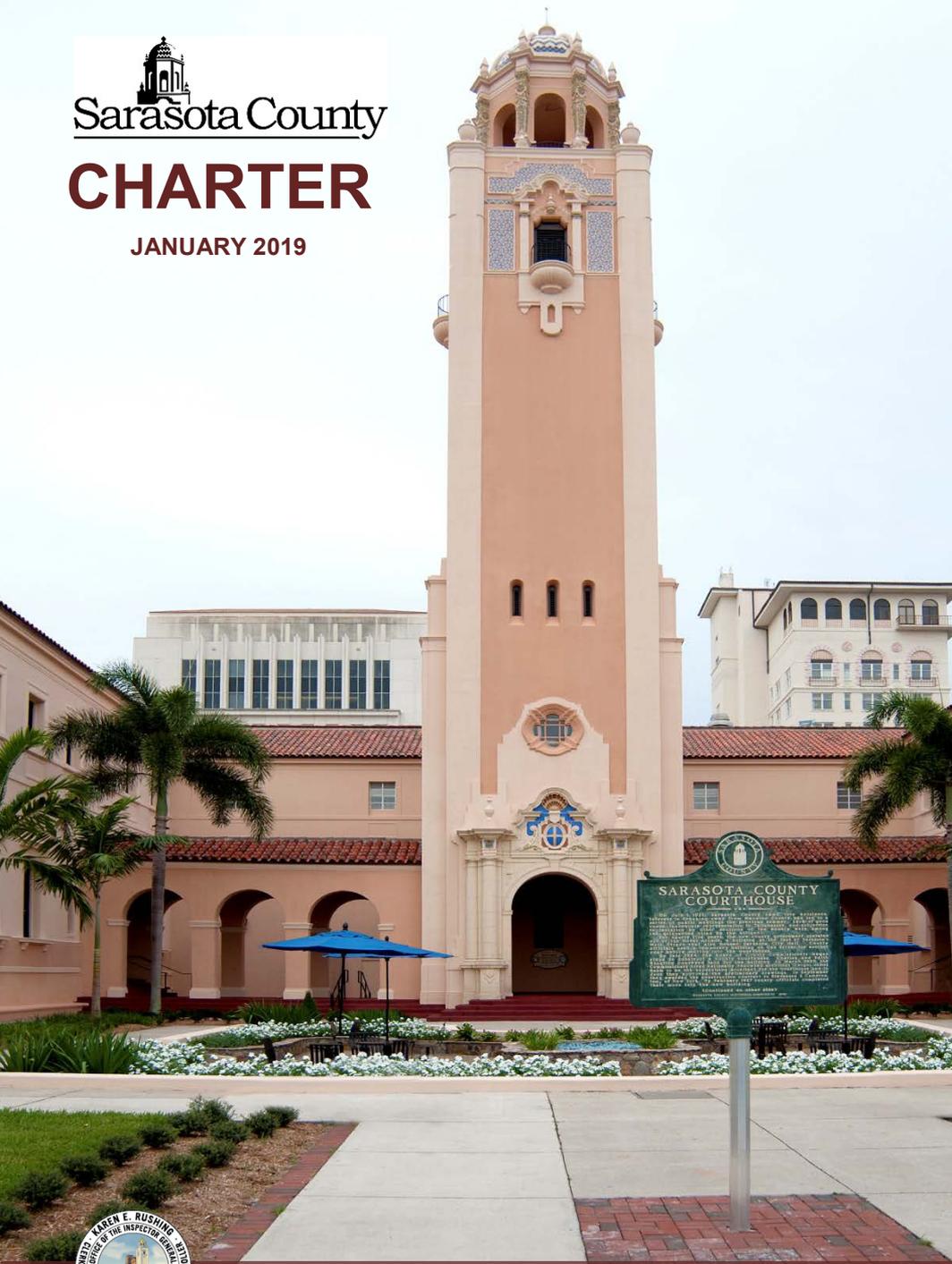




Sarasota County

# CHARTER

JANUARY 2019



Certified as True and Accurate by **KAREN E. RUSHING**  
Clerk of the Circuit Court and County Comptroller



# CHARTER

Adopted November 3, 1971  
Amended November 5, 1974  
Amended November 2, 1976  
Repealed, new Charter adopted November 4, 1980  
Amended September 7, 1982  
Amended November 6, 1984  
Amended February 5, 1985  
Amended November 8, 1988  
Amended November 6, 1990  
Amended September 1, 1992  
Amended November 3, 1992  
Amended November 8, 1994  
Amended November 5, 1996  
Amended September 1, 1998  
Amended March 14, 2000  
Amended November 7, 2000  
Amended September 10, 2002  
Amended August 31, 2004  
Amended November 7, 2006  
Amended March 13, 2007  
Amended November 6, 2007  
Amended May 6, 2008  
Amended November 6, 2018

Official Compilation of the Sarasota County Charter

Certified as True and Accurate by

**KAREN E. RUSHING**

**Clerk of the Circuit Court and County Comptroller  
Sarasota, Florida**

**The Charter is available at [www.SarasotaClerk.com](http://www.SarasotaClerk.com)**

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# **ARTICLE I POWERS AND SCOPE OF COUNTY GOVERNMENT**

## **Section 1.1 Purpose.**

We, the people of Sarasota County, Florida, hereby avail ourselves of the opportunity to adopt a Home Rule Charter in accordance with the Constitution and the general laws of the State of Florida.

