Volusia County's Home Rule Charter

ARTICLE I. CREATION OF GOVERNMENT

Section 101. Purpose. We the people of Volusia County, State of Florida, in order to create a more responsible and efficient local government, do in accordance with the Constitution and laws of the State of Florida, ordain and establish as our charter and form of government this charter of Volusia County, Florida. Ch. 70-966, Laws of Florida (Sp. Acts), Art. I, § 101

Section 102. Body Corporate and Politic. Volusia County shall be a body corporate and politic and as such shall have all rights and powers of local self-government which are now, or hereafter may be, provided by the Constitution, laws of Florida and this charter. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. I, ' 102)

Section 103. Name and Boundaries. The corporate name shall be "the County of Volusia," hereafter referred to as the county, which shall be so designated in all actions and proceedings touching its rights, powers, properties and duties. Its seat and boundaries shall be those presently designated by law. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. I, ' 103)

ARTICLE II. POWERS AND DUTIES OF THE COUNTY

Section 201. General. The county, under this charter, shall have all powers and duties prescribed by the Constitution, laws of Florida and this charter, and shall have all powers of local self-government. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. II, ' 201)

Section 202. Special. The county, operating under this charter, shall have all special powers and duties which are not inconsistent with this charter, heretofore granted by law to the board of county commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this charter.

(1) *Tax Millage*. The county shall have all necessary powers to accomplish municipal purposes within special districts. Property situated within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents not within municipal boundaries, nor shall property situated in the county be subject to taxation for services provided by the county exclusively for the benefit of the property or residents within municipal boundaries. To this end, the county council, hereafter referred to as the council, may by ordinance create districts for the purpose of levying ad valorem taxes and special assessments to pay for the furnishing of municipal services, and the tax imposed shall be within the limits of millage set for municipal purposes. Should such services be furnished within a municipality, the total millage levied by the municipality and the county district levy for this municipal purpose shall not exceed the maximum millage set by law for municipal purposes.

(2) *Salaries.* The county shall have the power to fix the salaries of all officers and employees, except as otherwise provided by this charter. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. II, ' 202)

Section 202.1. Transfer of Powers. The council shall by ordinance have the authority to assume and perform all functions and obligations now or hereinafter performed by any municipality, special district or agency whenever such municipality, special district or agency shall request the performance or transfer of the functions to the county. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. II, ' 202.1)

Section 202.2. Security of Citizens' Property Rights. In order to secure to the citizens of the county protection against unlawful taxes, improper use of public property or taxing power, and abuse of the environment, the county shall have the duty to defend and enforce the following rights, and shall have the power to investigate violations of these rights within the county and by ordinance, or by civil or criminal legal action where appropriate, to prevent:

(1) *Imposition of unlawful taxes*. The county shall prevent the imposition of any tax within the county in excess of the limitations imposed by Article VII, Section 9, of the Florida Constitution or by the laws of Florida.

(2) *Improper use of public property or taxing power*. The county shall prevent the use of public property or taxing power for the benefit of private individuals, partnerships or corporations, in violation of the restrictions imposed by Article VII, Section 10, of the Florida Constitution, or by the laws of Florida.

(3) *Abuse of the environment*. The county shall prevent the development or use of land or the commission of other acts by persons, partnerships or corporations which will tend to destroy or have a substantially adverse effect on the environment of the county. Such destruction or adverse effects may include any or all of the following.

(a) Pollution of the air, land or water by foreign substances, including noxious liquids, gases or solid wastes.

(b) Pollution of the air, land or water by the creation of potentially harmful conditions therein, including the creation of unnecessarily injurious heat, noise or odor. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. II, ' 202; Res. No. 86-136, Amend. No. 1, 9-18-86)

Section 202.3. Volusia Growth Management Commission.

There is hereby created the Volusia Growth Management Commission (hereafter commission). The commission shall have the power and the duty to determine the consistency of the municipalities' and the county's comprehensive plans and any amendments thereto with each other. The commission may perform such other directly related duties as the commission from time to time deems necessary.

The determination by the commission shall be binding on the submitting government. No plan, element of a plan, or amendment of a plan adopted after the date this article becomes law shall be valid or effective unless and until such plan, element of a plan, or amendment has been reviewed by the commission and has been certified as consistent. The review of any such determination of the commission shall be by certiorari.

The commission shall be composed of voting and non-voting members. There shall be one voting member from each municipality within the county and five voting members from the unincorporated area of the county. The appointment of each voting representative shall be made by the governing body of each respective jurisdiction. The Volusia County School Board, the St. Johns River Water Management District, and the Volusia County Business Development Corporation shall each designate one non-voting member to serve on the commission. The term of office of the commission members shall be fixed by the Rules of Procedures of the commission but shall not exceed four years.

Each voting member shall have a weighted vote. Each municipality represented shall have a vote equal to the percentage of its population with the overall county population. The unincorporated area representatives' combined vote shall not exceed the percentage of the unincorporated area's population with the overall county's population, and the individual vote of each unincorporated area representative shall be equal to the other. The determination of the weight of each vote shall be determined annually.

Rules of procedure for the commission's consistency review and for the manner in which this section is to be enforced and implemented, and amendments thereto, shall be proposed by the commission and shall not become effective until adopted by ordinance approved by a two-thirds vote of the entire membership of the council.

The commission, by a two-thirds vote, shall adopt an annual budget which may provide for independent staff and which shall be funded by the county. The budget may be amended upon two-thirds vote of the full council. (Res. No. 86-136, Amend. No. 2, 9-18-86; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 202.4. Minimum Standards for Environmental Protection.

The council, after consideration of such advice and comment as may be submitted by the governing bodies of municipalities within the county, shall establish minimum standards, procedures, requirements and regulations for the protection of the environment. Such minimum standards, procedures, requirements and regulations may include, but shall not be limited to, tree protection, aquifer protection, storm water management, waste water management, river and waterway protection, hazardous waste disposal, wetlands protection, beach and dune protection, environmental protection including air pollution, and the protection from destruction of the resources of the county belonging to the general public, and such other environmental standards as the council determines to be necessary for the protection of the public health, safety, and welfare of the citizens throughout Volusia County. The council shall establish such minimum standards, procedures, requirements and regulations shall apply within all the incorporated and unincorporated areas of Volusia County. In the event of a conflict between any standard, procedure, requirement or regulation established by a county ordinance, the county ordinance shall prevail within the municipality to the extent of any conflict; provided, however, the governing body of each municipality may establish more restrictive standards, procedures, requirements or regulations within the municipality for the protection of the environment. (Res. No. 86-136, Amend. No. 3, 9-18-86)

Section 203. Division of Powers. This charter hereby establishes the separation between legislative and administrative functions of this government. The establishment and adoption of policy shall be the responsibility of the council and the execution of that policy shall be the responsibility of the county manager. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. II, ' 203)

Section 204. Construction. 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 power 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. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. II, ' 204)

Section 205. Unified Countywide Beach Regulations.

