functions of these offices required under the Constitution and general laws.

Section 8.02. Waiver of Immunity.

Any county or municipal officeholder or employee who, upon being called before a grand jury to testify concerning the conduct of his office or the performance of his official duties or employment, refuses to sign a waiver of immunity against subsequent criminal prosecution, or to answer any relevant question concerning such matters before the grand jury, shall be removed from office or public employment by the appropriate authority, or upon suit by the State Attorney of this county.

Section 8.03. Tort Liability.

The county shall be liable in actions of tort to the same extent that municipalities in the State of Florida are liable in actions in tort. However no suit shall be maintained against the county for damages to persons or property or for wrongful death arising out of any tort unless written notice of claim shall first have been given to the county in the manner and within the time provided by ordinance, except that the time fixed by ordinance for notice shall be not less than 30 days nor more than 120 days.

Section 8.04. Supremacy Clause.

A. This Charter and the ordinances adopted hereunder shall in cases of conflict supersede all municipal charters and ordinances, except as herein provided, and, where authorized by the Constitution, shall in cases of conflict supersede all special and general laws of the state.

B. All other special and general laws and county ordinances and rules and regulations not inconsistent with this Charter shall continue in effect until they are superseded by ordinance adopted by the Board pursuant to this Charter and the Constitution.

Section 8.05. Existing Franchises, Contracts, and Licenses.

All lawful franchise, contracts, and licenses in force on the effective date of this Charter shall continue in effect until terminated or modified

in accordance with their terms or in the manner provided by law or this Charter.

Section 8.06. Effect of the Charter.

A. This Charter shall be liberally construed in aid of its declared purpose, which is to establish effective home rule government in this county responsive to the people. If any Article, Section, subsection, sentence, clause, or provision of this Charter or the application thereof shall be held invalid for any reason, the remainder of the Charter and of any ordinances or regulations made thereunder shall remain in full force and effect.

B. Nothing in this Charter shall be construed to limit or restrict the power and jurisdiction of the Florida Railroad and Public Utilities Commission.

Section 8.07. Amendments.

Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering five per cent of the number voting in the county for the office of Governor in the last preceding gubernatorial general election. The Board shall call an election not less than 60 nor more than 120 days after it adopts the resolution or receives a petition certified in the manner required for an initiatory petition for an ordinance. The result shall be determined by a majority of the electors voting on the amendment.

Section 8.08. Effective Date.

This Charter shall become effective 60 days after it is ratified by a majority of the qualified electors of the county voting on the Charter.

ARTICLE 9

TRANSITORY PROVISIONS

Section 9.01. Composition of the First Board of County Commissioners.

A. The County Commissioners who were elected at large at the general election in 1956 shall hold office for the term of four years for which they were elected and their term of office and their salary shall not be changed by this Charter. Until additional Commissioners are elected and take office as herein provided, the Commissioners elected in 1956 and

their replacements if any as provided by law shall constitute the Board of County Commissioners under this Charter. The term of the Commissioners elected at large in 1960 shall begin on the first Tuesday after the first Monday in January, 1961, and end on the second Tuesday next succeeding the date provided for the 1964 state second primary election.

B. The election of the first Commissioner by any eligible municipality shall be as provided by this Charter. The first such Commissioner shall not take office before the second Tuesday next succeeding the 1958 state second primary election. If any eligible municipality has not elected a Commissioner by that date, the position shall be considered a vacancy and filled in the manner provided herein.

Section 9.02. Appointment of County Manager.

The County Manager shall be appointed no later than October 31, 1957.

Section 9.03. Reassessment.

A. On or before May 1, 1958, the Board of County Commissioners shall provide for the reassessment according to law of all real and tangible personal property within the incorporated and unincorporated areas of the county exclusive of property assessed by the state. The cost of this reassessment shall be paid out of the general funds of the county or any other funds that might be available. This reassessment shall be completed as expeditiously as possible but in no event later than January 1, 1961.

B. After this reassessment has been completed and made official by the Board, county tax rolls reflecting this reassessment shall be completed and promptly made available to each municipality. Beginning with the 1961 tax year, no other real and tangible personal property tax rolls than those prepared by the county shall be legal or in any manner used for the assessment of taxes within the incorporated and unincorporated areas, except as provided in 9.03D.

C. Prior to January 1, 1961, each municipality shall conform its fiscal year to that of the county, and to accomplish this may levy taxes for less or more than one year but for not more than two years at once.

D. Upon petition from any municipality on grounds of hardship caused by use of the county tax rolls or prescribed fiscal year, the Board may from year to year grant that municipality an exemption, but no such

exemption shall extend beyond January 1, 1966.

Section 9.04. Appropriation.

There is hereby appropriated from the general fund, fine and forfeiture fund, or any other appropriate fund, from unanticipated receipts and unexpected balances in such funds, sufficient monies as determined by the Board to pay for the cost of establishing the various departments, positions, and procedures required by this Charter. Such appropriations and expenditures are hereby declared to be for county purposes and are legitimate expenditures, properly payable from the 1956-57 budget, as hereby amended.

Section 9.05. Change of Commission Districts.