## **Section 1.2 Name and Boundaries.**

The corporate name shall be "Sarasota County," hereafter referred to as the "County." The County's seat and boundaries shall be designated by law. *(Amended 8/31/2004.)*

## **Section 1.3 General Powers of County.**

Under this Charter, the County shall have all powers of local self-government including all county and municipal powers prescribed by the Constitution and general laws of the State of Florida. No power, right, or duty of the Sarasota County Public Hospital District may be taken away, added to or altered unless, to the extent allowed by law, its governing body consents to an ordinance doing so or such ordinance is adopted after an advertised public hearing of the Board of County Commissioners and the ordinance is approved at a referendum. *(Amended 8/31/2004.)*

## **Section 1.4 Special Powers of County.**

The County, operating under this Charter, shall have all special powers heretofore granted by law to the Board of County Commissioners, and shall have such additional county and municipal powers consistent with the Constitution, general law, special law approved by vote of the electors and this Charter. *(Amended 8/31/2004.)*

**Section 1.5 Form of Government.**

This Charter establishes a commission/county administrator form of government. The Board of County Commissioners, consisting of elected citizens, whose election, duties and responsibilities are hereinafter set forth, shall constitute the governing body of the County. *(Amended 8/31/2004.)*

**ARTICLE II  
ORGANIZATION OF GOVERNMENT**

**Section 2.1 Board of County Commissioners**

**Section 2.1A Composition, Election and Term of Members.**

There shall be a Board of County Commissioners which shall consist of five members serving staggered terms of four years. One Commissioner residing in each district shall be elected by qualified voters in the district in which they reside. A Commissioner who is removed from his or her district as a result of redistricting may serve out the balance of his or her term as a representative of his or her former district. *(Amended 11/3/1992, 11/8/1994, and 11/6/2018.)*

No Commissioner shall serve more than two consecutive terms on the Board. For purposes of this limitation, any period of service on the Board of less than eighteen (18) months shall not be deemed to constitute a term of service. Further, a Commissioner who has serviced two consecutive terms may thereafter serve additional term(s) only after a lapse of service in office of at least two years. No previous term or term which is in progress as of the effective date of the Amendment shall be considered a term of service for purposes of the limitations contained herein. *(Amended 9/1/1998.) (On February 1, 2005, the term limits provision of this section was found unconstitutional and unenforceable by the Circuit Court of the Twelfth Judicial Circuit. Subsequently, on May 12, 2012, the Florida Supreme Court held that Commissioner term limits are constitutional.)*

**Section 2.1B Compensation.**

Commissioners shall determine by ordinance the salary paid its members on each odd numbered year, which shall remain fixed until the next odd numbered year. The salary shall not exceed that allowed to be paid to the County Commissioners by the State Legislature, but may be any lesser amount. All other compensation must be based on actual expenses incurred in the performance of duties as Commissioners as provided by the General Laws of the State of Florida.

**Section 2.1C Vacancies.**

Vacancies on the Board of County Commissioners shall be defined and filled as provided by State law. Any Commissioner who changes his or her permanent residence to an area outside his/her district shall be deemed to have vacated his or her office on the Board of County Commissioners. *(Amended 9/10/2002.)*

**Section 2.1D Chairman.**

The Board of County Commissioners shall elect one of its members as chairman by majority vote. This election shall be held in the month of December of each calendar year. In the event of a chair vacancy, the new Chairman shall be elected at the next regular meeting. In addition to his or her powers and duties as a Board member, the Chairman shall have certain additional powers and duties including, but not limited to, the following:

- (1) serve as presiding officer of the Board of County Commissioners;
- (2) call the Board of County Commissioners into regular and special session;
- (3) sign ordinances, resolutions, and documents for the Board of County Commissioners; and
- (4) serve as the official representative and ceremonial dignitary for the County government.

**Section 2.1E Vice-Chairman.**

The Board of County Commissioners shall elect one of its members as Vice-Chairman who shall have all rights and duties of the Chairman during the absence of the Chairman.

**Section 2.2 Powers of Board of County Commissioners.**

Pursuant to the powers granted by the Constitution, general and special laws of the State of Florida, and this Charter, the Board of County Commissioners shall have the power to:

**2.2A** With the exception of emergency ordinances, adopt ordinances to carry out both County and municipal powers and purposes by the affirmative vote of three (3) commissioners; *(Amended 8/31/2004.)*

**2.2A(1)** Provided however, any ordinance amending Sarasota County's Comprehensive Plan which increases allowable land use density or intensity, shall require an affirmative vote of a majority plus one of the full membership of the Board of County Commissioners. *(Added 11/6/2007.)*

**2.2A(2)** Provided further, that from and after the effective date of this sub-section 2.2A(2), any ordinance amending Sarasota County's Comprehensive Plan which either:

- (1) adds lands lying outside the Urban Service Area boundary to the Urban Service Area,
- (2) establishes new Future Land Use Overlay Districts which increase the allowable land use density or intensity on lands lying outside the Urban Service Area Boundary, or
- (3) adds lands outside the Urban Service Area Boundary to either the Settlement Area Overlay or the Affordable Housing Overlay,

Shall be fiscally neutral and shall require the unanimous affirmative vote of the full membership of the Board of County Commissioners.

"Urban Service Area" shall mean that area delineated on that certain map titled "Future Land Use Map of Sarasota County,"

dated November 2006, which is on file in the official records of the Clerk to the Board of County Commissioners.

This sub-section 2.2A(2) shall not apply to amendments to the goals, objectives and policies of the Sarasota 2050 Resource Management Areas or to the Land Use Maps approved as part of Sarasota 2050.