Section 205.1. The Beach: Public Right of Access and Use. The public has a right of access to the beaches and a right to use the beaches for recreation and other customary purposes. This right of access and use is a public trust, which the council shall by ordinance define, protect, and enforce. Because prohibiting motor vehicle access to the beaches would deny beach use to many, the council shall authorize, as permitted by law, vehicular access to any part of the beach not reasonably accessible from public parking facilities. (Res. No. 86-136, Amend. No. 4, 9-18-86; Res. No. 96-121, Amend. No. 3, 6-20-96)

Section 205.2. Unified Beach Code. The council shall have the power and it shall be its duty to enact an ordinance, to be known as the Unified Beach Code ("code"), comprehensively regulating public health, safety, and welfare on and pertaining to the beach, including, but not limited to, regulation of: individual conduct; pedestrian safety; vehicular access and fees; operation and parking of vehicles on beaches and approaches; and vendors, concessionaires, and special events. (Res. No. 86-136, Amend. No. 4, 9-18-86; Res. No. 96-121, Amend. Nos. 1, 2, 6-20-96)

Section 205.3. Vehicular Access Fees. The council shall have the exclusive power to impose a uniform, reasonable vehicular beach access fee, but no other fee shall be charged for individual beach access or use. Revenues derived from vehicular access fees and all other revenues derived from the beach shall be expended solely for direct beach purposes permitted by law. Directly and by grants to municipalities, the council shall expend such revenues to maintain a uniform level of services responsive to use and demand. (Res. No. 86-136, Amend. No. 4, 9-18-86; renumbered Res. No. 96-121, Amend. No. 2, 6-20-96)

Section 205.4. Delivery of Services on the Beach. No function or power relating to services is transferred from any municipality to the county. The municipalities may continue to deliver any services on their beaches, which shall not be duplicated by the county. However, if authorized by a municipality, the county shall assume, at the county's expense, any municipal beach service. (Res. No. 86-136, Amend. No. 4, 9-18-86; renumbered Res. No. 96-121, Amend. No. 2, 6-20-96)

Section 205.5. Effect of Unified Beach Code. The county shall have jurisdiction over the coastal beaches and approaches as well as exclusive authority to regulate the beaches and public beach access and use. To the extent sovereign immunity has been waived, the county shall assume any governmental liability arising after the code takes effect for claims in areas controlled by the county under this article, including claims alleging failure to warn of dangers, but unless otherwise agreed, the county will not be liable for any act of a municipality. Any ordinance enacted pursuant to this article shall prevail in the event of conflict with a municipal ordinance. (Res. No. 86-136, Amend. No. 4, 9-18-86; renumbered Res. No. 96-121, Amend. No. 2, 6-20-96)

Section 205.6. Definitions of Beach and Approach. "Beach" refers to lands and waters lying seaward of the seawall or line of permanent vegetation and within three miles seaward of the mean low water mark, and "approach" refers to property over which there exists a public right of way by title, dedication, prescription, custom, or otherwise for beach ingress and egress between the beach and the easternmost north-south roadway. All beaches and approaches within and without municipalities are included. (Res. No. 86-136, Amend. No. 4, 9-18-86; renumbered Res. No. 96-121, Amend. No. 2, 6-20-96)

Section 206. School Planning. The county council shall provide no later than September 30, 2007 by ordinance that any county or municipal comprehensive plan amendment or rezoning allowing increased residential density may be effective only if adequate public schools can be timely planned and constructed to serve the projected increase in student population. Any ordinance implementing this section shall respect the constitutional authority of the school district to operate, control, and supervise its public schools. Any ordinance implementing this section shall prevail over conflicting municipal comprehensive plan, ordinance or resolution provisions. (Res. No. 2006-189, 9/21/2006)

ARTICLE III. LEGISLATIVE BRANCH - COUNTY COUNCIL

Section 301. Composition. The council shall be composed of six members and the county chair. There shall be five council districts. Each district shall elect one council member. One council member shall be elected at large.

The county chair shall be elected at large. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, § 301; Res. No. 96-121, Amend. No. 1, 6-20-96; Res. No. 2002-149, § 1, 9-5-02)

Section 301.1. Council Districts. After every decennial census and prior to the next ensuing general election, the council shall prepare a plan for the reapportionment of the five districts to insure division into contiguous territory as nearly equal in population as practicable. The council shall review and adopt the reapportionment plan as an ordinance by a two-thirds vote of the full council. If the council is unable to complete the reapportionment of the council districts within six months after the official publication of the census, the county attorney upon authorization of the council or petition of twenty-five electors of the county shall petition the circuit court having jurisdiction in the county to make such reapportionment. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, § 301.1; Res. No. 96-121, Amend. No. 1, 6-20-96; Res. No. 2002-149, § 1, 9-5-02)

Section 302. Qualifications. The county chair and members of the county council shall be qualified electors of the county, and shall have been residents of the county for two years immediately preceding the date on which they qualify to run for office. The five members elected from districts shall have resided within the district from which they are elected for at least six months prior to the date on which they qualify to run for office. Any such council member who shall move residency from the district from which elected shall thereupon become disqualified to represent said district as council member and the office of the council member shall be deemed vacant. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, § 302; Res. No. 96-121, Amend. No. 1, 6-20-96; Res. No. 2002-149, § 1, 9-5-02)

Section 303. Terms of Office.

Section 303.1. District Council Members. Each council member elected from a district shall be elected for a term of four years. Members from even numbered districts shall be elected in years the numbers of which are multiples of four. Members from odd numbered districts shall be elected in years the numbers of which are not multiples of four. As an exception, at the election following a reapportionment, all districts shall elect council members and the districts not otherwise scheduled herein for election shall elect members for two-year terms. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, § 303.1; Res. No. 96-121, Amend. No. 1, 6-20-96; Res. No. 2002-149, § 1, 9-5-02)

Section 303.2. At Large Council Members. The council member elected at large shall be elected for a term of four years in the years the numbers of which are not multiples of four. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, § 303.2; Res. No. 96-121, Amend. No. 1, 6-20-96; Res. No. 2002-149, § 1, 9-5-02)

Section 303.3 County Chair. The county chair shall be elected for a term of four years in which the numbers are multiples of four. (Res. No. 2002-149, § 1, 9-5-02)

Sec. 303.4. Terms. The term of the county chair or a council member shall begin the first day of January after election. The county chair or a council member shall continue in office after the end of the term until a successor is duly elected and qualified.(Res. No. 2002-149, § 1, 9-5-02)

Sec. 303.5. Limitation of tenure. No person may appear on the ballot for re-election as a district council member, at large council member or county chair if by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years. (Res. No. 2002-149, § 1, 9-5-02)

Sec. 304. Compensation The salary of a council member shall be 50 percent of that prescribed by law for the office of county commissioner. The salary for the county chair shall be 60 percent of that prescribed by law for the office of county commissioner. The salaries shall constitute full compensation for all services and in-county expenses, except that out-of-county expenses, as permitted by law, shall be authorized. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, § 304; Res. No. 84-155, Amend. No. 1, 9-6-84; Res. No. 2002-149, § 1, 9-5-02)

Section 305. Vacancies and Suspensions. Vacancies in the county chair's, any council member's or other elected office under this charter government shall be filled in accordance with the Constitution and laws of Florida. Suspensions from office for cause shall be in accordance with the Constitution of Florida.(Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, § 305; Res. No. 2002-149, § 1, 9-5-02)

Section 306. Meetings and Organization. The organizational meeting of the council shall be held on the first Thursday after the first Monday of January. The council shall provide for the manner, time and place for holding all regular council meetings. The county manager shall prepare and the county chair may supplement an agenda prior to each meeting. Upon the commencement of the meeting, the agenda is subject to action of the council.

(Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, § 306; Res. No. 96-121, Amend. No. 1, 6-20-96; Res. No. 2002-149, § 1, 9-5-02)

Section 306.1. Special Meetings. Special meetings may be held on call of the chair or two (2) or more members of the council. Upon call for a special meeting, the county manager shall give adequate public notice of the time, place and purpose of the meeting in accordance with the procedures established in the administrative code. Action by the council at a special meeting shall be limited to the purpose for which the special meeting was called. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, ' 306.1; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 306.2. Location of Meetings. The council shall meet at the county seat except that it may determine from time to time, the place or places within the county at which the council shall meet for the purpose of conducting its business, provided that notice of the time and place shall be published in a daily newspaper of general circulation in the county at least one (1) week prior to the holding of any such meeting outside the county seat. Such notice shall contain an agenda of all matters to be acted upon. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, ' 306.2; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 307. Powers. The council shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida provided that such powers shall be exercised in a manner consistent with this charter. The council, in addition to the powers and duties provided in this charter, shall have the specific powers and duties to:

(1) Appoint by a two-thirds (2/3) vote of the full council and remove by a majority vote of the full council, the county manager.

(2) Adopt such ordinances as may be necessary to carry out both county and municipal powers and purposes.

(3) Review the budgetary requests including salaries and make the final budgetary determinations and appropriations for all county governmental operations including, but not limited to county management, all administrative departments of the government, the judicial system, adjustment boards and special authorities and tax districts which 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.

(4) Adopt, amend and repeal an administrative code by a two-thirds (2/3) vote of the full council.

(5) In addition to the state audit provided by law, shall cause an annual independent post-audit by a certified public accountant of any and all government operations of the charter government.

(6) Adopt and amend a merit system which shall include a salary schedule for all personnel in accordance with the provisions of this charter.

(7) Adopt by a two-thirds (2/3) vote of the full council such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the council.

(8) The council shall designate which officers and employees shall be bonded and shall fix the amount and approve the form of the bond.

(9) Appoint by a two-thirds (2/3) vote of the full council and remove by a majority vote of the full council, the county attorney. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, ' 307; Res. No. 76-89, Amend. No. 6, 9-16-76; Res. No. 96-121, Amend. No. 4, 6-20-96)

Sec. 307.1 The County Chair. The office of the county chair shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida provided that such powers shall be exercised in a manner consistent with this charter. The county chair, in addition to the powers and duties provided by this charter, shall have the specific powers and duties to:

- Serve as the official and ceremonial representative of the government
- Issue proclamations on behalf of the government, which shall be reported to the county council upon issuance.
- Preside as chair of and in all other respects participate in the meetings of the county council and have an equal vote on all questions coming before it.
- Execute ordinances, resolutions and other authorized documents of the government
- Serve ex-officio as the county government's representative, and appoint others to serve in the county chair's stead, on other bodies external to county government
- Serve as the county council representative, and appoint county council members to serve in the county chair's stead, on other bodies internal to county government

The county council shall elect at its first meeting in January a council member to serve at its pleasure for a one-year term as vice chair of the county council to preside in the temporary absence, disqualification or disability of the county chair at county council meetings and perform other duties assigned by the county chair
(Res. No. 2002-149, § 1, 9-5-02)

Sec. 307.2 Annual Report. The county chair shall report annually to the county council and residents the activities of county government for the previous year and the status of accomplishment of existing goals and objectives. The report shall set forth new and revised goals and objectives for future action. Subsequently, the county council shall meet to consider adoption of a plan of action for implementation of the goals and objectives.

Transition Provision - 2004 Election. At the election of 2004, the voters shall choose council members from districts 2 and 4 for 4-year terms, council members from districts 1, 3 and 5 for 2-year terms and a county chair for a 4-year term. The terms shall commence January 1, 2005. The council member elected at large whose 4-year term commences January 1, 2003, shall continue in office for the remainder of the term. This transition provision shall be repealed and deleted from the charter January 1, 2005. (Res. No. 2002-149, § 1, 9-5-02)

Section II: Referendum Question

A referendum shall be conducted at the November 5, 2002, general election to consider the adoption of the foregoing amendment to the County Charter. The caption and question to be considered by the electors shall be in substantially the following form:

Elected County Chair and 4 year County Council terms.

Shall the County Council be composed of an office of County Chair elected by the voters, 5 district members and one at large member elected for 4 year terms?

Section III: Should any part of the charter amendment in Section I above be adjudicated to be unconstitutional or invalid it shall not affect the effectiveness of the other parts of the amendment.

Section IV: A referendum election is hereby called and shall be held on Tuesday, Nov. 5, 2002, within Volusia County, FL, for the electors therein to have an opportunity to vote upon the proposed charter amendment as set forth above.

Section V: That the County Manager, as Clerk of the County Council, shall cause to have printed and published in a newspaper of general circulation within Volusia County, Florida, notice of said referendum election, the publication of which shall be as required by law and which notice shall include the exact language of the proposed amendment.

Section VI: That the election shall be held, supervised, conducted and the returns thereof tabulated, counted and recorded, in conjunction with the general election and in accordance with law and the resolutions of the County Council of Volusia County, Florida.

Section VII: That this resolution shall take effect immediately upon its adoption.

Section 308. Legislative Procedures. The council may take official action only by the adoption of ordinances, resolutions or motions. Except as otherwise provided by this charter, all ordinances, resolutions or motions shall be adopted by majority vote in accordance with the provisions of the Constitution and laws of Florida. A majority of the full council shall constitute a quorum and shall be required to adopt, amend or repeal any ordinance. A majority of those present shall be required to adopt, amend or repeal a resolution or motion under the terms of this provision. All members in attendance, including the chairman or presiding officer, shall vote on all council actions. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, ' 308)

Section 308.1 Code of Ordinances. The council shall provide for the authentication and recording in full, in a properly indexed book kept for the purpose, of all minutes of meetings, ordinances and resolutions adopted by the council and the same shall, at all times, be a public record. The council shall further maintain a current codification of all ordinances. Such codification shall be published and made available for distribution on a continuing basis. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, ' 308.1)

Section 309. Investigations. Pursuant to powers granted by this charter, the council may make investigation into the affairs of the county governmental operations, and for this purpose the council shall cause subpoenas to be issued for witnesses, administer oaths, take testimony and require the production of evidence before the council in session. Any person who fails or refuses to obey such subpoena issued in the exercise of those powers by the council, shall be guilty of a misdemeanor upon conviction and punished according to law. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, ' 309)

ARTICLE IIIA. COUNTY ATTORNEY

Section IIIA.1. County Attorney. There shall be a county attorney who shall be appointed by the council and who shall serve at the direction and pleasure of the council. The county attorney shall be chosen on the basis of professional training, experience and qualifications. The county attorney shall maintain residence within the county during the period of tenure of office and shall not engage in any other business or occupation.

