



Hillsborough County
Florida

**HILLSBOROUGH COUNTY
HOME RULE CHARTER**

AS OF 2/2005

Preamble

We, the people of Hillsborough County, Florida, in order to attain greater local self-determination, to exercise more control over our own destiny, to create a more responsible and effective government, and to guarantee equal civil and political rights to all, do avail ourselves of the opportunity afforded by the Florida Constitution to become a chartered county and do hereby ordain and establish by this Home Rule Charter a new form of government of and for Hillsborough County.

I. Creation

Section 1.01 Chartered County. The county government for Hillsborough County shall be that of a chartered county under Section I, Article VIII of the Florida Constitution pursuant to which this Charter is adopted. Its boundaries are as provided by law. This is not a charter for consolidation of county and municipal governments in Hillsborough County, but solely a charter for the county government, and it is the intent of the people that it be so interpreted.

Section 1.02 Extent. As used in this Charter, the term "the county government" means the government of Hillsborough County, but such term does not include and this Charter does not affect any court; any constitutional officer, as defined in Section I (d) of Article VIII, Florida Constitution: clerk of the circuit court, property appraiser, tax collector, sheriff or supervisor of elections; district school board; any municipality, whether created or enlarged before or after the adoption of this Charter; or any governmental body which has jurisdiction extending beyond the boundaries of Hillsborough County, and the relationship of the county government to them shall be the same as it would have been if this Charter had not been adopted.

II. Powers

Section 2.01. Powers. The county government shall have all powers of local self-government not inconsistent with general law; special law approved by the vote of the electors of Hillsborough County; special law relating to civil service, aviation, the port, sports, transportation, hospitals, planning, environment, solid waste management, consumer affairs, resource recovery, criminal justice, historic preservation, and the arts, which laws may be effective as to Hillsborough County without approval by vote of the electors; or this Charter.

III. Separation of Powers

Section 3.01. Separation of Legislative and Executive Powers. The power of the county government shall be divided between legislative and executive branches. No person belonging to one branch shall exercise any powers appertaining to the other branch unless expressly provided herein.

IV. Legislative Branch

Section 4.01. All legislative responsibilities and powers of local self government of the county not inconsistent with this Charter shall be assigned to and vested in the board of county commissioners.

Section 4.02. Board of County Commissioners. The board of county commissioners shall consist of seven commissioners, each of whom shall be elected from one of seven districts and each of whom shall be entitled to have other employment which does not prevent the member from having the time to discharge the duties of a commissioner. Prior to voting on any matter of

county business, any commissioner having a conflict of interest shall declare that conflict to the board.

Section 4.03. Districts. The territory of three districts shall embrace the entire territory of the county and be designated as districts 5, 6 and 7 respectively. The territory of four districts shall be established by dividing all of the county into four separate areas, designated as districts 1 through 4 respectively, as nearly equal in population as practicable.

Section 4.04. Residency Requirement and Limit on Terms. Each candidate for a seat on the board of county commissioners shall be a citizen of the United States of America, a registered voter of the district for which the candidate qualifies, and a resident of Hillsborough County. No person who has, or but for resignation could have, served as a commission member from districts 1 through 4 for more than six years in two consecutive terms shall be elected as commission member from districts 1 through 4 for the next succeeding term, and no person who has, or but for resignation would have, served as a commission member from districts 5 through 7 for more than six years in two consecutive terms shall be elected as commission member from districts 5 through 7 for the next succeeding term.

Section 4.05. Election and Term of Office. Except as provided herein, all elections for the board of county commissioners shall be as provided for county commissioners in non-charter counties. Each commissioner shall be elected by the electors residing in the district for which the commissioner qualifies. Each commissioner shall be elected for a term of four years, except as provided for initial commissioners in the transition article and except that, in order to reflect population shifts between decennial censuses as quickly as possible, in 1990 and every ten years thereafter the commissioners to be elected from districts 1 and 3 shall be elected for terms of two years, and in 1992 and every ten years thereafter the commissioners to be elected from districts 2 and 4 shall be elected for terms of two years. Terms of office shall commence on the second Tuesday following the general election at which the commissioner was elected.