This sub-section 2.2A(2) shall not apply to comprehensive plan amendments that were approved for transmittal to the Department of Community Affairs prior to January 1, 2008.

Any proposed ordinance amending Sarasota County's Comprehensive Plan eliminating the Urban Service Area Boundary from Sarasota County's Comprehensive Plan shall be subject to voter approval at a referendum election called for that purpose.

No Charter amendment adopted after the effective date of this sub-section 2.2A(2) that deals with the extent of or process for altering the Urban Service Area in Sarasota County's Comprehensive Plan shall become effective unless that amendment explicitly provides for the repeal of this sub-section 2.2A(2). *(Added sub-section 2.2A(2) 5/6/2008.)*

**2.2B** Adopt emergency ordinances to carry out both County and municipal powers and purposes pursuant to general law of the State of Florida. *(Amended 8/31/2004.)*

**2.2C** review the budgetary requests including salaries and make the final budgetary determinations and appropriations for all County management, all administrative departments of the government, adjustment boards, special authorities and tax districts that request a portion of the millage levied for County purposes under the Constitution of Florida or such other millage as may be levied by the County for municipal service districts excepting the school system and the Sarasota County Public Hospital Board;

**2.2D** adopt by majority vote of the full Board of County

Commissioners such rules of parliamentary procedure as shall be necessary for the orderly transaction of the business of the Board of County Commissioners; and

**2.2E** appoint and remove the County Administrator pursuant to the provisions of Section 2.6B of this Charter.

**Section 2.3 Redistricting.**

Redistricting of the County Commission districts shall be in accordance with general law; provided however that any redistricting of the County Commission district boundaries shall be approved by the Board of County Commissioners at a public hearing. Notice of the public hearing shall include a summary of the proposed changes and a substantially detailed map comparing proposed district boundaries to existing boundaries and shall be published in a newspaper of general circulation pursuant to the statutory notice period for the enactment of ordinances. *(Amended 9/10/2002.)*

**Section 2.4 Constitutional Officers.**

There shall be elected by the electors of Sarasota County, for terms of four (4) years, a Sheriff, a Tax Collector, a Property Appraiser, a Supervisor of Elections, and a Clerk of the Circuit Court. These elected constitutional officers shall be responsible for all functions, duties, and requirements prescribed by the Florida Constitution, the general laws of the State of Florida, and county ordinance. *(Amended 11/6/1984, 2/5/1985, and 8/31/2004.)*

**Section 2.5 Testimony under Oath.**

All persons appearing before the County Commission or any other county body, when giving evidence as part of a duly advertised public hearing, shall first swear or affirm on the public hearing signature cards or, if signature cards are not appropriate, declare orally, that the evidence he or she will present is truthful by taking a written or oral oath or affirmation in substantially the following form:

**Do you swear or affirm, under penalty of perjury, that the evidence or factual representations which you are about to give or present to this (Board or Commission, as**

**appropriate), during any public hearing held this \_\_\_\_\_ day of \_\_\_\_\_ are truthful?**

(1) The signature cards or the oral statement of each person taking the oath or affirmation shall be noted in the public record of the meeting. Subject to subsection (3) below, the oath or affirmation shall be required of all persons speaking at a public hearing, including members of the public, consultants and attorneys who appear on behalf of clients, County staff, the County Administrator, the Clerk of the Circuit Court, the County Attorney and/or their representatives.

(2) The oral oath or affirmation shall be administered by the Clerk of the Circuit Court, the Deputy Clerk, or a Notary Public of the State of Florida.

(3) The oath or affirmation made pursuant to this Charter shall not apply to statements of opinion or legal arguments made during the course of a public hearing. During public meetings where evidence will not be taken, although the public will be allowed to comment or provide input to the edification of the County Commission or one of its Boards, the formality of the oath or affirmation shall not be required. In this regard, it is intended that such public input sessions, or public airings, proceed as an informal session. When advertising the matter or placing it on a public meeting agenda, it shall not be categorized as a public hearing.

(4) Should any person knowingly make a false statement or false representation, under oath, as to any material matter being considered at the public hearing, the matter shall be referred to the County Commission for consideration at a public meeting. At the public meeting, the County Commission may determine whether or not a complaint will be filed with the Office of the State Attorney or the County Commission may order the matter investigated and a recommendation made as to charging a violation of the Florida perjury law.

(a) **PENALTIES.** It shall be unlawful for any person to knowingly make a false statement or false factual representation, under oath, as to any material matter being considered at a public hearing. Persons violating this Section may be punished by a fine

not exceeding \$500.00 or imprisonment for a term not exceeding sixty (60) days, or both

(b) EFFECT. Action taken by the County Commission or any other County body on the basis of testimony which is later determined to have been false may be rescinded by that County body at its discretion, without liability on the part of the County. *(Added 9/1/1992; Amended and renumbered 9/10/2002 and 8/31/2004.)*

## **Section 2.6 County Administrator.**

### **2.6A General.**

A County Administrator appointed by and responsible to the Board of County Commissioners shall be the chief administrative officer of the County for all administrative matters and operations under the authority of the Board of County Commissioners. *(Amended 11/5/1996.)*

### **2.6B Appointment and Removal.**

The Board of County Commissioners shall use diligence to appoint a County Administrator within ninety (90) days or as soon thereafter as possible on the occurrence of a vacancy in this position. Appointment shall be made upon the affirmative vote of four (4) members of the Board of County Commissioners. The Board of County Commissioners may remove the County Administrator at any time by:

(a) affirmative vote of four (4) members of the Board of County Commissioners; or

(b) affirmative vote of three (3) members of the Board of County Commissioners in two (2) official meetings three (3) weeks apart. *(Amended 11/5/1996.)*

### **2.6C Qualifications.**

The County Administrator shall be appointed solely on the basis of his or her executive and administrative abilities and qualifications, and he or she shall meet one or more of the following requirements:

(1) A master's degree from an accredited college or university, and have a minimum of two (2) years experience as an appointive city manager or county administrator.