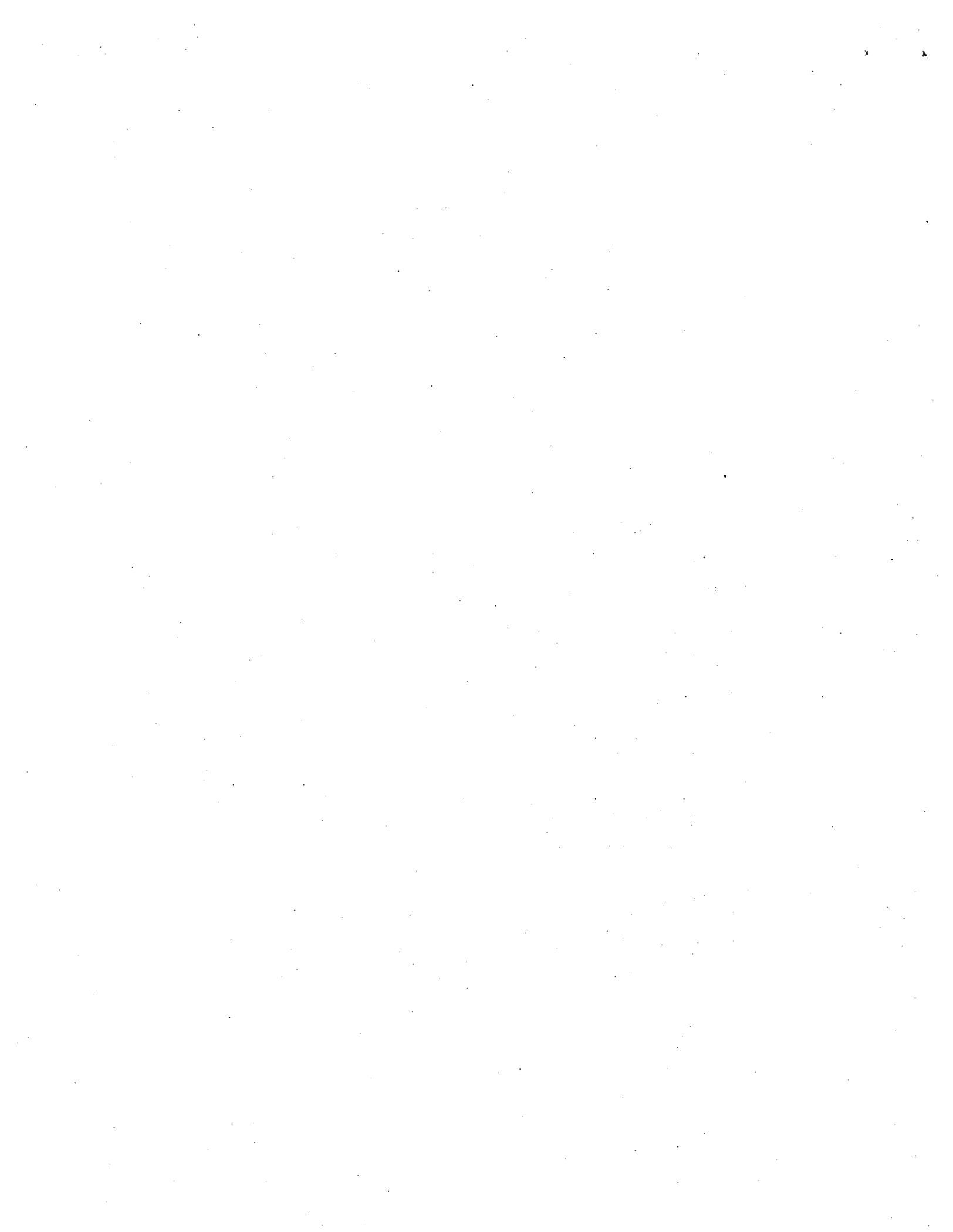
No County Commission district shall be changed until the results of the 1960 federal census are available.

Section 9.06. Transition.

In order that there may be no interruption of the business of the county, all persons holding office at the time this Charter takes effect shall continue in the performance of their functions and duties until their successors are appointed, or until their functions and duties are transferred, altered, or abolished in accordance with this Charter. All laws in force when this Charter becomes effective and not inconsistent therewith shall continue in force until they are superseded by ordinances adopted by the Board in pursuance of this Charter. All ordinances and resolutions of the county in force when this Charter becomes effective, and all lawful rights, claims, actions, orders, obligations, proceedings, and contracts shall continue until modified, amended, repealed, or superseded in accordance with this Charter.

Section 9.07. Termination of this Article.

After January 1, 1967, this Article 9 shall cease to be a part of this Charter.



PORT AUTHORITY ACT CH. 22963 LAWS 1945

AS AMENDED THROUGH 1957 SESSION

Section 1. Definitions. In the interpretation hereof the following words and terms shall be taken to include the following meanings when the context shall require or permit, to-wit:

(a) "County" shall mean any county having a population of 260,000 inhabitants or more according to the latest Federal Census and shall include "Board of County Commissioners" of such county.

(b) The word "project" shall embrace any one or any combination of two or more of the following, to-wit: harbor, port, shipping and airport facilities of all kinds, including, but not limited to harbors, channels, turning basins, anchorage areas, jetties, breakwaters, water ways, canals, locks, tidal basins, wharves, docks, piers, slips, bulkheads, public landings, warehouses, terminals, refrigerating and cold storage plants, railroads and motor terminals for passengers and freight, rolling stock, car ferries, boats, conveyors and appliances of all kinds for the handling, storage, inspection and transportation of freight and the handling of passenger traffic, airport facilities of all kinds for land and sea planes, including, but not limited to, landing fields, water areas for the landing and taking off of aircraft, hangars, shops, buses, trucks, and all other facilities for the landing, taking off, operating, servicing, repairing and parking of aircraft, and the loading and unloading and handling of passengers, mail, express and freight; administration buildings, toll highways, tunnels, causeways and bridges connected therewith or incident or auxiliary thereto, and may include all property, rights, easements and franchises relating to any such project and deemed necessary or convenient for the acquisition, construction, purchase or operation thereof.

(As amended by Ch. 28386, Laws 1953)

(c) The term "Cost" as applied to improvements shall mean the cost of constructing or acquiring improvements as hereinabove defined and shall embrace the cost of all labor and materials, the cost of all machinery and equipment, financing charges, cost of engineering and legal expenses, plans, specifications, and such other expenses as

may be necessary or incident to such construction or acquisition.

(d) The term "Cost" as applied to a project acquired, constructed, extended or enlarged, shall include the purchase price of any project acquired, the cost of improvements, the cost of such construction, extension or enlargement, the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest during construction and, if deemed advisable, for one year after completion of construction, cost of investigations and audits and of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project and the placing of the same in operation. Any obligation or expense incurred by the County prior to the issuance of revenue bonds under the provisions of this Act for engineering studies and for estimates of cost and of revenues and for other technical, financial or legal services in connection with the acquisition or construction of any project may be regarded as a part of the cost of such project. (As amended by Ch. 28387, Laws 1953)

(e) The term "board of county commissioners" shall include all members of the board of county commissioners in such county whether their offices are created by the constitution, the legislature, or by any home rule charter. (Added by amendment Ch. 57-911, Laws 1957)

Section 2. When the population of any county according to the latest Federal Census shall exceed 260,000 inhabitants then any such county and the County Commissioners of any such county shall have the power, in addition to the powers otherwise conferred: (as amended by Ch. 24296, Laws 1947)

(1) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate any project as herein defined either within or without the territorial boundaries of the County; (as amended by Ch. 24269, Laws 1947)

(2) Subject to the jurisdiction of the United States of America

and the State of Florida, to construct, establish and improve harbors in the County and all navigable and non-navigable water connected therewith, to regulate and control all such waters, to construct and maintain such canals, slips, turning basins and channels and upon such terms and conditions as may be required by the United States of America, and to enact, adopt and establish by resolution, rules and regulations for the complete exercise of jurisdiction and control over all said waters; (As amended by Ch. 24296, Laws 1947)

(3) To acquire by grant, purchase, gift, devise, condemnation, exchange or in any other manner, all property, real or personal, or any estate or interest therein, upon such terms and conditions as the said County shall by resolution fix and determine; (As amended by Ch. 24296, Laws 1947)