Section 4.06. Reapportionment. Within 120 days after the certification of the federal decennial census, the board of county commissioners shall reapportion districts 1 through 4. Before doing so, the board of county commissioners shall cause an accurate description of the proposed new boundaries of such districts to be entered upon its minutes and a certified copy thereof to be published once each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation published in the county. The notice shall include the date of the meeting at which the board shall consider such boundaries and take testimony from the public regarding boundary changes. Proof of such publication shall be entered on the minutes of the board. The publication of the notice shall be for information only and shall not be jurisdictional. Whenever the boundaries of the existing districts are changed, the board shall cause its clerk to furnish the Department of State with a certified copy of its minutes, reflecting the description of the boundaries of the district, as changed.

Section 4.07. Compensation. Salaries of all commission members shall be as provided by ordinance at 75 percent or higher of the salary which would have been provided by general law had this Charter not been adopted. Such salary shall constitute full compensation for all services and expenses provided that commissioners may be reimbursed for mileage while traveling on commission business within Hillsborough County and for travel expenses when traveling outside of Hillsborough County on official business, in accordance with general law. The chairman shall receive additional remuneration in an amount often percent of the basic salary for the period of time such person serves as chairman of the commission.

Section 4.08. Enactment of Ordinances and Resolutions. The commission may take official action only by the adoption of ordinances, resolutions, or motions. Unless otherwise provided

herein, all ordinances, rules and resolutions shall be adopted by at least 4 affirmative votes, and all motions shall be adopted by majority vote of the members present. A majority of the full commission shall constitute a quorum to conduct business.

Section 4.09. Conflict with Municipal Ordinances. In the event of a conflict between a county ordinance and a municipal ordinance, the municipal ordinance shall prevail within the municipality regardless of whether the municipal ordinance was adopted or enacted before or after the county ordinance.

Section 4.10. County Internal Performance Auditor.

(1) To advise the board of county commissioners, assist the board of county commissioners in conducting continuing studies of the operation of county programs and services, and serve as a budget analyst for the board of county commissioners, there shall be a county internal performance auditor.

(2) The county internal performance auditor shall be appointed by five (5) affirmative votes of the board of county commissioners. The board of county commissioners, at any time, may remove the county internal performance auditor with five (5) affirmative votes. The county internal performance auditor shall be responsible directly to the board of county commissioners. The county internal performance auditor need not be a resident of Hillsborough County at the time of appointment, but shall become a resident of Hillsborough County within a reasonable period of time and remain a resident of Hillsborough County while in office.

(3) The county internal performance auditor shall be a certified public accountant holding an active license to practice public accountancy in the State of Florida, or shall be qualified by education and experience in governmental accounting, internal performance auditing practice, and fiscal controls. The county internal performance auditor shall not engage in any other business or occupation. The compensation of the county internal performance auditor shall be fixed by the board of county commissioners by resolution at a level which is commensurate with the requirements of the position. The county internal performance auditor's compensation, including severance pay, may be set by contract if allowed by and pursuant to resolution.

(4) As directed by resolution of the board of county commissioners, the county internal performance auditor shall conduct performance audits and budget reviews of all aspects of this Charter government and its offices and officials with written reports submitted to both the board of county commissioners and the county administrator. To the degree necessary to fulfill the responsibilities directed by the board, the auditor shall have free and unrestricted access to Charter government employees, officials, records and reports and, where appropriate, may require all divisions, offices, and officials of the Charter government to provide oral and written reports and to produce documents, files, and other records.

(5) The county internal performance auditor shall hire, on either a full-time or part-time basis, and may remove assistants. The number and qualifications of assistants shall be provided by resolution of the board of county commissioners. The county internal performance auditor may also be authorized by the board of county commissioners to hire outside expertise as may be deemed necessary. The county internal performance auditor's budget shall be set by resolution of the board of county commissioners.

(6) The office of county internal performance auditor shall be deemed Legislative Branch County Attorney vacant if the incumbent: takes up residence outside of Hillsborough County; dies; resigns; or is removed by five (5) affirmative votes of the board of county commissioners. A

vacancy in the office of the county internal performance auditor shall be filled in the same manner as the original appointment.

