

# OSCEOLA COUNTY AMENDED HOME RULE CHARTER

## OSCEOLA COUNTY HOME RULE CHARTER

### PREAMBLE:

The citizens of Osceola County, Florida, believing that governmental decisions affecting local interests should be made locally rather than by the State and, in order to bring to the County the full home rule benefits afforded by the Constitution of the State of Florida to charter Counties, do ordain and establish this Home Rule Charter for Osceola County, Florida.

### ARTICLE I

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

##### SECTION 1.1     Creation and General Powers of Home Rule Charter Government.

Osceola County shall be a Home Rule Charter County and, except as may be limited by this Home Rule Charter, shall have all County and Municipal powers of self-government corporate and proprietary granted now or in the future by the Constitution and Laws of the State of Florida.

##### SECTION 1.2     Body Corporate, Name and Boundaries.

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

##### SECTION 1.3     Relation to State Law.

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

##### SECTION 1.4     Relation to Municipal Ordinances.

Within incorporated territory Municipal ordinances shall prevail over County ordinances to the extent of any

## OSCEOLA COUNTY AMENDED HOME RULE CHARTER

conflict. In the absence of such conflict, County ordinances shall be effective within incorporated territory when such intent is expressly provided for by County ordinance.

### SECTION 1.5 CASINO GAMBLING.

#### A. Reservation of Power by the Electorate.

The citizens of Osceola County reserve to themselves the power to approve or disapprove casino gambling of any nature within the boundaries of the County. Therefore, if and when casino gambling becomes lawful under the Constitution and Laws of the State of Florida, no action may be taken by the Board of County Commissioners, by the governing body of any municipality, or by any elected or appointed official or employee of either the County or any municipality the effect of which is to authorize, to approve, or in any manner to allow casino gambling to occur anywhere in the County unless and until casino gambling in the County is first authorized by an approving vote of a majority of the qualified electors residing in the County and voting on the question at referendum, and such referendum must be separate and apart from any Statewide or multi-County referendum on the question.

#### B. Definition.

For purposes of this section, "casino gambling" means playing or engaging in any game of skill or chance for money or any other thing of value, regardless of how such game is named, labeled, or otherwise characterized, which game of skill or chance, when played for money or other thing of value, is unlawful under the Constitution or Laws of the State of Florida as of July 22, 1996.

#### C. Referendum.

If and when casino gambling becomes lawful under the Constitution and Laws of Florida, the Board of County Commissioners may offer to the electorate at any primary, special, or general election, and upon petition from the governing body of a municipality in the County, the Board

# OSCEOLA COUNTY AMENDED HOME RULE CHARTER

shall offer as soon as practicable to the electorate, the question of whether casino gambling shall be authorized in the County. Upon approval of the question at referendum, the County and any municipality may thereafter allow casino gambling to the extent lawful under the Constitution and Laws of the State of Florida, and at the option of the Board of County Commissioners, this section may then be deleted from this Charter. If the question is disapproved at referendum, it may be offered to the electorate again from time to time, but in no case more frequently than once in any period of 24 months.

## D. Enforcement.

The restrictions of this section may be enforced by the County, by a municipality in the County, or by any person substantially affected by any violation thereof.

## E. Municipal Referenda Not Prohibited.

Nothing in this section prohibits any municipality in the County, whether by Charter or municipal ordinance, from likewise requiring approval by its voters at referendum before casino gambling may be allowed within the boundaries of the municipality, but any such referendum requirement shall be in addition to, not in substitution of, the referendum approval required by Subsection A above.

## Article II

### ORGANIZATION OF COUNTY GOVERNMENT

#### SECTION 2.1 Elected Commission and Appointed County Manager Form of Government.

Osceola County shall operate under an elected County Commission and appointed County Manager form of government with separation of legislative and executive functions in accordance with the provisions of this Home Rule Charter. The legislative responsibilities and powers of the County shall be assigned to and vested in the Board of County Commissioners. The executive responsibilities and powers of the County shall be assigned to and vested in the County Manager, who shall carry out the directives and policies of

## OSCEOLA COUNTY AMENDED HOME RULE CHARTER

the Board of County Commissioners and enforce all orders, resolutions, ordinances, and regulations of the Board, the County Charter, and all applicable general laws, to assure that they are faithfully executed.