(a) Repealed. (Ch. 31437, Laws Extraordinary Session 1956)

(b) There is hereby granted to such County and the Board of County Commissioners thereof, the specific right, power and authority to construct, maintain and operate elevated toll roads, and the approaches thereto, along, over and across any public street or streets of any city, town or municipality located within any such County. (Added by amendment Ch. 28387, Laws 1953)

(4) Repealed (Ch. 31437, Laws Extraordinary Session 1956)

(5) To appoint shipping masters for ports or harbors under its control, to determine their qualifications, and to adopt rules and regulations prescribing their duties; (As amended by Ch. 24296, Laws 1947)

(6) To license stevedores as independent contractors for hire to handle stevedoring at and in the harbors and airports in the county and to fix the terms and conditions of such licenses and to determine the fees to be charged for same, and any and all such licenses of all persons, firms, groups or corporations so licensed shall continue at the pleasure of the County; (as amended by Ch. 24296, Laws 1947)

(7) To issue revenue bonds, payable solely from revenues, to pay all or a part of the cost of acquisition, construction, extension, enlargement, improvement or modernization of any project, and to pledge the revenues to secure the payment of bonds, but such bonds shall not bear

interest to exceed five per centum (5%) per annum; (as amended by Ch. 24296, Laws 1947)

(8) For the purpose of paying all or a part of the cost of a project, to issue certificates of indebtedness or bonds secured by purchase money mortgage lien upon the title to the real or personal property constituting a project, but neither shall bear interest at a rate exceeding five per centum (5%) per annum; (as amended by Ch. 24296, Laws 1947)

(9) To enter into joint arrangements with steamship lines, railroads, airlines or other transportation lines, or any common carrier, if the County shall deem it advantageous so to do; (as amended by Ch. 24296, Laws 1947)

(10) To make and enter into all contracts and agreements and to do and perform all acts and deeds necessary and incidental to the performance of its duties and the exercise of its powers; (as amended by Ch. 24296, Laws 1947)

(11) To fix, regulate and collect rates and charges for the services and facilities furnished by any project under its control, to establish, limit and control the use of any project as may be deemed necessary to insure the proper operation of the project; to impose sanctions to promote and enforce compliances; and to prescribe rules and regulations and impose penalties and sanctions to insure the proper performance of the duties of any stevedore or of any such shipping master and the enforcement of any rule or regulation which the County may adopt in the regulation of the ports, harbors, wharves, docks, airports and other projects under its control. (as amended by Ch. 24296, Laws 1947 and Ch. 28387, Laws 1953)

(12) To fix the rates of wharfage, dockage, warehousing, storage and port and terminal charges for the use of the port and harbor facilities located within or without said County and owned or operated by said County, to fix and determine the rates, tolls and other charges for the use of harbor and airport improvements and harbor and airport facilities located within or without said County insofar as it may do so under the Constitution of the State of Florida and the Constitution and laws of the United States of America. (as amended by Ch. 24296, Laws 1947)

(13) To regulate the operation, docking, storing and conduct of all water craft of any kind, plying or using the waterways within the County, and of all aircraft of any kind operating over and within the County or utilizing for air navigation purposes, any other area, field, location, or place within the County for air navigation purposes of the repair, storage or handling of aircraft; (as amended by Ch. 24296, Laws 1947)

(14) To receive and accept from any Federal agency, grants for or in aid of the construction, improvement or operation of any project and to receive and accept contributions from any source of either money, property, labor or other things of value; (as amended by Ch. 24296, Laws 1947)

(15) To make any and all applications required by the Treasury Department and other departments or agencies of the United States Government as a condition precedent to the establishment within the County of a freeport, foreign trade zone or area for the reception from foreign countries of articles of commerce and to expedite and encourage foreign commerce, and the handling, processing and delivery thereof into foreign commerce free from the payment of custom duties and to enter into any agreements required by such departments or agencies in connection therewith and to make like applications and agreements with respect to the establishment within said County of one or more bonded warehouses; (as amended by Ch. 24296, Laws 1947)

(16) To enter into any contract with the Government of the United States or any agency thereof, which may be necessary in order to procure assistance, appropriations and aid for the deepening, widening and extending of channels and turning basin, the building and construction of airport and airport facilities, slips, wharves, breakwaters, jetties, bulkheads and any and all other harbor and air navigation improvements and facilities; (as amended by Ch. 24296, Laws 1947)

(17) To employ consulting engineers, superintendents, managers, and such other engineering, construction and accounting experts and attorneys, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; (as amended by Ch. 24296, Laws 1947) and to pay to the Clerk of the Circuit Court of any such County

such compensation as such Board of County Commissioners may determine but not to exceed two thousand five hundred dollars (\$2,500.00) per annum, to be paid exclusively from the revenues arising from the operation of any project owned and operated under authority of this act, for his extraordinary services rendered to such Board in the performance of their duties and the exercise of their powers under this Act; such compensation shall be in addition to any and all other compensation provided by law for such Clerk of the Circuit Court. (added by amendment Ch. 30146, Laws 1955)

(18) To make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings and estimates of cost and revenues, as it may deem necessary, and may prepare and adopt a comprehensive plan or plans, for the location, construction, improvement and development of any project. (as amended by Ch. 24296, Laws 1947 and Ch. 28387, Laws 1953)

(19) To grant exclusive or non-exclusive franchises to persons, firms or corporations for the operating of restaurants, cafeterias, bars, taxicabs, vending machines and other concessions of a non-aeronautical nature in, on and in connection with any project owned and operated by the County; provided, however, that no exclusive franchise shall be so granted unless the Board of County Commissioners of said County shall first cause to be published in a newspaper of general circulation in said County notice of the fact that it intends to grant such exclusive franchise and will at a time certain to be fixed in said notice, not less than thirty (30) days after the publication of said notice, enter into negotiations with any interested parties as to the terms, conditions and provisions or any such exclusive franchise, and that such negotiations with any interested parties as to the terms, conditions and provisions of any such exclusive franchise are to continue for a period of not less than ten (10) days before such exclusive franchise is granted; (as amended by Ch. 24296, Laws 1947 and Ch. 30146, Laws 1955)

(20) To adopt and promulgate suitable rules, regulations and directions for the operation and conduct of any project owned or operated by the County and for the use of any such project and any facility connected therewith by others; (as amended by Ch.24296, Laws 1947)

(21) To enter into contracts with utility companies or others for the supplying by said utility companies or others of water, electricity and/or telephone service to or in connection with any project; (as amended by Ch. 24296, Laws 1947)