V. Executive Branch County Administrator

Section 5.01. County Administrator.The executive responsibilities and powers of local self government of the county not inconsistent with this Charter shall be assigned to and vested in the county administrator. One or more assistant county administrators may be appointed by the county administrator with the advice and consent of the board and shall serve at the pleasure of the county administrator.

Section 5.02. Administrative Organization.All functions of the executive branch shall be allotted among not more than ten divisions or of fines.. Each division or office shall be administered by a division or office head in accordance with the administrative code. Each division or office head shall be appointed by the county administrator with the advice and consent of the board and shall serve at the pleasure of the county administrator. Each division or office head shall report to and be responsible to the county administrator or designated assistant county administrator. The county administrator may, as allowed by ordinance, require one division or office to undertake a task of another division or office on a temporary basis or until the board provides otherwise.

Section 5.03. County Administrator: Qualifications, Appointment, Compensation.

(1) The county administrator shall be a full-time officer who holds a masters degree in public administration, management, or related field and shall have three years of executive or management experience in public administration. The county administrator shall be appointed by an affirmative vote of not less than five members of the Board of County Commissioners and may be removed at any time by an affirmative vote of not less than five members of the board or upon the affirmative vote of 4 members at each of 2 regular meetings not less than 13 days apart and no more than 28 days apart. The administrator need not be a resident of the county at the time of appointment, but shall within a reasonable time become and remain while in office a resident of the county. The county administrator shall not engage in any other business or occupation.

(2) The compensation of the administrator shall be fixed by the Board of County Commissioners by ordinance at a level which is commensurate with the requirements of the position. The county administrator's compensation, including severance pay, may be set by contract if allowed by and pursuant to ordinance.

(3) The office of county administrator shall be deemed vacant if the incumbent: takes up residence outside the county; is by death, illness, or other casualty unable to continue to perform the duties of his office; resigns; or is removed by the board of county commissioners in the manner prescribed in Section 5 .03(1). A vacancy in the office shall be filled in the same manner as the original appointment. The board of county commissioners may appoint an interim administrator in the case of vacancy, temporary absence, or disability of the present administrator until a successor has been appointed and qualified or the administrator returns.

Section 5.04. Political Activity by Administrator.The county administrator shall not hold any political office nor take part in any political activity other than voting.

Section 5.05. Performance Bond.The county administrator shall be required to post a performance bond in accordance with general law.

VI. COUNTY ATTORNEY

Section 6.01. Legal affairs. The legal affairs of the County shall be assigned to and vested in the Office of the County Attorney. The office will consist of the County Attorney who shall be head of the office together with such chief assistants and other assistant county attorneys and legal support personnel as may from time to time be required subject only to budget determinations of the Board of County Commissioners. All attorneys and employees of the office shall serve at the pleasure of the County Attorney.

Section 6.02. County attorney duties.

1. The County Attorney shall be responsible for representing, and is hereby authorized to represent, the Board as its County Attorney. The County Attorney shall provide legal services, including management and participation in all litigation and other such legal services, required to protect the interests of the County; and shall render legal advice and perform other legal and administrative responsibilities as described elsewhere herein to the Board and to all other departments and agencies of County government that the Board from time to time authorizes and directs.
2. The duties, responsibilities and authority of the County Attorney shall include, without limitation: (a) providing legal advice and counsel to, and legal representation of, the Board, the County Administrator and the departments, agencies and officers of the County on all matters pertaining to the business of the County or in connection with the duties of the department, agency or office; (b) coordinating with the County Administrator and various departments and offices under his jurisdiction regarding all matters affecting and implicating overall County administration, including, without limitation, budgetary, personnel and procurement matters; (c) advising and providing recommendations to the Board regarding the need for the selection of any special counsel to be retained to provide legal representation in specified matter; and (d) supervising, monitoring and coordinating, as appropriate, the representation services and work of outside attorneys employed pursuant to Subsection (c) above.
3. Upon direction of the Board and with the consent of the County Attorney, the County Attorney's Office may provide legal advice and counsel to and representation of one or more of the County officers created under Section 1(d) of Article VIII of The Florida Constitution or any other state or local governmental office, unit or entity serving the County's interest and welfare and as may be authorized by law or interlocal agreement.