Section IIIA.2. Compensation. The council shall establish the salary for the county attorney at a level which is commensurate with the requirements of the position and shall at least annually review the salary.

Section IIIA.3. Temporary Absence. The county attorney may, subject to the approval of the council, appoint one of the assistant county attorneys to serve as the county attorney in the county attorney's absence. (Res. No. 96-121, Amend. No. 4, 6-20-96)

ARTICLE IV. ADMINISTRATIVE BRANCH - COUNTY MANAGEMENT

Section 401. County Manager. There shall be a county manager who shall be appointed by the council and who shall serve at the pleasure of the council. The county manager shall be chosen on the basis of professional training, executive and administrative experience and qualifications. The manager shall maintain residency within the county during the period of tenure of office and shall not engage in any other business or occupation. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. III, ' 301; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 402. Compensation. The council shall establish the salary for the county manager at a level which is commensurate with the requirements of the position and shall at least annually review the salary. (Ch.70-966, Laws of Florida (Sp. Acts), Art. IV, ' 402)

Section 403. Powers. The county manager shall be head of the administrative branch of county government, serve as clerk to the council and shall be responsible to the council for the proper administration of all affairs of the county. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. IV, ' 403)

Section 404. Non-Interference by County Council. Except for the purposes of inquiry and information, the council and committees or members thereof are expressly prohibited from interfering with the performance of the duties of any employee of the county government who is under the direct or indirect supervision of the county manager. Such action shall be malfeasance within the meaning of Article IV, Section 7 (a) of the Florida Constitution . (Ch. 70-966, Laws of Florida (Sp. Acts), Art. IV, ' 404)

Section 405. Temporary Absence. The county manager may, subject to the approval of the council, appoint one of the other officers or department heads of the county government to serve as county manager in the manager's absence. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. IX, ' 405; Res. No. 96-121, Amend. No. 1, 6-20-96)

ARTICLE V. JUDICIAL SYSTEM

Section 501. Duties of the County Council in Respect to Courts. The council shall have the powers and duties with respect to the various courts of the State of Florida provided by the Constitution and laws of Florida and this charter. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. V, ' 502; Res. No. 76-89, Amend. No. 7, 9-16-76; renumbered, Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 502. Judicial Offices. The office of the clerk of the circuit court and all other offices of the various courts of the county shall continue, and all laws applicable thereto shall continue in full force and effect except as herein expressly provided to the contrary. The clerk shall qualify, be nominated, elected and serve as is provided by the Constitution and laws of Florida. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. V, ' 503; renumbered, Res. No. 96-121, Amend. No. 1, 6-20-96)

ARTICLE VI. ADMINISTRATIVE DEPARTMENTS OF THE GOVERNMENT

Section 601. Initial Departments. The following initial departments are hereby established for the charter government:

(1) Department of Central Services.
(2) Department of Finance.
(3) Department of Public Safety.
(4) Department of Public Works.
(5) Department of Public Services.
(6) Department of Social Services.
(7) Department of Planning and Development.
(8) Department of Property Appraisal.

(9) Department of Elections.
(10) Department of Legal Services. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. VI, ' 601; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 601.1. Functions and Duties of Departments Receiving Powers of Former Constitutional Officers.

(1) *Department of Finance*: The department of finance shall be responsible for the administration of all financial affairs of the charter government and such other duties provided by this charter.

(a) The office of tax collector is hereby abolished and all functions and duties of that office now prescribed by the Constitution and the laws of Florida are hereby transferred to the department of finance.

(b) All fiscal functions and duties now prescribed by the Constitution and laws of Florida for the office of the clerk of the circuit court which relate to the clerk's duties as ex officio to the board of county commissioners and auditor and custodian of all county funds are hereby transferred to the department of finance.

(2) *Department of Public Safety*: The department of public safety shall be responsible for the control, operation and administration of the duties of law enforcement and such other duties provided by this charter. All functions and duties now prescribed by the Constitution and laws of Florida for the office of sheriff are hereby transferred to the department of public safety, and the constitutional office shall thereupon be terminated, further providing that all functions relating to corrections and rehabilitation, the county prison farm, the Volusia County jail and all other similar facilities shall be transferred to the department of corrections.

(3) *Department of Property Appraisal*: The department of property appraisal shall be responsible for carrying out all functions, duties and requirements prescribed by the Constitution and laws of Florida for the office of property appraiser (tax assessor) and all such functions and duties are hereby transferred to this department and the constitutional office shall thereupon be terminated. In addition, the department of property appraisal shall perform a continuing review of the assessment and exemption of all real and personal property within the county sufficient to permit the annual presentation of a tax equalization study and report for the board of tax adjustment (board of equalization). Further, the department of property appraisal shall perform such other functions as may be prescribed by this charter or the council.

(4) *Department of Elections*: The department of elections shall be responsible for carrying out all functions, duties and requirements prescribed by the Constitution and laws of Florida for the office of supervisor of elections and all such functions and duties are hereby transferred to this department and the constitutional office shall thereupon be terminated.

(5) *Department of Central Services*: The department of central services shall be responsible for control and operation of personnel, motor pool, clerical and records, purchasing, data processing and building maintenance divisions and such other duties as provided by this charter or the council. All functions and duties now prescribed by the Constitution and laws of Florida for the office of the clerk of the circuit court which related to the duties as ex-officio clerk to the board of county commissioners and keeper of the official minutes to the board of county commissioners, are hereby transferred to the department of central services. All functions and services of the department of central services shall be provided to all departments and operations of the charter government, and all departments and operations of the charter government shall be required to utilize the services provided by the department of central services unless exceptions are specifically approved in each case by the county manager.

(6) *Department of Corrections*: There shall be a department of corrections which shall be responsible for the exercise of administrative supervision and control and have all functions, duties and responsibilities over matters relating to corrections and rehabilitation, the county prison farm, and the Volusia County jail. The department of corrections also shall be responsible for and shall exercise administrative supervision and control over all facilities, programs and services consistent with the laws of the State of Florida; and that the various department divisions shall be provided by county ordinance. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. VI, ' 601.1; Res. No. 76-89, Amend. Nos. 3, 8, 9-16-76; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 601.2 Department of Legal Services. The county attorney shall be the director of the department of legal services and may hire licensed attorney assistants to perform the duties of the department. All such attorneys shall devote their entire practice to the representation of the county charter government. They shall represent the county charter government, the county council, the county manager and the elected and appointed department heads as county officers, all other departments and divisions of county government and all adjustment, regulatory and advisory boards in all legal matters affecting the county government. Special attorneys and experts shall be

employed only when required in specific matters upon the recommendation of the county attorney and approved as a budgetary expenditure in the best interests of the county. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. VI ' 601.2)

Section 602. Department Directors. The director of each department shall be the principal officer of the department and responsible for all its operations and such division heads as may be necessary. Each director and division head except as otherwise provided in this charter shall be appointed by the county manager subject to confirmation by the council and shall serve at the pleasure of the county manager. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. VI ' 602)

Section 602.1. Election of Directors. The directors of the following departments shall be elected every four (4) years at the general election:

(1) The sheriff, who shall serve as the director of the department of public safety.