(2) A bachelor's degree from an accredited college or university and at least ten (10) years of progressively responsible professional or managerial experience.

He or she shall maintain residency within the County during his or her tenure of office and shall not engage in any other business or occupation. *(Amended 11/5/1996 and 3/14/2000.)*

#### **2.6D Absence.**

The County Administrator may, subject to approval of the Board of County Commissioners, appoint an employee under his or her jurisdiction to assume the authority and duties of the [County] Administrator in times of his or her absence or incapacitation.

#### **2.6E Compensation.**

The Board of County Commissioners shall establish the salary for the County Administrator, at a level which is commensurate with the requirements of the position, and shall review the salary annually. In the event the County Administrator is terminated without cause after one year of service, he or she shall receive at least four (4) months severance pay, notwithstanding other monies due him or her. *(Amended 3/14/2000.)*

#### **2.6F Powers and Duties.**

The County Administrator shall carry out and exercise such powers and duties required by this Charter and prescribed by the Board of County Commissioners. The County Administrator shall have the following general duties and responsibilities:

- (1) Administer and carry out directives and policies as issued by the Board of County Commissioners in official meetings;
- (2) Provide information and reports to the Board of County Commissioners or individual members thereof as requested;
- (3) Provide advice and recommendations regarding County government operations to the Board of County Commissioners in official meetings;
- (4) Be responsible for managing the provision of services under the Board of County Commissioners;
- (5) Select, supervise, set compensation for, and suspend or dismiss at-will employees as designated by County ordinance, with the exception of those persons employed in the Office of the

County Attorney (*Added 11/5/1996.*);

(6) Select, supervise, set compensation for, and suspend or dismiss all career service employees of the County, except that (a) [the] Board of County Commissioners shall confirm the appointment of Executive Directors, as that title may be amended from time to time, and Deputy County Administrators, and (b) dismissed or suspended career service employees shall have right of appeal to the Board of County Commissioners pursuant to the appeal procedures adopted by Board resolution, after which the Board may either reinstate the employee by an affirmative [vote] of at least four (4) of the Board members or confirm the action of the [County] Administrator (*Amended 11/5/1996 and 3/14/2000.*);

(7) Carry out the duties as set forth in the general laws of the State of Florida. (*Amended 11/5/1996 and 3/14/2000.*)

## **2.6G Administrative Code.**

The County Administrator shall prepare an administrative code and submit same to the Board of County Commissioners for review, amendment and adoption, which code shall set forth the organization of county government, together with rules, procedures, and personnel and merit systems for operation of county government. (*Amended 3/14/2000.*)

## **2.6H Employee Supervision.**

Except for the purposes of inquiry and information, the members of the Board of County Commissioners shall not interfere with the performance of the duties of any employee of the County who is under the direct or indirect supervision of the County Administrator.

## **2.6I Board Instructions**

Board instructions or directives to any employee of County government under the jurisdiction and control of the Board shall be issued only through the [County] Administrator, with the exception of those persons employed in the Office of the County Attorney who shall receive instructions solely from the County Attorney. Individual members of the Board shall not issue directives or orders to employees. It is the express intent of this section that recommendations for improvement in County

government operations by individual Board members be made to and through the [County] Administrator, so that the [County] Administrator may coordinate efforts to achieve the greatest possible savings through the most efficient and sound means available. Nothing in the foregoing is to be construed to prohibit individual members of the Board from close scrutinizing, by questions and personal observations, so as to obtain independent information to assist the members in formulation of sound policies to be considered by the Board. *(Added 11/5/1996 and amended 3/14/2000.)*

### **2.6J Political Activity.**

The [County] Administrator shall engage in no political activity other than casting his or her ballot at the polls. A violation of this provision will be grounds for removal of the [County] Administrator from office. *(Added 11/5/1996.)*

### **2.6K Appointments.**

The [County] Administrator shall not have the authority to appoint statutory or other advisory commissions or boards nor the members thereof, nor shall the [County] Administrator have the authority to fill the vacancies created on said commissions and boards. *(Added 11/5/1996.)*

## **Section 2.7 County Attorneys.**

### **2.7A Appointment.**

The Board of County Commissioners shall appoint a County Attorney who shall serve at the pleasure of and for such compensation as determined by the Board of County Commissioners. The County Attorney shall be a member of the Florida Bar with a minimum of five (5) years experience in the practice of law prior to the time of appointment. The County Attorney shall serve as legal advisor to the Board of County Commissioners.