At the request of the Board of County Commissioners, the County Attorney is hereby authorized to represent the Board of County Commissioners when it is acting as any other separate agency or legal entity consisting of the Hillsborough County Board of County Commissioners. The responsibility and authority of the County Attorney when serving as attorney in these matters shall include, but not be limited to, those duties and responsibilities as herein set out for the County Attorney.

4. Nothing herein contained shall be construed as requiring the attorney to render legal services in any particular circumstance where, in the professional discretion and judgment of the attorney, the rendering of such legal services would violate the provisions of the Code of Professional Responsibility of the Florida Bar or create a direct conflict of interest between the County and attorney.

Section 6.03. County attorney qualifications, appointment, compensation.

1. The County Attorney shall be and remain a member of The Florida Bar and shall have had at least five (5) years experience in Local Government Law or equivalent and such other experience as determined by the Board. The County Attorney need not be a resident at the time of appointment but shall within a reasonable time become and remain a resident of the County and remain so while in office. The County Attorney shall be a full time employee of the County and shall not otherwise engage in the practice of law except as may be authorized by the Board. The County Attorney shall be appointed by an affirmative vote of not less than five (5) members of the Board of County Commissioners and may be removed at any time by an affirmative vote of not less than five (5) members of the Board or upon the affirmative vote of four (4) members at each of two (2) regular meetings not less than thirteen (13) days apart and no more than twenty-eight (28) days apart.
2. The compensation of the County Attorney, including severance pay and other benefits, shall be fixed by contract, ordinance or resolution as determined by the Board at a level commensurate with the requirements of the position.
3. The Office of the County Attorney shall be deemed vacant if the incumbent is removed, resigns, moves his residence from the County or is, by death, illness or other casualty, unable to continue in office. In the case of temporary vacancy or absence or disability, until a successor has been appointed or the County Attorney returns, the Chief Assistant County Attorney or other Assistant Attorney designated by the County Attorney shall serve as the County Attorney upon approval of the Board.

Section 6.04 Special attorneys; bond counsel; disclosure counsel.

1. Special attorneys may be employed by the Board of County Commissioners upon the recommendation of the County Attorney regarding the need for the selection of any special counsel to provide legal representation in specified matters.
2. Bond and disclosure counsel shall be selected by the Board of County Commissioners from a list of not less than three (3) qualified respondents to publicly noticed solicitations for bond and disclosure counsel and upon the recommendation of the County Administrator and County Attorney.

Section 6.05 Political activity by County Attorney. The County Attorney shall not hold any political office nor take part in any political activity other than voting.

VII. Administrative Code

Section 7.01. Purpose of Administrative Code. The board of county commissioners shall enact and amend by ordinance an administrative code organizing the administration of the county government into divisions and offices and setting forth the duties, responsibilities, and powers of the county administrator, any assistant county administrators, if any, and divisions and offices of the county government not in conflict with the provisions of this Charter. It shall be the responsibility of the county administrator to compile, publish, and disseminate the administrative code, and to recommend revisions thereof in a continuing program to provide greater efficiency and economy in the operation of government.

Section 7.02. Initial Code. Within ninety (90) days after the first organizational meeting of the board under this Charter, the county administrator shall submit a proposed administrative code to the board of county commissioners. The board of county commissioners shall adopt the proposed

code, as submitted or amended, within three (3) months after the date submitted. If not adopted within three (3) months, the code, as proposed by the administrator, shall govern the operations of the county administrator, divisions and offices until such time as one may be adopted formally by the board of county commissioners.

VIII. Amendments To Charter

Section 8.01. By the Board of County Commissioners. The board of county commissioners may propose amendments to this Charter by ordinance approved by at least five (5) members.