(2) The supervisor of elections, who shall serve as the director of the department of elections.

(3) The property appraiser, who shall serve as the director of the department of property appraisal. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. VI, ' 602.1; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 603. Changes in Departments. Changes shall be made in departments headed by elected directors only by amendment of this charter. In all other cases, the county council may by ordinance make changes in any or all department organizations including combinations, deletions and creation of departments or divisions or transfer of responsibility between departments and divisions.

(Ch. 70-966, Laws of Florida (Sp. Acts), Art. VI ' 603)

Section 604. Administrative Code. The county manager shall prepare the initial administrative code which shall set forth the department organization of the government and the nature and scope of each department together with all required rules and procedures for the operation of said departments. The administrative code shall then be submitted to the council for review, amendment and adoption. The council shall adopt the code within three (3) months of the date submitted. If not adopted within three (3) months, the code as originally prepared by the county manager shall be considered approved and shall remain in force until such time as it may be formally amended by the council. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. VI, ' 604)

ARTICLE VII. ADJUSTMENT, REGULATORY AND ADVISORY BOARDS

Section 701. Initial Boards. The council may create by ordinance, specifying the duties and membership thereof, such adjustment, regulatory and advisory boards as it finds necessary. Members of these boards shall serve without compensation, except for necessary expenses approved by the council. All such boards shall be part of the charter government and shall utilize the services of the department of central services and the department of legal services. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. VII, ' 701)

ARTICLE VIII. SCHOOL SYSTEM

Section 801. Relation to the Charter Government. All those functions now performed by the board of county commissioners, the tax assessor and tax collector for the district school board after the effective date of this charter, shall be performed by the appropriate department or division of the charter government. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. VIII, ' 801)

ARTICLE IX. ELECTIONS

Section 901. Commencement of Terms.

Section 901.1. Election Procedures.

(1) Except as otherwise provided by this charter, elections for county council members shall be held at the time of the general election in every even year.

(2) Except as otherwise provided by this charter, candidates for county offices shall qualify in accordance with the laws of Florida.

(3) In the event that more than two candidates have qualified for any single seat under the chartered government, a primary election shall be held at the time of the first state primary election prior to the general election and providing no candidate receives a majority of the votes cast, the two candidates receiving the highest vote shall be placed on the ballot for election at the time of the general election. (Ch. 70-967, Laws of Florida (Sp. Acts), ' 1)

Editor's note - Subsection 3 was added to ' 901.1 by Ch. 70-967, Laws of Florida (Sp. Acts), ' 1, which was approved at a referendum election held July 1, 1970.

Section 902. Canvassing Board. In all elections there shall be a canvassing board composed of the supervisor of elections, the chair of the county council and a county judge or their alternates as provided by general law. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. IX, ' 902; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 903. Conduct of elections. All elections shall be held and conducted pursuant to the provisions of the laws of Florida, except as otherwise provided in this charter. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. IX, ' 903)

Section 904. Nonpartisan Elections. Elections for all offices shall be on a non-partisan basis. No candidates shall be required to pay any party assessment or be required to state the party of which they are a member or the manner in which they voted or will vote in any election. All candidates names shall be placed on the ballot without reference to political party affiliation. School board members elected after January 1, 1995 shall be elected on a nonpartisan basis in the manner provided in Section 901.1(3) of the charter. (Ch.70-967, Laws of Florida (Sp. Acts), ' 2, which was approved at a referendum election held July 1, 1970; Res. No. 94-224, 9-15-94)

Editor's note - Resolution No. 94-224 proposed an amendment approved by the voters for nonpartisan election of school board members. The amendment was upheld by the district court of appeal in *County of Volusia v. Quinn*, 700 So.2d 474 (Fla. 5th DCA 1997), which reversed a circuit court decision that had declared the amendment invalid. During the pending of the litigation, the legislature adopted two special acts which ratified the referendum election on the amendment. Chapter 97-338, Laws of Florida (Sp. Acts) provides for nonpartisan election, but makes no reference to the charter. Chapter 97-353, Laws of Florida (Sp. Acts) is in a form a charter amendment, but deletes the sentence: "All candidates names shall be placed on the ballot without reference to party affiliation." This omission had not been approved by the voters in the referendum which the act ratified. Accordingly, the sentence is not deleted from the text here.

ARTICLE X. PERSONNEL ADMINISTRATION

Section 1001. Merit System. There shall be a merit system for the employees of the charter government. The council shall enact such ordinances as may be necessary to fully implement the merit system. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1001)

Section 1002. Employment Policy. The merit system shall provide for the qualifications and shall through the personnel department, under the direction of the personnel director, certify personnel for employment, promotion, demotion, transferral, dismissal and compensation, solely on the basis of merit and qualification without regard to religion, political affiliations, race, color, sex, national origin or any other circumstances other than merit and qualification. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1002; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1003. Personnel Board.

Section 1003.1. Appointment - Removal. There shall be a personnel board consisting of five (5) members who shall be appointed by the council. The personnel board shall designate its own chair and vice chair at least every two (2) years from the date of its first appointment. Members of the personnel board shall serve for a term of six (6) years, except that of the members first appointed, one (1) shall be appointed to serve for six (6) years and two (2) for four (4) years and two (2) for two (2) years. Vacancies in an unexpired term shall be filled by the council by appointment for the remainder of the term. A member of the personnel board may be removed by the council by a two-thirds (2/3) vote, only for cause and after being given a written statement of the charges against the member and in a public hearing thereof, if the member so requests. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1003.1; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1003.2. Qualifications. Each member of the personnel board shall be a qualified elector of the county, shall be known to be in sympathy with the merit principle as applied to the merit system, shall neither hold nor be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1003.2)

Section 1003.3. Powers and Duties. The personnel board shall have all of the powers and duties as described in the merit system rules and regulations as adopted by the council. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1003.3)

Section 1004. Personnel director.

Section 1004.1. Qualifications. The personnel director shall be chosen on the basis of professional training and experience in personnel administration. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1004.1; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1004.2. Powers and Duties. The personnel director shall have all of the powers and duties as described in the merit system rules and regulations as adopted by the council. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1004.2)

Section 1005. Unclassified and Classified Service. The merit system shall provide for the employment of qualified personnel and shall include all necessary provisions to insure protection to both employees and employer. Said system shall have two (2) basic divisions, those being:

(1) The unclassified service shall comprise the following offices and positions:

(a) Elected officials and persons appointed to fill vacancies in elected offices.

(b) The county manager.

(c) Aides to the county manager, in the operation of his immediate office.

(d) The director of administrative departments appointed by the county manager.

(e) One aide, appointed by the director, for each of the administrative departments.

(f) Members of advisory boards, commissions and committees appointed by the council or county manager.