(22) To approve or disapprove the location, establishment, construction and operation of privately owned airports within the County. No state airport license or state approval of an airport site shall be effective in the County without the approval of the County on the application therefor; (as amended by Ch. 24296, Laws 1947)

(23) The County shall have a lien upon all aircraft landing upon any airport owned and operated by it, for all charges for landing fees and other fees and charges for the use of the facilities of such airport by any such aircraft, whenever payment of such charges and fees is not made immediately upon demand therefor to the operator or owner of the aircraft by a duly authorized employee of the County. Such lien may be enforced as provided by law for the enforcement of warehousemen's liens in this State; (as amended by Ch. 24296, Laws 1947, and Ch. 25520, Laws 1949)

(a) It shall be unlawful for any person to remove or attempt to remove any such aircraft from such airport after notice of the lien has been served upon the owner or operator thereof or after posting of such notice upon such aircraft. Any person who shall remove or attempt to remove any such aircraft from such airport, after service or posting of the notice of lien as herein provided, and before payment of the amount due to the County for land fees and charges incurred by such aircraft, shall be punished as for a misdemeanor.

Provided, the provisions of this sub-paragraph (a) shall not apply in cases where by written contract fees and charges are payable at stated intervals. (amended by Ch. 25520, Laws 1949)

(24) To pledge by resolution or contract the revenues arising from the operation of any project or projects owned and operated by the County to the payment of the cost of operation, maintenance, repair, improvement, extension and/or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project

or projects, and to combine for financing purposes any two or more projects constructed or acquired by the County under the provisions of this Act. In any such case the County Commissioners may adopt separate budgets for the operation of such project or projects and it shall not be necessary to include such revenues and the expenditure thereof in the general County budget except by reference and for accounting purposes only. In every such case such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension and enlargement of the project or projects from the operation of which such revenues arise, for the performance of the County's contracts in connection with such project or projects, and for the payment of principal and interest requirements of any bonds issued in connection with the project or projects. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended in the succeeding year for the payment of the costs of operation of such project or projects or for the repair, improvement and/or extension thereof as the Commissioners may determine, unless such surplus has been pledged for the payment of principal and interest on bonds, as authorized in subparagraph (25) of this Section, in which event any such surplus shall be applied in accordance with the resolution pledging the same. (as amended by Ch. 24296, Laws 1947, Ch. 26652, Laws 1951, Ch. 28387, Laws 1953)

(25) The County Commissioners of any such County are authorized to issue general obligation bonds or revenue bonds of said County for the purpose of paying all or a part of the cost of any one or more projects as herein defined, including the cost of enlargement, expansion and/or development of such project whether the property used therefor has previously been acquired or not, and the cost of removing therefrom and/or relocating or reconstructing at another location, any buildings, structures or facilities which in the opinion of such Commissioners constitute obstructions or hazards to the safe or efficient operation of any such project, and for the purpose of paying off and retiring any revenue bonds issued under the provisions of this Act. (as amended by Ch. 24296, Laws 1947 and Ch. 25166, Laws 1949)

The bonds of each issue shall be dated, shall bear interest

at such rate or rates not exceeding five per centum (5%) per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Board, and may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the bonds. The Board shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. The bonds may be issued in coupon or in registered form, or both, as the Board may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any any other law, and the Board may sell such bonds in such manner, either at public or at private sale, for such price, as it may determine to be for the best interest of the County, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum (5%) per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity. (as amended by Ch. 24296, Laws 1947 and Ch. 25166, Laws 1949)

No general obligation bonds shall be issued hereunder unless

the issuance of such bonds shall have been approved in the manner required by the Constitution and Laws of Florida for the issuance of bonds of the County. (as amended by Ch. 24296, Laws 1947 and Ch. 25166, Laws 1949)

For the payment of the principal of and the interest on any general obligation bonds of the County issued under the provisions of this Act, the Board is hereby authorized and required to levy annually a special tax upon all taxable property within the County, over and above all other taxes authorized or limited by law, and in addition to the tax authorized by Section 5 of this Act, sufficient to pay such principal and interest as the same respectively become due and payable, and the proceeds of all such taxes shall when collected be paid into a special fund and used for no other purpose than the payment of such principal and interest; provided, however, that there may be pledged to the payment of such principal and interest the surplus of the revenues of the project or projects, after payment of the costs of operation, maintenance and repair thereof, and in the event of such pledge the amount of the annual tax levy herein required may be reduced in any year by the amount of such revenues actually received in the preceding year and then remaining on deposit to the credit of the special fund for the payment of such principal and interest. (as amended by Ch. 24296, Laws 1947 and Ch. 25166, Laws 1949)

(26) To do all other acts and things necessary or proper in the exercise of the powers herein granted. (as amended by Ch. 24296, Laws 1947)

(27) To construct, own, maintain and operate trade marts and exposition halls and buildings for the display, exhibition and sale of goods, wares and merchandise, which are hereby defined to be projects within the meaning of this Act; to rent space in, around or connected with such trade marts to others and to collect rents, fees and charges therefor; to sublet the whole or any part thereof to others and to enter into contracts with others for the operation thereof on such terms and conditions as said Board of County Commissioners shall by resolution determine to be for the best interests of the County; to rent, let and lease to others

ground space on, in or connected with any project owned and operated by the County for the construction, maintenance and operation thereon of any such trade mart, exposition hall or building; to use the proceeds arising from the operation or rental of any such trade mart or exposition hall or building or from the rental of ground space therefor to pay the expense of operation, upkeep and maintenance thereof and for advertising and publicity thereof and for such other purposes as the said Board of County Commissioners shall determine to be for the best interest of the County. (as amended by Ch. 25166, Laws 1949)

(28) To borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of this Act and to refund the same; to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds; to secure an advance of credit for any such purpose or purposes under a credit agreement or other agreement with any bank or trust company or any person, firm or corporation within or without the State; and to secure any such borrowing, notes or agreement by a pledge of all or any part of the available income or revenues to be received by the County under the provisions of this Act or by an agreement to exercise any of the powers conferred by this Act. (as amended by Ch. 28387, Laws 1953)

Section 3. For administrative convenience the board of county commissioners in the exercises of the powers hereby conferred and those powers otherwise conferred, may be hereafter designated, described and referred to as the county port authority or any other appropriate title duly adopted by resolution of the board of county commissioners. Provided, that in counties to which this act applies that have adopted, or may hereafter adopt, a home rule form of government and that create or establish thereunder a port authority to conveniently administer the business and exercise the powers provided for in this act, the words "port authority" shall apply wherever the words "county" or "board of county commissioners" are used, and such authority may exercise all the powers granted under this act. (as amended by Ch. 57-911, Laws 1957)

Section 4. Repealed. (Ch. 30304, Laws 1955)