Section 8.02. Charter Review Board. Within two years after the effective date of this Charter and every five years thereafter, the board of county commissioners shall appoint a charter review board consisting of fourteen (14) electors of the county. Each commissioner shall appoint two members of the charter review board who shall be electors in that commissioner's district, and none of whom may be an elected official. Members of the charter review board shall serve for a term of one year without compensation. Such board shall be empowered to conduct a comprehensive study of any or all phases of county government. The board of county commissioners shall provide such professional, technical, and clerical assistance as may be reasonably required by the charter review board upon submission of an appropriately documented request by the charter review board. The charter review board shall, after two public hearings and upon approval of two thirds of its members, file any proposed amendments to the Charter, if any, with the supervisor of elections who shall provide for a vote on it pursuant to Section 8.04

Section 8.03. Initiative. The power to propose amendments to this Charter by initiative is vested in the people:

(1) The power may be invoked by filing with the supervisor of elections a petition containing a copy of the proposed Charter amendment. Each petition must be circulated in each numbered board district and must be signed by a number of electors in each of one-half of districts 1 through 4 and of the county as a whole equal to eight percent of the votes cast in each of such districts and the county as whole in the last preceding election in which a president or presidential electors were chosen. The address of each signer, and date of each signature, must appear on the petition. Each petition shall embrace but one subject and matter properly connected therewith. A date certain must be designated to and certified by the supervisor of elections as the beginning date of any petition drive, and said drive shall terminate six months after that date. In the event sufficient signatures are not acquired during that six-month period, the petition drive shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.

(2) The petition shall be filed with the supervisor of elections who shall, within a period of not more than thirty (30) days, determine whether the petition contains the required valid signatures. The supervisor shall be paid the sum specified by general law by the persons or committee seeking verification.

(a) if it is determined that the petition does not contain the required signatures, the supervisor shall so certify to the board of county commissioners and the petition drive shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other proceeding.

(b) If it is determined that the petition has the required signatures, the supervisor shall so certify to the board of county commissioners and place the amendment on the ballot.

(3) All other procedures shall be as provided by general law for constitutional amendments with the supervisor of elections performing the duties of the secretary of state.

Section 8.04. Elections and Notice. All elections shall be held and conducted pursuant to the provisions of general law except as otherwise provided in this Charter. Charter amendments by ordinance shall be voted on at special elections or regular elections as the board of county commissioners chooses. Charter review and initiative amendments shall be voted on at the next regular general election. Amendments shall become effective upon approval by a majority vote of the electors voting at the next scheduled countrywide election or special referendum election.

IX. General Provisions

Section 9.01. Limitation on State Law. No law passed by the state legislature shall be effective as to the county government:

(a) Unless it is approved at referendum, or

(b) Except to the extent,

(1) The Florida Constitution or this Charter requires that it be effective, or

(2) it permits this county government to grant powers to, receive powers from, or combine powers with other governmental entities, or

(3) it solely affects (i) Tax authorization not inconsistent with this Charter or (ii) The relations of this county government to any governmental body which has jurisdiction extending beyond the boundary of Hillsborough County, or

(4) it is authorized under Section 2.01.

Section 9.02. Construction of the Charter. It is the intent of the electorate in adopting this Charter that this Charter shall be liberally construed to achieve the objectives of local home rule and separation of branches as set forth herein.

Section 9.03. Code of Ethics. The code of ethics for public officers and employees and the penalties for violation thereof as provided by general law or more restrictive ordinance, if any, shall be applicable to all employees and office holders of this county government.

Section 9.04. Political Activities. Political activities of officers and employees of the county government shall be governed and controlled by general law except as provided herein and except that the county administrator's assistants and division and office heads, the county internal performance auditor, the county internal performance auditor's assistants, and the county attorney and his assistants, shall not hold any political office nor take part in any political activity relating to county commission elections, other than voting.

Section 9.05. Severability. It is the intent of the electorate in adopting this Charter that if any section, subsection, sentence, clause, term or word of this Charter is held invalid, the remainder of the Charter shall not be affected.

Section 9.06. Vacancies. Vacancies in commission districts shall be deemed to exist and be filled in accordance with the Constitution and Laws of Florida.