(g) Persons employed in casual employment for brief periods, but not in excess of ninety (90) days because of temporary increase in volume of work or emergency conditions. The authority to extend a temporary period of employment shall be approved by the personnel board in increments of ninety (90) days.

(h) Persons under contract to conduct special studies or perform special surveys or services.

(i) Attorneys, physicians and dentists.

(j) And such other managerial positions as shall be determined by the personnel board.

(2) The classified service shall comprise all positions not specifically included by this section.

(3) The determination of the personnel board shall be final as to whether offices and positions are under classified service. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1005; Res. No. 76-89, Amend. No. 4, 9-16-76)

Section 1006. Personnel Review. Any person covered by the merit system shall be entitled to request a review by the personnel board of any action taken by the administration of the charter government pertaining to such person's employment or employment rights established under the rules and regulations of the merit system. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1006; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1007. Employee Representatives. Classified service employees as provided in the administrative code may elect annually, representatives who may attend the personnel board meetings to bring to the attention of the personnel board complaints, requests and considerations of the employees. (Ch. 70-966, Laws of Florida (Sp. Acts), Art X, ' 1007)

Section 1008. Oaths. For the purpose of the administration of the personnel provisions of this charter, any member of the personnel board shall have the power to administer oaths. (Ch. 70-966, Laws of Florida (Sp. Acts), Art X, ' 1008; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1009. Amendment to Rules and Regulations. A two-thirds (2/3) vote of the full council shall be required to amend the rules and regulations of the merit system. (Ch. 70. 966, Laws of Florida (Sp. Acts), Art. X, ' 1009)

Section 1010. Retirement System. All officers and employees of the charter government shall be covered by the "State and County Officers Retirement System" as provided by law. **(**Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1010**)**

Section 1011. Adoption of Merit System. The county manager shall be responsible for the preparation and presentation to the council of the proposed merit system complete with classification, pay plan or amendments thereto. The initial proposal shall be presented prior to the adoption of the first budget by the charter government. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. X, ' 1011)

ARTICLE XI. FINANCE

Section 1101. Fiscal Year. The fiscal year of the charter government shall begin on the first day of October of each year and shall end on the following thirtieth day of September. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XI, ' 1101)

Section 1102. General. All county operations shall operate under a unified and uniform budget system. All fees collected by officers and employees of the county shall be deposited in the county treasury and all officers and

employees of the county shall be compensated by salaries, and no officer or employee of the county shall be compensated by fees. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XI, ' 1102)

Section 1103. Budgets.

Section 1103.1. Detail. Each county operation, pursuant to the budget call, shall submit to the finance department a detailed budget as may be required for the ensuing year's operation, plus such additional information as may be required by the director of finance. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XI, ' 1103.1)

Section 1103.2. Total. The director of finance under the supervision of the county manager shall prepare a budget call, compile all budget requests, prepare a tentative budget with comparative analysis from past years and submit the same to the council for final determination and approval. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XI, ' 1103.2)

Section 1103.3. Review. The council shall review the tentative budget as submitted by the county manager, together with the manager's recommendations and shall make such additions, deletions or changes as may be necessary to insure the proper funding of all operations of county government. The council shall take action to insure that the total budget provides sufficient funds on an annual basis for all agencies and departments to carry out their duties and functions as provided by the Constitution, laws of Florida and this charter. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XI, 1103.3)

Section 1103.4. Reduction of Millage. In the event that the council shall determine that the millage to be levied for county purposes in any year will be such that said millage together with all special district millages subject to the millage limitation fixed by Article VII, Section 9 of the Florida Constitution for county purposes will exceed that limitation, then the council shall have the power to reduce the millage requested by any or all of such districts after a public hearing so that the total shall not exceed the maximum millage for county purposes. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XI, ' 1103.4)

Section 1104. Bonds.

Section 1104.1. Outstanding Bonds. All outstanding bonds issued by former governments including the board of county commissioners of Volusia County and all special districts or authorities abolished or altered by this charter are obligations of the county government; however, 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 become effective. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XI, ' 1104.1)

Section 1104.2. Authority to Issue. The charter government shall have the authority to issue any bonds, certificate of indebtedness or any form of tax anticipation certificates authorized by the Constitution which cities, counties or districts are empowered by law to issue. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XI, ' 1104.2)

Section 1104.3. Bond Administration. The charter government shall have the necessary authority to administer the collection of funds and the payments of amounts due on any bonds. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XI, ' 1104.4; renumbered Res. No. 96-121, Amend. No. 1, 6-20-96)

ARTICLE XII. CODE OF ETHICS

Section 1201. Generally. The code of ethics as provided by general law shall have full effect on all employees and office holders under the charter government. Penalty for violation shall be provided by ordinance or as otherwise provided by general law. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XII; Res. No. 96-121, Amend. No. 1, 6-20-96)

ARTICLE XIII. MISCELLANEOUS PROVISIONS

Section 1301. Effective Date. This charter shall become law when approved by a majority of those electors voting on the matter in a special election to be held in the county under the provisions of the Constitution and laws of Florida. The charter government shall assume all powers and duties provided by this charter and not assumed under the provisions of Article XV of this charter on the first day of January, 1971, the effective date of this charter.

(Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, § 1301)

Section 1302. Amendment.

Section 1302.1. Amendment by Council. The council, by a two-thirds (2/3) vote of its full membership, shall have the authority to propose amendments to this charter. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, ' 1302.1)

Section 1302.2. Amendment by Petition. Amendments to this charter may be proposed by a petition signed by at least five (5) percent of the electors from each council district of the county. Any such petition shall be filed with

the county manager and shall be executed and validated or invalidated by the supervisor of elections. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, ' 1302.2)

Section 1302.3. Amendment Referendum. Any such amendment as proposed in section 1302.1 or 1302.2 shall be subject to referendum and notice of said referendum, together with the exact language of the proposed amendment, shall be published twice in a newspaper of general circulation in the county at least thirty (30) days prior to the referendum at the next general election. Passage of proposed amendments shall require approval of a majority of electors voting in said election. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, ' 1302.3)

Section 1303. Charter Review. The charter review commission shall consist of the same number of persons and shall be appointed in the same manner as shall be provided by general law for the appointment of charter commissions in counties without charters. The commission shall be appointed at least once every ten (10) years to review the charter and ordinances of the county. The commission shall be appointed not more than eighteen (18) months prior to the next succeeding general election. The commission shall be funded by the council and shall be known as the "county charter review commission." It shall, within one (1) year from the date of its first meeting, present to the council any recommendations for amendment of the charter. After receipt of the charter review commission's recommendations, the council shall conduct a series of not less than three (3) public hearings on the recommended changes to the charter and shall thereafter schedule a referendum on the proposed charter amendment at the next general election.