## **Section 2.8 Charter Review Board.**

### **2.8A Composition, Election, and Term of Members.**

There shall be a Charter Review Board composed of ten (10) members, two (2) members from each commission district, who shall serve staggered terms of four (4) years without compensation and who shall be elected county-wide by the voters of Sarasota County at the General Election. Members shall take office on the second Tuesday following the General Election. *(Amended 11/6/1984; 11/8/1988; and 8/31/2004.)*

**2.8B Jurisdiction and Meetings of the Charter Review Board.**

The Charter Review Board shall hold meetings to organize, elect officers, and conduct business during any calendar year. Meetings may be called at the discretion of the Chairman of the Charter Review Board or three (3) other Charter Review Board members. On behalf of the citizens of Sarasota County, the Charter Review Board shall review and recommend changes to the County Charter for improvement of County government. Such recommendations shall be subject to referendum in accordance with the provisions of Article VI\* herein. An affirmative vote of two-thirds (2/3) of the members elected or appointed to the Charter Review Board shall be required to recommend amendments for referendum. The Board of County Commissioners shall pay reasonable expenses of the Charter Review Board. *(Amended 11/6/1984, 11/8/1988, 11/3/1992, and 8/31/2004.)(\* The reference above to Article VI should have been renumbered to Article VII in 1990. Subsequent amendments have included the incorrect reference to Article VI.)*

**2.8C Vacancies on the Charter Review Board.**

Any member of the Charter Review Board who changes his or her permanent residence to an area outside the district from which he or she was elected to represent shall be deemed to have vacated his or her office and position on the Charter Review Board. Except as otherwise provided for herein, vacancies occurring on the Charter Review Board shall be filled in accordance with the Florida Constitution and the general laws of the State of Florida for vacancies in county office. A Board member who is removed from his or her district as a result of redistricting may serve out the balance of his or her term as a representative of his or her former district. *(Amended 8/31/2004.)*

## **ARTICLE III GENERAL PROVISIONS OF HOME RULE**

### **Section 3.1 Powers of [the] Board of County Commissioners.**

All powers of the County are hereby vested in the Board of County Commissioners. The Board of County Commissioners may prescribe by ordinance or resolution the manner in which such powers shall be exercised.

### **Section 3.2 Personnel Administration.**

#### **3.2A Merit System.**

There shall be a merit system for the hiring and retention of employees under the supervision of the County Administrator or designee. *(Amended 9/7/1982 and 8/31/2004.)*

#### **3.2B Employment Policy.**

The merit system shall provide for the qualifications and duties of all positions under the supervision of the County Administrator. The County Administrator or designee shall cause personnel to be employed, compensated, promoted, demoted, transferred or dismissed solely on the basis of merit and qualification and without regard to religious or political affiliation, disability, race, color, gender, or national origin. *(Amended 8/31/2004.)*

### **Section 3.3 Conflict Between County and City Ordinances.**

#### **3.3A**

In the event of a conflict between a municipal ordinance and a County ordinance, except as otherwise provided by this Charter, the municipal ordinance shall prevail within the limits of the municipality. *(Amended 3/13/2007.)*

#### **3.3B**

(1) Subject to sub-section 3.3B(2) below, from and after the effective date of this section the future land use designations contained in the Sarasota County Comprehensive Plan shall control the density and intensity of development on all lands lying outside the Urban Service Area. Urban Service Area shall mean that area delineated on that certain map entitled "Future Land Use

Map of Sarasota County" dated November 2006, which is on file in the official records of the Clerk to the Board of County Commissioners. The Board of County Commissioners must approve all changes to future land use designations of all lands lying outside such Urban Service Area regardless of whether some or all of the lands are located within a municipality. Municipalities shall not have the authority to assign future land use designations to lands lying outside the Urban Service Area. However, a municipality may petition the Board of County Commissioners to change the future land use designation on lands that it has annexed lying outside the Urban Service Area. The Board shall process the petition in the same manner as other comprehensive plan amendments. *(Added 3/13/2007.)*

(2) Sub-section 3.3B(1) shall not apply to municipal lands that have received a Comprehensive Plan future land use designation by a municipality prior to the effective date of this section. Provided, however, if the County and the municipality enter into a Joint Planning Agreement and/or Interlocal Service Boundary Agreement which expressly states that it controls future land use designations on annexed lands lying outside the Urban Service Area, that Agreement shall control with respect to those lands for the duration of the Agreement. *(Added 3/13/2007.)*

(3) The Board of County Commissioners may enact ordinances to implement subsection 3.3B. Municipal ordinances in conflict with subsection 3.3B or in conflict with any county ordinance implementing subsection 3.3B are superseded to the extent of such conflict. *(Added 3/13/2007.)*

### **Section 3.4 Ordinance Procedure.**

Ordinances shall be adopted in the manner prescribed by general law for the adoption of ordinances in non-charter counties. A copy of all ordinances shall be filed with the Office of the Clerk to the Board of County Commissioners.

### **Section 3.5 Ordinance Violations.**

Persons violating County ordinances shall be prosecuted and punished as provided by law.

### **Section 3.6 Construction of Laws.**

The powers granted by this Charter shall be construed liberally in favor of the Charter government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific powers of the government as stated in this Article. It is the intent of this article to grant to the Charter government full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the Charter government. (*Renumbered 8/31/2004.*)

### **Section 3.7 Citizens' Rights to Judicial Relief.**

Should any elected or appointed official fail to carry out his or her respective duties as delineated in this Charter, any citizen of the County shall have the right to seek any appropriate judicial writ from a court of competent jurisdiction. (*Renumbered 8/31/2004.*)

### **Section 3.8 Zoning Disclosure.**

(a) All persons or entities applying for rezoning, special exceptions or variances, shall disclose the true ownership interests in any property sought to be rezoned and shall further disclose the true parties in interest in any corporation, trust, partnership, limited partnership or any legal entity of any type in their zoning application. (*Added 9/1/1992, Amended 3/14/2000.*)