Section 5. Ad Valorem Tax. Annually an ad valorem tax of not

exceeding one and one-half mills may be levied upon all property in such County, which tax when levied shall be levied and collected as other such county taxes are levied and collected, and subject only to the limitations of a general fund as contained in Section 193.32 Florida Statutes, 1941; such taxes shall be charged to the general fund, but such revenue may be appropriated by said County for the cost of constructing, operating, maintaining, expanding, enlarging, improving and/or developing any project or projects herein specified, and/or for the payment of the costs of removing and relocating any structures, installations or facilities which in the opinion of such Board of County Commissioners may be required for the safe and efficient operation of any such projects; said tax may be levied, collected and expended for any of the purposes herein specified notwithstanding the cost and expense thereof may have been incurred in a previous year, and when so collected and used shall be considered to be levied, collected and used for a county purpose. (as amended by Ch. 24296, Laws 1947, Ch. 25166, Laws 1949, and Ch. 28387, Laws 1953)

Section 6. Administrative Agents. The County may employ agents, clerks and/or servants to administer any project under the rules, regulations, directions and supervision of the county, and may exact of any agent, clerk and/or servant a good and sufficient bond with proper surety to secure the faithful performance of his or their duties and otherwise conditioned as it shall see fit.

Section 7. All rules and regulations promulgated and all impositions and exactions made by authority hereof shall be just and reasonable and consistent with public interest, and their application shall be subject to review by certiorari in any court of proper and competent jurisdiction.

All rules and regulations shall be published and dispensed by the county at cost to all applicants therefor.

Section 8. All powers, acts and deeds hereby conferred or authorized are hereby found to be and made a county purpose. Each project financed under the provisions of this Act and the income therefrom, and any bonds issued under the provisions of this Act and the income therefrom shall at all times be free from taxation within the state. (as amended by Ch. 28387, Laws 1953)

Section 9. Provision of Act Severable. The provisions of this Act are severable, and it is the intention to confer the whole or any part of the powers provided for herein, and if any of the provisions of this Act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

See also Ch. 27489, Special Laws, 1951 ratifying acquisition of Venetian Causeway, etc.

LARGER COUNTIES CIVIL SERVICE ACT

(Ch. 30255, Laws 1955)

AS AMENDED BY ORDINANCES 57-16, 58-11 and 58-31

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. There is hereby created a merit system of personnel administration and a Personnel Advisory Board for each county having a population of more than 450,000 inhabitants according to the latest official census.

General Purpose.

The general purpose of this act is to establish for each county having a population of more than 450,000 inhabitants according to the latest official census, a system of personnel administration based on merit principles and scientific methods governing the selection, appointment, promotion, transfer, lay-off, removal, discipline, and welfare of its employees, and other incidents of county employment. All appointments and promotions in the county merit system shall be made solely on the basis of merit and fitness, to be ascertained, so far as possible, except in certain cases, by competitive examinations.

Section 2. Classified service: exceptions therefrom.

(a) The classified service to which this law shall apply shall comprise all positions in the county service existing on January 1, 1956, or thereafter established, except the following:

(1) The County Commissioners and other officers elected by popular vote or appointed by the governor, and persons appointed to fill vacancies in elective offices.

(2) Members of boards and commissions, county manager and his assistants, personnel director, planning director, attorneys in the department of law, and attorneys employed by the county, heads of departments, assistant department heads, and division heads appointed by the county commissioners or by other elected officials or by the county manager; and all secretaries to the foregoing. (Amended by Ordinance 56-16)

- (3) One private secretary for each board or commission or head of a department appointed by the County Commissioners or other elected officials.
- (4) The secretaries of the County Commissioners and other elected officials.
- (5) Judges, referees, receivers, jurors, court bailiffs and notaries public and public relations employees.
- (6) The secretaries appointed by the several judges.
- (7) Patients or inmates employed in county institutions.
- (8) Persons employed in a professional or scientific capacity to make or conduct a temporary and specific inquiry, investigation or examination on behalf of the County Commissioners or a committee thereof, and other elected officials, or by the authority thereof.
- (9) The County Attorney and assistants.
- (10) Persons under control of the Grand Jury, even though paid by the Board of County Commissioners.
- (11) Deputy Constables and their secretaries, if any.
- (12) The County Agricultural Agent and his assistants and secretaries.
- (13) The County Home Demonstration Agent and assistants and secretaries.
- (14) The State Attorney's Assistants, investigators and secretaries.
- (15) The County Solicitor's Assistants, investigators and secretaries.
- (16) Persons who are jointly employed by the County and any institute of higher learning.
- (17) Directors of Art Museums.
- (18) Employees of the County Board of Public Instruction.
- (19) Residents, interns and students of County hospitals.
- (20) Professional employees in the County health service.
- (21) The over aged and disabled as may be provided for in the rules.
- (22) Medical examiners and professional personnel.
- (23) Personnel under the supervision and control of the Judge of any Juvenile and Domestic Relations Court.

Section 3. County Personnel Department.

(a) There shall be in the county government a County Personnel Department, the executive head of which shall be a Director of Personnel Services. There may be established at any County hospital unit a Personnel Department which shall work with and through the Director of Personnel Services. (Amended by Ordinance 57-16)

(b) In the Personnel Department there shall be a Personnel Advisory Board of five (5) members, with the powers and duties hereinafter enumerated.

(c) The annual budget of the County Commissioners shall provide for sufficient funds to carry out effectively the provisions of this law.

Section 4. Removal of Personnel Director.

The personnel director shall be appointed by the County Manager and may be removed by him without cause. The personnel director shall have had training and experience in personnel administration. (Amended by Ordinance 57-16)

Section 5. Organization of the Personnel Advisory Board.

(a) The members of the Personnel Advisory Board shall be persons in sympathy with the application of merit principles to public employment. No member of the Board shall be a member of any local, state or national committee of a political party, or an officer or member of a committee in any partisan political club or organization, or shall hold, or be a candidate for, any paid public office.

(b) The terms of the present members of the Personnel Advisory Board shall expire on the effective date of this ordinance. (As amended by Ordinance 57-16). The Board of County Commissioners shall appoint five persons, none of whom may be employees or officials of Dade County, to serve as the Personnel Advisory Board, three members to serve for a term of four years, and two designated members to serve for a term of two years. (Amended by Ordinance 57-16 and 58-11). Of the five members of the Personnel Advisory Board, at least one shall be a person who understands employee problems and whose thinking and convictions are compatible to to employee problems, difficulties, cost of living and other working conditions of the county employees in relation to their respective responsibili-

ties to their supervisors and the county, and at least one shall be a person who understands and whose thinking and convictions are compatible to the problems, difficulties and working conditions of the employer, management, department heads and other supervisory personnel of the county in relation to their relative responsibilities to their departments and the proper functioning of their department, the county and other county employees.