### SECTION 2.2    Legislative Branch.

A.    The County Commission.    The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be one Commissioner for each of the five (5) County Commission districts established pursuant to general law and they shall be elected on a Countywide basis (\*Footnote 1) by the electors of the County. During the term of office each Commissioner shall reside in the district for which such Commissioner ran for office, provided that any Commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.

(\*Footnote 1:    As of December 12, 2006, in the final judgment, entered by the United States District Court, Judge Gregory A. Presnell, ordered implementation of single-member voting districts for County Commission elections.

The Primary Election was scheduled on March 20, 2007, and the General Election on April 24, 2007. Single-member district elections were held on those dates for District 2, the Hispanic majority district, in which there was no incumbent, and District 4, where there was an incumbent Commissioner. County Commissioners for Districts 1, 3, and 5, were to complete their current terms and run in single-member districts in 2008 elections.

Although a referendum was not held to amend the Charter, the Charter is hereby amended based upon the Order of the Court.)

B.    Redistricting.    County Commission district boundaries shall be changed only after notice and a public hearing as

# OSCEOLA COUNTY AMENDED HOME RULE CHARTER

provided by general law.

C. Salaries and Other Compensation. Salaries and other compensation of the County Commissioners shall be the same as those set by general law for the County Commissioners of non-charter Counties.

D. Authority. The Board of County Commissioners shall exercise all legislative authority provided by this Home Rule Charter in addition to all other powers and duties authorized by general law or special law approved by a vote of the electorate.

E. Administrative Code. The County Commission shall adopt an Administrative Code in accordance with general law.

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

(2) The Administrative Code shall not apply to the elected Constitutional Officers.

F. Vacancies. A vacancy in the office of County Commissioner shall be defined and filled as provided by general law.

G. Recall. The members of the Board of County Commissioners shall be subject to recall as provided by general law.

H. Initiative.

(1) The electors of Osceola County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition by a number of electors qualified to vote at least equal in number to 7% of the total number of qualified electors registered to vote in the County at the last preceding general election.

(2) The sponsor of an initiative ordinance shall, prior to obtaining any signatures, submit the text of

## OSCEOLA COUNTY AMENDED HOME RULE CHARTER

the proposed ordinance to the Supervisor of Elections, with the form on which signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate 180 days after that date. In the event sufficient signatures are not acquired during that 180 day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law which fees shall be repaid by the County if the initiative ordinance is adopted. The Supervisor of Elections shall within 45 days verify the signatures thereon.

(3) Within 60 days after the requisite number of names have been verified by the Supervisor of Elections and reported to the County Commission, the County Commission shall notice and hold a public hearing on the proposed ordinance according to law and vote on it. If the County Commission fails to adopt the proposed ordinance it shall, by resolution, call a referendum on the question of adoption of the proposed ordinance to be held at the next general election occurring at least 45 days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by resolution of the County Commission to be enacted and shall become effective on the date specified in the ordinance, or, if not so specified on January 1 of the succeeding year. The County Commission shall not amend or repeal an ordinance adopted by initiative for a period of one year after the effective date of such ordinance.

(4) The right to initiate County ordinances shall not

# OSCEOLA COUNTY AMENDED HOME RULE CHARTER

include ordinances establishing, amending, repealing or otherwise pertaining to the County budget, existing debt obligations, the Comprehensive Plan of the County, the zoning or re-zoning of land and other development regulations, or affecting title or other interests in real property.

## SECTION 2.3 Executive Branch.

### A. The County Manager.

(1) The County Manager shall be appointed by and serve at the pleasure of the Board of County Commissioners. The County Manager shall be the chief executive officer of the County and all executive responsibilities and power shall be assigned to and vested in the County Manager. The County Manager shall exercise all executive authority provided by this Home Rule Charter in addition to all other powers and duties authorized by general or special law.