Section 9.07. Public Meetings. Meetings of the board of county commissioners and other boards shall be held and conducted as provided by general law and rules of the board not inconsistent therewith.

Section 9.08. Recall. The people shall have the power to recall elected officials by recall election initiated, called, held and conducted as provided by general law for chartered counties.

Section 9.09. Planning. There shall be for Hillsborough County and its municipalities a single local planning agency created by such special law or laws which need not be approved by a referendum. It shall have responsibility for comprehensive planning and related activities as are committed to it by general law or applicable special laws.

Section 9.10. Environmental Protection. There shall be for Hillsborough County and its municipalities a single local environmental protection commission created by such special law or laws which need not be approved by referendum.

Section 9.11 Discrimination Prohibited. To be consistent with federal and state constitutions, laws, rules, and regulations, the county government shall not deprive any person of any right because of race, sex, age, national origin, religion, physical handicap, or political affiliation. The administrative code shall provide adequate means for protecting these rights, including equal opportunity assurances.

Section 9.12. Lowering of Salaries. The salaries of commissioners and the county administrator may be lowered to the extent allowed by general law.

X. Transition And Schedule

Section 10.01. Offices and Officers of Former Government. Unless otherwise provided by this Charter, all offices, officials, boards, commissions, and agencies of the former government shall continue to perform their respective duties and functions until such minimum time allowed for the adoption of an administrative code pursuant to Section 7.02. At said time, said duties and functions shall be performed in accordance with the administrative code.

Section 10.02. Interim County-Wide Districts. The commissioners elected countrywide in the year 1982 shall immediately become commissioners from districts 5 and 7 respectively and stand for initial election [in] 1986.

Section 10.03. Initial Commissioners. By November 15, 1983, the board of county commissioners shall establish the apportionment of districts 1 through 4 under procedures provided in Section 4.06 and using the 1980 federal decennial census population figures. At the 1984 general elections commissioners from districts 1 through 4 and district 6 shall be elected, with the terms of the new commissioners from districts 1 and 3 to be for two years only and the terms of commissioners from districts 2, 4 and 6 to be for four years. The commissioners from districts 2 and 4 as drawn in 1981, who were elected by county-wide vote in 1982, shall serve as the commissioners from districts 5 and 7 respectively until the second Tuesday following the 1986 general election, but if either is not in office at the beginning of qualification in 1984, then a commissioner for new district 5 or 7, as the case may be, shall be elected in the initial election for a term of 2 years.

Section 10.04. Effective Date of Government. County government shall go into force and effect when the commissioners elected at the 1984 general election take office.

Section 10.05. Preservation of Existing Government. All provisions of the laws or parts thereof rendered ineffective as to the county government by Section 9.01, which are not inconsistent with this Charter shall become ordinances of this government subject to modification or repeal as are other ordinances; however, they shall stand repealed as of November 15, 1985.

Section 10.06. Preservation of Existing Ordinances. All ordinances, codes, rules, regulations and resolutions of the county of Hillsborough or any of its agencies which are not inconsistent with this Charter, shall become ordinances, rules, regulations of the county government subject to modification or repeal as are other ordinances.

Section 10.07. Rights Reserved.

(a) Obligations Honored. All lawful rights and obligations, of whatever kind or nature in existence on the date this Charter is approved by the electors, of the local government becoming a part of the county government on the one hand, and any person, firm, corporation, other government or agency on the other hand, shall become the rights and obligations of the county government.

(b) No Enlargement of Obligations. All such rights and obligations shall be limited to the area, or funds, which would have been subject to such rights or obligations if this Charter had not been adopted.

Section 10.08. Classified Employees and Officers. All employees in the classified service and officers of the county shall be transferred to the division, office, or agency to which the functions, powers, and duties in which they were engaged upon the effective date of this Charter are allocated under this Charter. Such transfer shall be without examination or diminution of existing compensation, pension, or retirement rights, privileges, or obligations of any such officers or employee. The adoption of any subsequent classified service plan shall not adversely affect the tenure, pension, seniority, or promotional rights of any county officer or employee in the classified service when this Charter is adopted.