(b) No applications will be accepted by the Sarasota County Planning Commission, or any other County Commission Board relating to zoning or any other form of land use change unless it is presented on official County forms. Forms shall include, but are not limited to, disclosure forms for corporations, trusts, partnerships, limited partnerships, option contracts, contract purchasers, or any other option and shall disclose all owners having any right, title, or interest of any type in the property at issue sought to be rezoned and the disclosure forms shall specifically state each person's or entity's percentage of interest in any entity. Information with regard to disclosures shall be included in public notices of hearings. (*Added 9/1/1992, Amended 3/14/2000.*)

(c) All individuals or entities owning any shares shall be disclosed. Additionally, if a corporation or entity owns shares, the shareholders and principals shall be disclosed. Disclosure shall not be required of any entity whose interests are solely entity

interests which are regularly traded on an established securities market in the United States or another country. The County Administrator shall cause disclosure forms to be promulgated and submitted to the Board of County Commissioners for approval. When completed, the disclosure forms and materials shall be distributed to the County's Planning Commission and the Board of County Commissioners for all zoning cases in which the Board has the final decision or for which jurisdiction has been taken. *(Added 9/1/1992, Amended 3/14/2000.)*

(d) Zoning disclosure for County-initiated applications for rezonings, special exceptions and variances shall consist of identifying those owners listed on the most recent assessment roll used in connection with the taxation of those properties contained within the boundaries of the application. *(Added 9/1/1992, Amended 3/14/2000.)*

(e) Ownership interest includes, but is not limited to, any right, title, or interest of any type, including options, lease options, contingent options, contingent contracts, partnerships, limited partnerships, trusts, land trusts, corporations or any equitable or beneficial interest of any kind. *(Added 9/1/1992)*

(f) The Board of County Commissioners shall provide penalties for violations of this section in addition to any financial or criminal penalty. Additionally, in order that the violator may not benefit by the violations, any rezoning or land use change shall also be rescinded.

*(Added 9/1/1992, and Renumbered 8/31/2004.)*

### **3.9 Siesta Key Beach Road as Public Right of Way.**

The County shall rescind the vacation of, or re-acquire, Beach Road on Siesta Key as it existed on January 1, 2016, and shall not vacate or sell this County-owned road segment(s) or right of way. The County shall provide maximum right of way use of Beach Road for public access, including vehicular use and viewing of waterfront vistas. The County shall make Beach Road accessible to mobility impaired persons. *(Added 11/6/2018.)*

### **3.10 Preserve County-Owned Parks, Preserves, Beach and Water Access and Waterfront Vistas.**

The County shall not sell, and shall retain ownership of, County-owned Parks and Preserves, and shall not vacate or sell County-owned road segments or rights of way along or abutting any beach, river, creek, canal, lake, bay, gulf access or waterfront vista. The County shall encourage maximum right of way use for public access and viewing of waterfront vistas. Whenever feasible, the County shall make these areas accessible to mobility impaired persons. *(Added 11/6/2018.)*

## **ARTICLE IV SOLID WASTE MANAGEMENT**

A mandatory recycling program for all residential and commercial customers of the unincorporated area of Sarasota County shall be provided pursuant to ordinance. *(Added 11/6/1990 and Amended 11/3/1992 and 8/31/2004.)*

## **ARTICLE V FINANCE AND TAXATION**

### **Section 5.1 Special Powers.**

The Board of County Commissioners shall have all powers to accomplish county and municipal purposes within the unincorporated area of the County. Such powers shall include, but not be limited to, the creation of Special Districts, Municipal Service Taxing Units and Municipal Service Benefit Units. Real property situated outside a Special District, Municipal Service Taxing Unit or Municipal Service Benefit Unit shall not be subject to taxation or assessment for services provided by such entity exclusively for the benefit of the property or residents of such Special District, Municipal Service Taxing Unit or Municipal Service Benefit Unit. *(Amended 8/31/2004.)*

### **Section 5.2 Budget.**

#### **5.2A Combined.**

One budget shall contain all fiscal activities of this County government for each fiscal year. *(Renumbered 8/31/2004)*

## **5.2B Preparation and Adoption.**

The proposed budget shall include all fiscal activities of this government and shall be combined into one unified budget for each fiscal year prepared on a uniform basis and given public notice and hearings, except as otherwise provided by general law. *(Renumbered 8/31/2004)*

## **5.2C Sections.**

The budget shall consist of two (2) sections. Section One shall relate to County-wide services and shall contain four (4) parts: Part I, Operating Fund; Part II, Debt Service Fund; Part III, Capital Improvement Fund; and Part IV, Intergovernmental Fund. Section Two shall contain a part for each Special District, Municipal Service Taxing Unit and Municipal Service Benefit Unit. *(Subsection 5.2C Amended 8/31/2004.)*

## **5.2D Bonding Limitations.**

Sarasota County, or any subdivision or instrumentality thereof, shall not issue or cause to be issued, without referendum, any notes, bonds, certificates of participation, or other instruments of indebtedness evidencing borrowing, obligating the County to pay off said indebtedness out of tax revenues of the County, unless the principal indebtedness or obligation evidenced by said instrument issued or caused to be issued prior to October 1, 2003 is in an amount no greater than Seventeen Million Dollars (\$17,000,000.00). Beginning October 1, 2003 and each October 1 thereafter, the amount of the bonding limitation in effect shall be adjusted to reflect the percentage change in the Consumer Price Index (U.S. City Average All Workers) by using the most recent available information for the prior 12-month period. Any issuance of such notes, bonds, certificates of participation or other instrument of indebtedness in a principal amount exceeding that fiscal year's bonding limitation must have prior approval by majority vote at a referendum specifically authorizing the issuance of such an instrument of indebtedness in excess of that year's bonding limitation. For purposes of this section, certificates of participation are obligations evidencing an undivided proportionate interest in rental payments made pursuant to a lease entered into by the County whereby such rental payments made by the County

are payable from the tax revenues of the County. The County may not avoid the requirements hereof by issuing or causing to be issued notes, bonds, certificates of participation or other instruments of indebtedness which reflect a single, simultaneous or concurrent undertaking but which have been divided in such fashion so as to avoid the limitations as herein set forth.