(2) The County Manager shall be qualified by administrative and executive experience and ability to serve as the chief administrator of the County. The County Manager must have a master's degree in public or business administration, or a juris doctorate, at least three (3) years experience as a manager or assistant manager of a county or city; or bachelor's degree in the same educational fields and at least five (5) years like experience; or at least eight (8) years experience in the administration of government, business or industry and be able to demonstrate knowledge of County governmental operations. The County Manager shall be appointed by an affirmative vote of a majority of the membership of the Board of County Commissioners. The County Manager shall serve at the pleasure of the Board of County Commissioners. The County Manager need not be a resident of the County at the time of appointment, but during the tenure in office the County Manager shall within one (1) calendar year of appointment establish and maintain domicile within the County.

(3) The compensation of the County Manager shall be

## OSCEOLA COUNTY AMENDED HOME RULE CHARTER

established by the Board of County Commissioners.

(4) The office of the County Manager shall be deemed vacant if the incumbent moves his residence from the County or is by death, illness, or other casualty, unable to continue in office. A vacancy in the office shall be filled in the same manner as the original appointment. The Board of County Commissioners may appoint an acting County Manager in the case of vacancy or temporary absence or disability until a successor has been appointed and qualified or the County Manager returns.

### B. County Department Heads.

(1) The County department heads shall be appointed by and shall be responsible to the County Manager. All department head appointments must be with the advice and consent of the Board of County Commissioners.

(2) The County Manager shall have the sole authority to suspend or discharge any department head with or without cause.

C. County Attorney. There shall be a County Attorney appointed by majority vote of the Board of County Commissioners and who shall serve at the pleasure of the Board. The County Attorney shall supervise the Office of the County Attorney. The County Attorney may appoint assistant County Attorneys and support staff subject to budget approval and special counsel as may be required upon approval of the Board of County Commissioners. The County Attorney shall report directly to the Board of County Commissioners. The Office of the County Attorney shall provide legal services to the Board of County Commissioners, and such other County departments, boards and agencies as specified by the Board of County Commissioners. The County Attorney shall be admitted to practice law in the State of Florida. The compensation of the County Attorney shall be established by the Board of County Commissioners.

D. Office of Commission Auditor. The County Commission



# OSCEOLA COUNTY AMENDED HOME RULE CHARTER

shall appoint an auditor who shall be a Certified Public Accountant or Public Accountant as defined under the Laws of Florida governing the practice of Public Accountancy in Florida, or such other person qualified by education or experience in governmental accounting, internal auditing practices and fiscal controls. The Commission Auditor shall serve at the pleasure of the County Commission.

The auditor shall be responsible for the maintenance of internal financial controls and for the performance of such other duties assigned by the County Commission. To the degree necessary to fulfill the responsibilities of the office, the auditor shall have the power and authority to:

1. Conduct financial and compliance, economy and efficiency, and performance audits of Charter government and officials with written reports submitted to both the County Commission and the County Manager.
2. Have free and unrestricted access to Charter government employees, officials, records, and reports; and where appropriate, require all branches, departments, and officials of Charter government to provide oral and written reports and to produce documents, files, and other records.

## Article III

### ELECTED COUNTY CONSTITUTIONAL OFFICES

SECTION 3.1 Elected County Constitutional Offices. The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices and their powers, duties and functions shall be performed as specified by law. Provided, however, all powers and duties now or hereafter prescribed by the Constitution and Laws of Florida for the office of the Clerk of the Circuit Court which relate to the functions of the ex-officio clerk and accountant of the Board of County Commissioners, auditor, and custodian of all County funds are hereby transferred to and vested in the office of the County Manager.

Article IV

HOME RULE CHARTER TRANSITION, AMENDMENTS, REVIEW, SEVERANCE,  
EFFECTIVE DATE

SECTION 4.1 Home Rule Charter Transition.

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

B. Initial County Commissioners. The persons comprising the Osceola County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the Charter Government and shall perform the functions thereof until the normal expiration of their terms or until the election and taking office of their successors as provided by law.

C. Outstanding Bonds. All outstanding bonds, revenue certificates, and other financial obligations of the County outstanding on the effective date of this Charter shall be obligations of the Charter Government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not taken effect.

D. Employees Continuation. All employees of the former County government shall on the effective date of this Charter become employees of the County Government created by this Charter. All existing wages, benefits, and conditions of employment shall continue, until modified by lawful action of the County Commission or joint agreement of the County Commission and the appropriate bargaining agent when a collective bargaining agreement exists and controls.