Section 1304. Effect on Local Laws. All existing laws, ordinances, regulations and resolutions of the county shall remain operative except where inconsistent or in direct conflict with this charter. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, ' 1304)

Section 1305. Conflict of County Ordinances with Municipal Ordinances. Except as otherwise provided by this charter, any county ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict, regardless of whether such municipal ordinance was adopted or enacted before or after the county ordinance. In the event a county ordinance and a municipal ordinance shall cover the same subject matter without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, ' 1305; Res. No. 86-136, Amend. No. 3, 9-18-86; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1306. Legal Actions Involving the County. In any legal action by or against the county, its departments, or officers or employees of their office or employment for the county, the county as a corporate body shall be the party named and shall appear and participate in the cause on behalf of the department, officer or employee in such cause. Wherever the tax collector, tax assessor, supervisor of elections, board of county commissioners or sheriff may or shall be parties to any legal action, the county shall be substituted as such defendant. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII ' 1306)

Section 1307. Political Activities. County officers and employees (except elected officers and members of the adjustment, advisory and regulatory boards) may participate in political campaigns only during off-duty hours and to the extent provided by general law. No leave of absence shall be granted to any person for the purpose of participating in any political campaign. All such persons shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, ' 1307; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1308. Construction of Act. If any part of this act is held invalid, the remainder thereof shall remain in full force and effect. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, ' 1308; Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1309. Ineligibility for Appointment. No council member during the term for which elected or appointed, or for one (1) year thereafter, shall be eligible for appointment to any office, position or employment in the charter government which carries compensation. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, ' 1310; renumbered Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1310. Voting Regulations. The number of members, or votes necessary to satisfy any required fractional proportion of membership, or votes for the purpose of establishing a quorum, or taking any action of the council or other board or body of county government, shall mean that whole number of members or votes which incorporates any fractional portion of a vote or members. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIII, ' 1311; renumbered Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1311. Repeal. (Res. No. 96-121, Amend. No. 1, 6-20-96)

Section 1311.1. Petition. The Volusia County charter may be repealed in the following manner:
(1) By filing with the county manager a petition to the county council requesting the repeal of the Volusia County charter and that a charter repeal commission be appointed in accordance with section 1311.2 of this charter; and signed by such number of registered electors of Volusia County as shall represent among such signers all of the following:
(a) Fifteen percent (15%) of the electors of Volusia County, Florida as of the date of the filing of the petition.
(b) Fifteen percent (15%) of the electors residing in each of such numbers of the voting precincts of Volusia County as shall together be the residence of not less than a majority of the registered electors of Volusia County as of the date of the filing of the petition.
(2) This petition shall be validated or invalidated by the department of elections pursuant to the general law for validating initiative petitions and the results certified to the county council by the director of that department.
(Res. No. 76-89, Amend. No. 1, 9-16-76; Res. No. 96-121, Amend. No. 1, 6-20-96)
Section 1311.2. Volusia County Charter Repeal Commission. The Volusia County charter repeal commission shall be appointed by the Volusia County legislative delegation in the same number and manner as shall be provided by general law for the appointment of charter commissions in counties without charters. The commission shall be appointed not more than eighteen (18) months prior to the next succeeding general election. The commission shall be funded by the council and shall be known as the "county charter repeal commission." It shall, within one (1) year from the date of its first meeting, present to the council any recommendations for a new form of government, including a transition procedure from the charter form of government to the new government in the event voters decide to repeal the charter in an election called for that purpose. After receipt of the charter repeal commission's recommendations, the council shall conduct a series of not less than three (3) public hearings on the recommendations and shall thereafter submit the recommendations to the legislative delegation for the purpose of seeking legislative approval of a referendum on the proposals of the charter repeal commission at the next general election. (Res. No. 76-89, Amend. No. 1, 9-16-76; Res. No. 96-121, Amend. No. 1, 6-20-96)
Section 1311.3. Repeal Referendum. The legislative act approved by the legislature of the State of Florida calling a referendum on the proposals of the charter repeal commission shall contain all the provisions necessary to specify the language which shall appear on the ballot and all transitional provisions necessary for the implementation of those recommendations.
At such a referendum, a majority vote against the recommendations of the charter repeal commission shall prevent the appointment of a charter repeal commission from being considered by the county council or the legislative delegation again for a period of two (2) years from the date of the referendum on the recommendation of the repeal commission. (Res. No. 76-89, Amend. No. 1, 9-16-76; Res. No. 96-121, Amend. No. 1, 6-20-96)
Section 1313. Water Policy Review Commission. Given the critical interest in protecting water resources for Volusia County citizens, the formation of the Volusian Water Alliance and the designation of significant portions of Volusia county as a water resource caution area by the St. Johns River Water Management District, the county council shall convene and fund a water policy review commission no later than May 1, 2001. The commission shall have the power and the duty to:
(1) evaluate the progress of the Volusian Water Alliance or successors thereto;
(2) evaluate the status of applicable water plans, with specific attention to the following, but not limited to, aquifer protection, minimum flows and levels, water recharge, wellfield management and alternative water supply planning; and
(3) propose amendments to the charter, as needed, to ensure that an adequate supply of affordable, potable and sustainable water will be available to all citizens within the county. The commission may perform only those functions directly related to the issue of water policy in Volusia County.
The commission shall be composed of a minimum of seven (7) and a maximum of fifteen (15) members to be selected by the council.
The commission shall hold an organizational meeting on or before June 30, 2001. The commission shall issue a report to the county council on or before June 30, 2002 with recommendations for any action to be taken by the council or any recommendations for amendment to the charter. After receipt of any recommendations to amend the charter, the council shall conduct not less than three (3) public hearings on the recommended changes to the charter and shall thereafter schedule a referendum on the proposed charter amendment at the next general

election. At the conclusion of the general election in 2002, the commission shall no longer have any authority through the charter. This section shall stand repealed at such time. (Res. No. 96-121, Amend. No. 6, 6-20-96)

ARTICLE XIV SPECIAL TAX DISTRICTS AND AUTHORITIES

Section 1401. East Volusia Navigation District. The functions, duties and obligations of the East Volusia Navigation District as provided in Chapter 37-18967, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1401)

Section 1402. Halifax Area Research Commission. The functions, responsibilities, duties and obligations of the Halifax Area Research Commission as provided in Chapter 59-1950, Laws of Florida as amended are hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1402)

Section 1403. Halifax Drainage District. The functions, responsibilities, duties and obligations of the Halifax Drainage District as provided in Chapter 19-7968, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1403).