*(Section 5.2 Amended 11/6/1984, 11/8/1994, 3/14/2000, and, 9/10/2002 and Renumbered 8/31/2004.)*

**Section 5.3 Compensation on Fee Basis Forbidden.**

No officer or employee of this government may personally receive compensation for his or her service on a fee basis. (This section shall not apply to services performed by an independent contractor.) *(Renumbered 8/31/2004)*

**Section 5.4 Audit.**

The Board of County Commissioners shall provide for an annual audit of all the fiscal transactions of the County Government by independently certified public accountants. The audit report shall become public record. *(Renumbered 8/31/2004)*

## **ARTICLE VI ELECTIONS AND ELECTED OFFICERS**

### **Section 6.1     Applicability of General Laws.**

The Florida Constitution and all general laws applicable to county electors, candidates, qualifications for elections and elections shall apply to the elections and referenda of the County government.

### **Section 6.2     Votes Required in an Election or Referendum.**

The results of elections and referenda shall be determined by the vote of the majority voting in the election unless otherwise required by the Florida Constitution or by this Charter.

### **6.2A     [Voter Verified Paper Ballot, Mandatory Audits, and Certification of Election Results.]**

Be it enacted by the people of Sarasota County to amend this section as follows: Effective January 1, 2008, the following additional requirements shall apply to voting in all elections of persons or referenda in Sarasota County to ensure accuracy in elections and voter confidence in election results:

(1) Voter Verified Paper Ballot.

(a) No voting system shall be used in Sarasota County that does not provide a voter verified paper ballot. The voter verified paper ballots shall be the true and correct record of the votes cast and shall be the official record for purposes of any audit conducted with respect to any election in which the voting system is used. While votes may be tallied electronically, subject to audit, no electronic record shall be deemed a ballot.

(b) Any electronic voting machine shall allow the voter to correct his or her ballot by rejecting overvoted ballots at the time of voting when voting in person at the polling place.

(2) Mandatory Audits.

In addition to Voting System Audits allowed in F.S. 101.591, the Sarasota County Supervisor of Elections shall provide for mandatory, independent, random audits of the voting system in Sarasota County. These audits shall consist of public observable hand count of the voter verified paper ballots in comparison to the

machine counts. The audits shall be conducted on Election Day or within 24 hours after the closing of the polls, in clear public view, by a reputable, independent and nonpartisan auditing firm. These audits shall be conducted for a minimum of 5% of Sarasota County precincts, for 100% of the ballot issues in the selected precincts; and for a minimum of 5% of the total ballots cast in Early Voting periods, 5% of the total absentee ballots, and 100% of any precinct where there are highly unusual results or events. In addition, audits of 5% of Provisional ballots shall be completed by the 3<sup>rd</sup> day following the election, and audits of 5% of Military and Overseas (UOCAVA\*) ballots shall be completed within 24 hours of a primary election and within 10 days following a general election. The random selection of precincts to be audited shall be made in a physical, non-electronic, public drawing at the Supervisor of Elections Office only AFTER machine tallies from the precincts have been made public. This public drawing shall be made on an entirely random basis using a uniform distribution in which all precincts in the County have an equal chance of being selected. If machine counts are unavailable for any reason, the voter verified paper ballots shall be counted by hand by the independent auditors and recorded as the vote count for that precinct. Immediately upon completion of an audit, the persons conducting the audit shall furnish a copy of the audit to the Supervisor of Elections and the Board of County Commissioners and post the results for public view and copying at the Supervisor of Elections Office. The audit shall be considered a Florida public record pursuant to Florida Statute 119. (*\*Uniformed and Overseas Citizens Absentee Voting Act.*)

### (3) Certification of Election Results.

No election shall be certified until the mandatory audits are complete and any cause for concern about accuracy of results has been resolved. Any discrepancies between machine counts and hand counts greater than 1% or, if less than 1% but sufficient to change the outcome of any measure, shall initiate a comprehensive manual audit of the voter verified paper ballots in all precincts and of all Absentee, Provisional, and Military and Overseas (UOCAVA) ballots. Such comprehensive manual audit shall be completed within 5 days after the election, with the exception of comprehensive audits of Military and Overseas

ballots, which shall be completed within 5 days after a primary election, and within 10 days after a general election. Audits shall be completed by a reputable independent and nonpartisan auditing firm as in (2) above. A copy of these audits shall be retained for public view and copying at the Supervisor of Elections Office in addition to being given to the County Commissioners. These audits shall be considered Florida public records pursuant to Florida Statute 119. *(Added Section 6.2A, 11/7/2006.) (Pursuant to Section 97.0115, Florida Statutes, sub-section 6.2A is preempted by the Florida Election Code and unenforceable.)*

### **Section 6.3 Recall.**

The procedures for the recall of a County Commissioner shall be as set forth in general law. The procedures for the recall of other elected County officers, including, but not limited to, the Sheriff, Supervisor of Elections, Tax Collector, Property Appraiser, and Clerk of [the Circuit] Court shall be the same as those for the recall of a County Commissioner. *(Amended 3/14/2000 and 11/7/2000.)*