(Amended by Ordinance 57-16)

(c) The County Commissioners shall fill by appointment all vacancies which shall occur in the membership of the Board, occurring after the initial appointments provided in the preceding paragraph. Each person so appointed shall serve for a term of four years from the date of expiration of the term for which his predecessor was appointed except that a person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of such term. Each member of the Board shall hold office until his successor is appointed and qualifies.

(Amended by Ordinance 57-16)

(d) A member of the Board may be removed by a majority of the entire membership of the County Commission. (Amended by Ordinance 57-16 and 58-11)

(e) Compensation in the amount of \$15.00 per meeting shall be paid to members of the Personnel Advisory Board for necessary traveling and other expenses incurred in the performance of their official duties.

(Amended by Ordinance 57-16)

(f) The Board shall elect from its members a chairman and vice-chairman who shall serve at the will of the Board. It shall meet at such times and places as shall be specified by call of the chairman, or, in his absence, by the vice chairman, or of the Director of Personnel Services. At least one meeting shall be held in each month. All meetings shall be open to the public. Three members shall constitute a quorum for the transaction of business.

(g) The County Commission shall make provision, financial and otherwise, for legal representation for the Personnel Advisory Board. Provision for legal representation shall also include legal representation of department heads at disciplinary proceedings. The attorney or attorneys

performing such services shall be under the supervision and control of the County Attorney.

Section 6. Duties of the Personnel Advisory Board.

In addition to the duties expressly set forth elsewhere in the law, the Board shall:

- (1) Represent the public interest in the improvement of personnel administration in the county service.
- (2) Advise the County Commissioners, other officials, and the Director of Personnel Services on problems concerning personnel administration.
- (3) Foster the interest of institutions of learning and of industrial, civic, professional and employee organizations in the improvement of personnel standards in the county service.
- (4) Make any investigation which it may consider desirable concerning the administration of personnel in the county service, and make recommendations to the Director with respect thereto.
- (5) Make an annual report and when deemed in the interest of improved personnel administration, special reports and recommendations to the County Commission and other elected public officials.

Section 7. Duties of the Director of Personnel Service.

The Director, as executive head of the Department, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon him elsewhere in this law, it shall be his duty:

- (1) To apply and carry out this law and the rules adopted thereunder.
- (2) To attend meetings of the Board and act as its secretary and keep minutes of its proceedings.
- (3) To establish and maintain a roster of all employees in the county classified service, in which there shall be set forth, as to each employee, the class title, pay or status, and other pertinent data.
- (4) Deleted by Ordinance 57-16.
- (5) To foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employee effectiveness, including training, safety, health, counseling and welfare.
- (6) To encourage and exercise leadership in the development of effective personnel administration within the several departments of the

county service, and to make available the facilities of the Department of County Personnel to this end.

(7) To investigate from time to time the operation and effect of this law and of the rules made thereunder and to report his findings and recommendations to the Board and to the County Commissioners and other officials.

(8) To make an annual report regarding the work of the Department, and such special reports as he may consider desirable, to the Board, and to the County Commissioners and other officials.

(9) To perform any other lawful acts which he may consider necessary or desirable to carry out the purposes and provisions of this law.

(a) Deleted by Ordinance 57-16.

(b) The Director may designate appropriate persons, including officers and employees in the county services, to assist in the preparation and rating of tests. An appointing authority shall excuse any employee from his regular duties for the time required for this work as an examiner. Such officers and employees shall not be entitled to extra pay for their services as examiners but shall be entitled to reimbursement for necessary travelling and other expenses.

Section 8. Rules.

The Director of Personnel Services shall prepare and submit to the Personnel Advisory Board proposed rules for the classified service. The Board shall forthwith schedule and announce a public hearing on the rules, to be held within thirty (30) days following submission by the Director of Personnel Services.

Such rules shall have the force and effect of law when approved by the Board and when adopted by a majority of the County Commissioners and the other elected officials whose employees are affected by this Act, acting as a unit. Amendments thereto may be made in the same manner. If not adopted, amended or rejected by a majority of the County Commissioners and other elected officials whose employees are affected by this Act within 90 days after submission to them, they shall automatically become effective. The rules shall provide:

(1) For the preparation, maintenance, and revision of a position reclassification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification has been approved by the Board, the Director shall allocate the position of every employee in the classified service to one of the classes in the plan. Any employee affected by the allocation of a position to a class, after filing with the Director of Personnel Services a written request for reconsideration thereof in such manner and form as the Director may prescribe, shall be given a reasonable opportunity to be heard thereon by the Director.

(2) For a pay plan for all employees in the classified service, after consultation with the manager, the Board of County Commissioners and other elected officials, and after a public hearing called by the Board at which the public and employees shall be permitted to express their views. (Amended by Ordinance 57-16 and 58-11.) Such a pay plan shall become effective only after it has been approved by the manager, the Board of County Commissioners and other elected officials. Amendments to the pay plan may be made in the same manner. Each employee shall be paid at one of the rates set forth in the pay plan for the class or position in which he is employed.

(2) (a) For veterans' preference in accordance with the intent and requirements of Chapter 295, F.S. (Amended by Ordinance 57-16)

(3) For open competitive examinations to test the relative fitness of applicants for the respective competitive positions. Such examinations need not be held until after the rules have been adopted, the service classified, and a pay plan established, but shall be held not later than one year after this act takes effect. Such examinations shall be announced publicly at least 15 days in advance of the date fixed for closing the filing of applications therefor, and must be advertised in a major newspaper of general circulation published in the county. Such further notice may be given as the Board may prescribe; provided, however, that in the event the examination is a promotional examination,

notice by publication shall not be required. Notice of promotional examinations shall be posted in conspicuous places where they may be seen by all employees in line for the promotion. The Director, however, with the approval of the Board, may continue to receive applications and examine candidates long enough to assure a sufficient number of eligibles to meet the needs of the service; and may add the names of successful candidates to the existing lists in accordance with their respective ratings.

(4) For promotions which shall give appropriate consideration to the applicants' qualifications, record of performance, seniority, and conduct. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service, and promotion shall be by competitive examination wherever practicable. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the class shall constitute a promotion.

(5) For the establishment of eligible lists for appointment and promotion, upon which lists shall be placed the names of successful candidates in order of their relative excellence in the respective examinations. The duration of eligible lists for original appointment and promotions shall be for not more than one year from date of approval by the Board unless exhausted or unless the Board by affirmative action shall extend the life of the list for not more than one additional year.