Section 1404. Halifax River Waterways Improvement District. The functions, responsibilities, duties and obligations of the Halifax River Waterways Improvement District as provided in Chapter 53-29596, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1404)

Section 1405. Lake Ashby Drainage District. The functions, responsibilities, duties and obligations of the Lake Ashby Drainage District as provided in Chapter 18-7760, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1405)

Section 1406. New Smyrna Inlet District. The functions, responsibilities, duties and obligations of the New Smyrna Inlet District as provided in Chapter 25-10448, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1406)

Section 1407. North Ormond Drainage District. The functions, responsibilities, duties and obligations of the North Ormond Drainage District as provided in Chapter 27-12107, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1407)

Section 1408. Northeast Volusia Development Authority. The functions, responsibilities, duties and obligations of the Northeast Volusia Development Authority as provided in Chapter 61-02977, Laws of Florida are hereby transferred and vested in the charter government and said authority shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1408)

Section 1409. South County Drainage District. The functions, responsibilities, duties and obligations of the South County Drainage District as provided in Chapter 67-1022, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1409)

Section 1410. Turnbull Hammock Drainage District. The functions, responsibilities, duties and obligations of the Turnbull Hammock Drainage District as provided in Chapter 17-7611, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1410)

Section 1411. Volusia County Sanitary District. The functions, responsibilities, duties and obligations of the Volusia County Sanitary District as provided in Chapter 53-29587, Laws of Florida are hereby transferred and vested. in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1411)

Section 1412. Volusia County Water and Sewer District. The functions, responsibilities, duties and obligations of the Volusia County Water and Sewer District as provided in Chapter 59-1951, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1412)

Section 1413. Volusia County Water . District. The functions, responsibilities, duties and obligations of the Volusia County Water District as provided in Chapter 51-27960, Laws of Florida are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1413)

Section 1414. Water Conservation and Control Authority. The functions, responsibilities, duties and obligations of the Water Conservation and Control Authority as provided in Chapter 63-1019, Laws of Florida are hereby transferred and vested in the charter government and said authority shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1414)

Section 1415. Daytona Beach Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Daytona Beach Special Road and Bridge District as provided in Chapter 25-11783, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1415)

Section 1416. DeLand-Lake Helen Special Road and Bridge District. The functions, responsibilities, duties and obligations of the DeLand-Lake Helen Special Road and Bridge District as provided in Chapter 25-11275, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1416)

Section 1417. DeLeon Springs-Glenwood Special Road and Bridge District. The functions, responsibilities, duties and obligations of the DeLeon Springs-Glenwood Special Road and Bridge District as provided in Chapter 27-13493, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1417)

Section 1418. DeLeon Springs-Seville Special Road and Bridge District. The functions, responsibilities, duties and obligations of the DeLeon Springs-Seville Special Road and Bridge District as provided in Chapter 21-8851, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971**,** and said act is thereupon repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1418)

Section 1419. Halifax-St. Johns River Road and Bridge District. The functions, responsibilities, duties and obligations of the Halifax-St. Johns River Road and Bridge District as provided in Chapter 27-498, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1419)

Section 1420. Halifax Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Halifax Special Road and Bridge District as provided in Chapter 27-13514, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1420)

Section 1421. Lake Helen-Osteen Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Lake Helen-Osteen Special Road and Bridge District as provided in Chapter 23-9654, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1421)

Section 1422. New Smyrna-Coronado Beach Special Road and Bridge District. The functions, responsibilities, duties and obligations of the New Smyrna-Coronado Beach Special Road and Bridge District as provided in Chapter 27-13497, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1422)

Section 1423. New Smyrna Beach Special Road and Bridge District. The functions, responsibilities, duties and obligations of the New Smyrna Beach Special Road and Bridge District as provided in Chapter 19-8205, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1423)

Section 1424. Orange City-Enterprise Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Orange City-Enterprise Special Road and Bridge District as provided in Chapter 23-9653, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1424)

Section 1425. Orange City-Lake Helen Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Orange City-Lake Helen Special Road and Bridge District as provided in Chapter 27-13496 Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on October 1, 1971, and said act is thereupon repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1425)

Section 1426. Osteen-Enterprise Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Osteen-Enterprise Special Road and Bridge District as provided in Chapter 29-14447, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1426)

Section 1427. Osteen-Maytown, Oak Hill Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Osteen-Maytown, Oak Hill Special Road and Bridge District as provided in Chapter 27-13491, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1427)

Section 1428. Port Orange-inlet Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Port Orange-Inlet Special Road and Bridge District as provided in Chapter 27-13492, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1428)

Section 1429. Port Orange-South Peninsula Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Port Orange south Peninsula Special Road and Bridge District as provided in Chapter 49-26288, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1429)

Section 1430. Port Orange Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Port Orange Special Road and Bridge District as provided in Chapter 41-21057, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1430)

Section 1431. Special Road and Bridge District. The functions, responsibilities, duties and obligations of the Special Road and Bridge District as provided in Chapter 61-2973, Laws of Florida as amended are hereby transferred and vested in the charter government and said district shall cease to exist on the effective date of this charter and said act is hereby repealed. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1431)

Section 1432. Turnbull Special Road and Bridge District. The Turnbull Special Road and Bridge District, Chapter 23-9051, Laws of Florida as amended is hereby amended by adding a new section to read:

Section _____ The Turnbull Special Road and Bridge District shall continue in effect with all necessary powers, including the power to levy taxes and special assessments, solely for the purpose of fulfilling the contractual obligations of the district to the holders of bonds or certificates of indebtedness and to the former state road department of Florida (now the department of transportation), including lease purchase agreements which exist on the effective date of this act or thereafter arise from such existing contracts, bonds, certificates or agreements. All other powers or duties and all real or personal property not included in the performance of such contracts, bonds, certificates or agreements are hereby transferred and vested in the charter government on October 1, 1971. From and after October 1, 1971, said district shall not levy any tax, special assessment or millage for any purpose except as herein above expressly authorized. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1432)

Section 1433. Special Road and Bridge Districts; Transfer of Assets, etc. Upon the abolishment of each and every special road and bridge district by this charter, all assets, rights-of-way of public roads and bridges and all agreements, including lease-purchase agreements between such district and the former state road department, now the department of transportation of Florida, shall become vested in the county of Volusia and the county of Volusia shall automatically become a party to all such agreements in lieu of said districts and shall be entitled to all of the benefits thereof and the county of Volusia shall perform all obligations of said districts under said agreements. (Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1433)

Section 1434. Other Special Districts and Authorities. The special acts of the legislature related to Volusia County listed below are hereby amended to add the following section: [In furtherance of the orderly exercise of the power of local government for the benefit of the people in Volusia County, the act creating this district may be amended by the legislative procedures and powers vested in the charter government of Volusia County and by the Constitution and laws of Florida.]

(1) East Volusia Mosquito Control District, Chapter 37-18963, Laws of Florida as amended.

(2) Ponce DeLeon Inlet and Port Authority, Chapter 65-2363, Laws of Florida as amended.

(3) Halifax Advertising Tax District, Chapter 49-26294, Laws of Florida as amended.

(Ch. 70-966, Laws of Florida (Sp. Acts), Art. XIV, ' 1434)

Editor's note - The provisions of Art. XIV providing for an election relating to the adoption of the charter, additional compensation of former county commissioners, continuance in office or presently elected county officials, employees' employment continued, have been omitted under the provisions of ' 1518 which specifically provides that the provisions of this Art. XIV shall cease to be a part of this charter two years after the effective date of this charter.

ARTICLE XV TRANSITION PROVISIONS

This section related to the transition to the Home Rule Charter form of government. It ceased to become a part of the charter two years after the charter was approved.

Editor's note: The provisions of Art. XV providing for an election relating to the adoption of the charter,, additional compensation of former county commissioners, continuance in office or presently elected county officials, employees' employment continued, have been omitted under the provisions of § 1518 which specifically provides that the provisions of this Art. XV shall cease to be a part of this charter two years after the effective date of this charter.