### **Section 6.4 Method.**

Ordinances shall prescribe the method of calling special elections and referenda. *(Renumbered 11/6/1990.)*

### **Section 6.5 Elections for County Office.**

As identified herein, county office for which compensation is paid shall be defined to include membership on the Board of County Commissioners, Clerk of the Circuit Court, Property Appraiser, Tax Collector, Supervisor of Elections, and Sheriff. County office for which compensation is not paid is membership on the Charter Review Board. *(Added 11/6/1990; Amended 11/5/1996 and 11/7/2000.)*

**6.5A** No candidate for any county office for which compensation is paid shall accept any contribution from any contributor, including any political committee, as defined by state law, in cash or in kind, in an amount in excess of \$200.00. *(Amended 11/6/1990, 3/14/2000, and 11/7/2000.)*

### **Section 6.6 Enforcement.**

Within sixty (60) days of the adoption of this Article, the Board of County Commissioners shall adopt by ordinance provisions for the enforcement of this Article, including reasonable penalties for any willful violation. *(Amended and Renumbered 3/14/2000.)*

**Section 6.7 Qualification.**

If anyone wishes to qualify for an elected position in Sarasota County that requires residency within a specific district, they must have resided within that district for six (6) months immediately prior to qualification. Anyone who wishes to qualify for a position that does not require residency within a specific district must have been a Sarasota County resident for six (6) months immediately prior to qualification. *(Amended 11/6/1990, renumbered 3/14/2000 and amended 11/7/2000.)*

**ARTICLE VII  
CHARTER REVISION**

**Section 7.1 Petition, Ordinance, Legislature, Charter Review Board.**

A. Changes to this Charter may be proposed by (i) a petition, signed by at least ten percent (10%) of the number of registered voters in Sarasota County; (ii) a special law enacted by the legislature; (iii) an ordinance, or (iv) a recommendation by the Charter Review Board.

B. Changes proposed under subsection A. (i) and filed with the Supervisor of Elections shall be submitted to the voters at a referendum election to [be] held concurrently with the next general election, provided that:

1. the petition has been submitted to the Supervisor of Elections no earlier than January 1 and no later than April 1 of the year the general election is held; and
2. the Supervisor of Elections has certified to the Board of County Commissioners no later than July 1 of the year the general election is held that the signatures submitted have been checked and verified.

The proposed changes, if approved at the election by a majority vote, shall become a part of the Charter. No petition shall be filed with the Supervisor of Elections unless the total number of signatures submitted is equal to or exceeds one hundred percent (100%) of the required number. The Supervisor of Elections shall determine the validity of each signature only after the full petition has been filed. Additional petitions may be submitted to the Supervisor of Elections no later than May 1 of the year of the general election. Signatures must be dated on a date following the most recently held general election to be considered.

C. Changes proposed under subsections A. (ii) or (iii) shall be submitted to the voters at a special election to be held within sixty (60) days after filing of the proposed changes with the Supervisor of Elections, and such changes if approved at the election by the majority vote, shall become a part of this Charter. Changes proposed under subsection A. (iv) and filed with the Supervisor of Elections shall be submitted to the voters at a referendum election to be held concurrently with the next general election, and such changes, if approved at the election by a majority vote, shall become a part of the Charter. *(Amended 9/10/2002 and 11/6/2018.)*

### **Section 7.2 Official Compilation of the Amended Charter.**

The Clerk of the Circuit Court shall be the official record keeper of the County Charter. In that capacity, the Clerk shall prepare and maintain an official compilation of the County Charter, incorporating all adopted amendments thereto, annotated to indicate effective date and other appropriate historical information, and renumbering the Charter sections required to accommodate additions and deletions. The Clerk shall certify the official compilation as a true and accurate copy of the County Charter, as amended, and the Board of County Commissioners shall approve the certified official compilation by resolution. The certified official compilation of the County Charter shall constitute the best evidence of the County Charter and shall be included in the Sarasota County Code. The Clerk shall also maintain a separate index of all charter amendments, including ordinance numbers and dates of referenda. *(Added 9/10/2002.)*

## **ARTICLE VIII TRANSITION AND SEVERABILITY**

### **Section 8.1 Title of Property Reserved to County.**

The title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees, liens, suits, actions and choses in action, held or owned by the County government existing at time of approval of this Charter shall pass to and same hereby are vested in the County government as established by this Charter. *(Renumbered 11/6/90 and Amended 8/31/2004.)*

### **Section 8.2 Obligation of Contracts Preserved.**

No debt or contract of the County government existing at time of approval of this Charter, including bonds heretofore issued, shall be impaired or avoided by this Charter, but all such debts and obligations shall pass to and be binding upon the County government hereby organized and created. *(Renumbered 11/6/90)*

### **Section 8.3 Existing Ordinances Continued.**

All existing ordinances of the County not in conflict with the provisions of this Charter shall continue in effect and unimpaired until repealed, amended, or modified by the County government hereby organized and created. *(Renumbered 11/6/90 and 8/31/2004)*

### **Section 8.4 Severability Clause.**

If any article or any part thereof, or any section or part thereof of this Charter as it now exists or as it may be amended is held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not invalidate or impair the validity, force or effect of any other article or part thereof or any other section or part thereof unless it clearly appears that such other article or part thereof or section or part thereof is wholly or necessarily dependent for its operation upon the article or part thereof or section or part thereof held to be invalid or unconstitutional. *(Renumbered 11/6/90 and 8/31/2004)*



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