E. Plat and Subdivision Approvals. The County Commission may designate another board or agency, such as but not limited to a planning commission, to approve for recording

and otherwise regulate subdivisions and plats thereof. Such designation may be plenary or partial. The designation set forth in Laws of Florida Chapter 67-1849, as amended, the Zoning Regulations of Osceola County and the Minimum Land Subdivision Regulations of Osceola County shall remain in full force and effect until repealed or amended by the County Commission.

SECTION 4.2 Home Rule Charter Amendments.

A. Amendments Proposed by Petition.

(1) Amendments to this Home Rule Charter may be proposed by petition signed by a number of electors equal to at least 10% of the number of qualified electors registered to vote in the County at the last preceding general election. Each such proposed amendment shall embrace but one subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for a special election called for that purpose occurring in excess of 90 days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified.

(2) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which the signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate 180 days after the date. In the event sufficient signatures are not acquired during that 180 day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission pay all fees as required by general law which fees shall be repaid by the County if the amendment is adopted by the voters. The Supervisor of Elections shall within 45 days verify the signatures thereon.

(3) If approved by a majority of those electors

voting on the amendment at the special election the amendment shall become effective on the date specified in the amendment or, if not so specified, on January 1 of the succeeding year.

B. Amendments Proposed by the Board of County Commissioners.

(1) Amendments to this Home Rule Charter may be proposed by ordinance adopted by the Board of County Commissioners by an affirmative vote of a majority plus one of the total membership of the Board of County Commissioners. Each proposed amendment shall embrace but one subject and matter directly connected therewith. Each proposed amendment shall only become effective upon approval by a majority of the electors of Osceola County voting in a special election called for that purpose.

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

C. Charter Review Advisory Commission.

(1) There shall be a Charter Review Advisory Commission appointed by the County Commission on the first Tuesday in January of 2015 and every six (6) years thereafter.

(2) The Charter Review Advisory Commission shall consist of a number twice that of the County Commission plus an additional member. Each County Commissioner shall nominate two (2) persons residing in the nominating Commissioner's district. All nominations shall be subject to confirmation by a majority vote of the Commission. The County Commission shall determine how the remaining member of the Charter Review Advisory Commission shall be appointed.

(3) The term of each member shall expire on the first Wednesday after the first Monday in November of the year following the year in which said members were appointed. Any vacancy occurring shall be filled by the County Commission in the same manner as the original appointment was made for the remainder of the unexpired term.

(4) All members of the Charter Review Advisory Commission shall be electors of the County. Except

where otherwise prohibited by Article II, Section 5(a) of the Florida Constitution, any elector of the County may serve on the Charter Review Advisory Commission; provided however, that no member of the County Commission, a Constitutional Officer, the County Administrator, nor other Charter officer may serve on the Charter Review Advisory Commission.

(5) All members of the Charter Review Advisory Commission shall be eligible for reappointment.

(6) A majority of the membership of the Charter Review Advisory Commission shall constitute a quorum.

(7) The Charter Review Advisory Commission shall be empowered to conduct a comprehensive study of any or all phases of County government, including those of the Constitutional Officers.

(8) After at least two (2) public hearings and by a vote of two-thirds (2/3) of the members of the full Charter Review Advisory Commission, the Charter Review Advisory Commission may submit a proposal to amend or revise the Charter to the County Commission. The Charter Review Advisory Commission must submit any proposed Charter amendments or revisions no later than the first Tuesday in June of the year in which the term of the Charter Review Advisory Commission shall expire.

(9) The Charter Review Advisory Commission shall elect from among its membership appropriate officers as it deems necessary and proper for the orderly conduct of its specific duties, including a chairman and vice-chairman. The chairman shall set the time, date, and place of meetings. The Charter Review Advisory Commission may adopt such internal procedures and rules as may be necessary to carry out its functions.

(10) The Charter Review Advisory Commission shall be funded by the County Commission.

#### SECTION 4.3 Severance.

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

#### SECTION 4.4 HOME RULE CHARTER EFFECTIVE DATE. This Charter shall become effective on October 1, 1992.

**OSCEOLA COUNTY AMENDED HOME RULE CHARTER**