(6) For the rejection of candidates who fail to comply with reasonable requirements of the Director in regard to such factors as age, physical condition, training and experience, or who have been guilty of infamous or disgraceful conduct; who are addicted to alcohol to excess or to narcotics, or who have attempted any deception or fraud in connection with an examination, or where in the judgment of the Board there is reasonable doubt of the loyalty of the candidate to the nation.

(7) For the appointment of any person on the appropriate eligible list, except in cases of promotion, in which latter cases the rules shall provide for the appointment of a person standing among the highest four (4) on the appropriate eligible list.

(8) For periods of probation which may vary, based on the duties of the various positions but in no event to exceed one year before appointment or promotion may be made complete, and during which period a pro-

bationer may, without charges or hearing, be discharged or reduced in class or rank, or replaced on the eligible list; provided, however, in case of a promotional probationer, he shall be returned to the position from which promoted. The appointing authority shall within ten (10) days prior to the expiration of an employee's probationary period notify the Director in writing whether the services of the employee have been satisfactory or unsatisfactory. If an entering employee's services are unsatisfactory, he shall be dropped from the payroll at any time prior to the expiration of the probationary period. If satisfactory, or if the appointing authority shall fail to furnish therequired notice to the Director prior to the expiration of the probationary period, the appointment shall be deemed permanent. The determination of the appointing authority shall be final and conclusive.

(9) For emergency employment for not more than thirty (30) days with or without examination, and for temporary or seasonal employment with or without examination, for periods approved by the Board but not in excess of six months in any one year, unless approved by the Board.

(10) For provisional employment without competitive examination where there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointments be allowed, except during the first year after the effective date of the law in order to avoid stoppage of orderly conduct of the business of the county.

(11) For transfer from a position in one department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges.

(12) For reinstatement within two (2) years, only with the approval of the Director, of persons who resign in good standing.

(13) For keeping of records of performance of all employees in the classified service, which service records may be considered in counseling employees regarding improvement in work performance, in determining salary increases and decreases provided in the pay plan; as a factor in promotion tests; as a factor in determining the order of lay-offs because of lack of funds or work, and in reinstatement; and as a factor in demotions, discharges and transfers.

(14) For lay-offs by reason of lack of funds or work, or abolition of a position, or material changes in duties or organization, and for reemployment of employees so laid off, giving consideration in both lay-offs and reemployment to performance record and seniority.

(15) For imposition as disciplinary measures of a suspension from the service without pay. From the imposition of this penalty the employee shall not have the right of appeal unless there should be a suspension or suspensions totalling more than fifteen calendar days in any twelve month period. (Amended by Ordinance 58-11)

(16) For discharge or suspension without pay or reduction in rank of grade after appointment or promotion is completed only for cause, after the person to be discharged or reduced has been presented with a written notice containing a statement of the specific reasons for such discharge or suspension or reduction, and has been allowed a period of ten (10) working days' time to reply thereto in writing, or, upon request in writing, to appear personally before the Board and reply to the head of the department, his chief assistant or his deputy. The statement of reasons shall be filed as a public record with the Director.

(17) For establishment of a plan for resolving employee grievances and complaints.

(18) For hours of work, holidays, and attendance regulations in the various classes of positions in the classified service; for vacation, sick and special leaves of absence, with or without pay, or reduced pay.

(19) For the development and operation of programs to improve the work effectiveness and morale of employees in the county service, including training, safety, health, welfare, counseling, recreation, and employee relations.

(20) For a non-competitive class within the classified service which shall consist of all employees requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the rules.

(21) For the automatic suspension of any person from the county service immediately upon being indicted by any grand jury or upon having any information filed against him by any prosecuting official, such suspen-

sion to continue until any such indictment or information shall have been disposed of by a trial and conviction or acquittal of the accused or by any dismissal or quashing of the same. In case any such person shall have been tried and found guilty and his conviction is not reversed, he shall automatically forfeit his position in the county service and shall not thereafter be eligible to any such service. The rules shall provide that in the event such person is tried and acquitted or the information or indictment is quashed or dismissed, the particular person may be reinstated in the county service only on affirmative action by the Personnel Advisory Board. Such rules shall provide for the procedure therefor.

(22) For such other rules and administrative regulations, not inconsistent with this law, as may be proper and necessary for its enforcement.

Section 9. Duty to Furnish Facilities.

All officers and employees of the county shall allow the Department the reasonable use of public buildings under their control, and furnish heat, light and furniture, for any examination, hearing or investigation authorized by this law.

Section 10. Duties of County Officers and Employees.

All officers and employees of the county shall comply with and aid in all proper ways in carrying out the provisions of this law and the rules, regulations and orders thereunder. All officers and employees shall furnish any records or information which the Director or the Board may request for any purpose of this law. (As amended by Ordinance 57-16)

Section 11. Status of Present Employees.

Employees holding positions defined as classified service herein for one year or more immediately prior to January 1, 1956, shall be continued in their respective positions without further examination, until separated from their positions as provided by law.

Those holding their positions less than one year immediately prior to January 1, 1956, shall upon such date, without examination, begin a probationary period of at least sixty (60) days but in no case to exceed six (6) months, the time to be determined by the department head. Said employees shall receive permanent status at the end of six

(6) months unless the department head has indicated to the Director of Personnel Services in writing that their services are unsatisfactory. Nothing herein shall preclude the reclassification or reallocation as provided by this law of any position held by any such incumbent.

Section 12. Certification of Payrolls.

(a) No elected official shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the county classified service unless the payroll bears the certification of the Director, or his authorized agent, that the persons named therein have been appointed and employed in accordance with the provisions of this law and the rules, regulations and order thereunder. The Director may for proper cause withhold certification from an entire payroll or from any specific item or items thereon. The Director may, however, provide that certification of payrolls may be made once every six (6) months, and such certification shall remain in effect except in the case of any officer or employee whose status has changed after the last certification of his payroll. In the latter case no payment of salary to such employee shall be made without further certification by the Director.

(b) Any person appointed or employed in willful contravention of any provision of this law or of any rule, regulation or order thereunder who performs service for which he is not paid, may maintain an action against the person or persons who purported so to appoint or employ him to recover the agreed pay for such services, or the reasonable value thereof, if no pay is agreed upon. No officer shall be reimbursed by the county or out of monies of his office at any time for any sum paid to such person on account of such services.

(c) If the Director wrongfully withholds certification of the pay of an employee, such employee may maintain a proceeding in the courts to compel the Director to certify such payroll.

Section 13. Suspension, Dismissal, Reduction in Grade and Appeals.

Any employee may be suspended or reduced in grade by the head of his department for any cause which will promote the efficiency

of the service. The department head shall advise the manager of the circumstances of any such suspension or reduction in grade, and he may recommend dismissal of the employee. A written statement of the reasons for the action shall be furnished to every employee suspended, reduced in grade or dismissed. Except as provided in section 8, subsection 15, he may appeal the action to the Board within 10 working days. The Board's advisory findings and recommendations shall be transmitted to the manager who may sustain, reverse or modify the suspension, or reduction in grade, or the dismissal. (Amended by Ordinance 57-16 and Ordinance 58-11)

Section 14. Records of the County Personnel Department.

The records of the department, except such records as the rules may properly require to be held confidential for reasons of public policy, shall be public records and shall be open to public inspection, subject to reasonable regulations as to the time and manner of inspection which may be prescribed by the Director.

Section 15. Services to Political Subdivisions.

(a) Subject to the approval of the County Commissioners, the Manager may enter into agreements with any municipality or other political subdivision of the county to furnish services and facilities of the department to such municipality or political subdivision in the administration of its personnel on merit principles. Any such agreement shall provide for the reimbursement to the county of the reasonable cost of the services and facilities furnished, as determined by the County Commissioners. Each municipality and political subdivision of the county is hereby authorized to enter into such an agreement. (Amended by Ordinance 57-16)

(b) The Director may cooperate with governmental agencies for other jurisdictions charged with personnel administration in conducting joint tests and establishing joint lists from which eligibles shall be certified for appointment in accordance with the provisions of this law.

Section 16. Oaths, Testimony and the Production of Records.

Each member of the Board shall have the power to administer oaths. The Director, at the request of any member of the Board or of any interested party appearing before the Board, may subpoena witnesses

and may, with the approval of the manager compel the production of records, books or papers. Should the Director without good cause, refuse to subpoena witnesses and/or request the manager's approval for compelling the production of books, records or papers, or should the manager, having been requested to do so, as provided herein, but without good cause, fail to compel the production of books, records or papers, then and in either event, any member of the Board or any interested party appearing before the Board, may, without cost to the petitioner, petition the presiding Senior Judge of the Metropolitan Court to order the appearance of any witness or witnesses or order the production of any books, records or papers necessary to a fair and proper hearing before said Board. Failure of any witness ordered to appear or failure of any person ordered to produce books, records or papers may constitute a contempt of court and may be punishable as may any other contempt of the Metropolitan Court. (As amended by Ordinance 57-16)

Section 17. Refusal to Testify.

If any person in the county service shall willfully refuse or fail to appear before any court or judge, any legislative committee or any officer, board or body authorized by law to conduct any hearing or inquiry, or having appeared shall refuse to testify or answer any question relating thereto on the ground that his testimony or answer would tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any matter about which he may be asked to testify at any such hearing or inquiry, or if any such person shall refuse to answer any questions concerning the particular branch of the county service in which such person is employed, which may be asked him by the head of his department or by any other person authorized by the County Commissioners or by another elected official, as the case may be, to ask any such question, he shall forfeit his office or position and shall not be eligible thereafter for appointment to any position in the county service.

Section 18. Political Activities Prohibited.

(a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service or in any way favored or discriminated against with respect to employment in the classified

service because of his political or religious opinions or affiliations; but nothing herein shall be construed as precluding the dismissal of any employee who may be engaged in subversive activities or found disloyal to the nation.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(d) No employee in the classified service or member of the Board or the Director shall, directly or indirectly, pay or promise to pay any assessment, subscription or contribution, or perform any service for any political party, or solicit or take any part in soliciting any such assessment, subscription, contribution or service. No person shall solicit any such assessment, subscription, contribution or service of an employee classified service.

(e) No employee in the classified service shall be a member of any national, state or local committee of a political party, or an officer or member of a committee of a partisan political club, or a candidate for nomination or election to any paid public office, or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote.

(f) Any person in the classified service of the county who violates any of the foregoing provisions of this section shall forfeit his office or position, and for one year shall be ineligible for any office or position in the county classified service.

Section 19. Unlawful Acts Prohibited.

(a) No person shall make any false statement, certificate,

mark, rating or report with regard to any test, certification or appointment made under any provision of this law or in any manner commit or attempt to commit any fraud preventing the impartial execution of this law and the rules.

(b) No employee of the Department, examiner, or other person, shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this law, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service. (As amended by Ordinance 57-16)

(c) Any person who is convicted of a violation of any provision of subsections (a) or (b) of this section shall, for a period of five (5) years, be ineligible for appointment to or employment in a classified position in the county service and if he is an employee in the classified county service, shall forfeit his employment. (As amended by Ordinance 57-16)

Section 20. Applicability.

This act shall apply only to that part of the county service defined herein as the classified service.

Section 21. Definitions.

The following terms employed in this Act shall have the following meanings unless the context clearly implies a different intent:

“Board” shall mean the Personnel Advisory Board.

“Appointing Authority,” subject to the provisions of Section 8.01 of the Charter, shall mean the county manager for all county employees except those of elective officials whose offices are not affected by the Charter. (Amended by Ordinance 57-16)

“County Service” shall mean employment, payment for which is made in whole or in part by the Board of County Commissioners or by other elected officials of the county whose employees are affected by this Act.

“Public Office” shall mean the County Manager, any person appointed by the County Manager who serves at his pleasure, and any elected official of the county or any municipality in the county. (Amended by Ordinance 57-16)

“Elected Officials” and “Elected Officer” shall mean an elective

Public Official whose employees are affected by this law.

"County Commissioners" shall mean the Board of County Commissioners unless a contrary intent appears.

"Department Head" and "Division Head" shall mean department or division heads established by ordinance of the Board of County Commissioners. (Amended by Ordinance 57-16)

Section 22. Citation of Act.

This Act shall be known as the Larger Counties Civil Service Law.

Section 23. Penalties.

Any person who wilfully violates any provision of this law shall be guilty of an offense, triable in the Metropolitan Court, and shall upon conviction be punished by a fine of not to exceed \$1000, or by imprisonment in the county jail not to exceed 12 months, or both. (Amended by Ordinance 57-16)

Section 24. Severability.

If any provision of this law or of any rule, regulation or order thereunder or the application of such provision to any person or circumstances shall be held invalid, the remainder of this law and the application of such provision of this law or of such rule, regulation or order to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 25. Repeal Clause.

(a) All laws or parts of laws in conflict herewith, excepting Chapter 27060, General Laws, 1951, and Chapter 28527, General Laws, 1953, are hereby repealed.

(b) Chapter 27060, General Laws, 1951, and Chapter 28527, General Laws, 1953, are hereby repealed.

Section 26. Effective Date.

Paragraph (b) of Section 25 of this Act shall take effect December 31, 1955. All the remainder of this Act shall take effect upon becoming a law.

