



## CHARTER

### ARTICLE I - POWERS

#### **Sec. 1.01. - Powers.**

The City of Port St. Lucie shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal services except as otherwise provided by law.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 1.02. - Former Charter repealed.**

The Charter of the City of Port St. Lucie, St. Lucie County, State of Florida, adopted by the Legislature and approved on April 27, 1961 and amended on the 30th day of July, 1963, is hereby repealed.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 1.03. - Construction.**

The powers of the City shall be construed liberally in favor of the City, limited only by the Constitution, general law and specific limitations contained herein. Special acts pertaining to the jurisdiction and exercise of powers by this City shall be considered amendments to this Charter and, pursuant to the provisions adopted for incorporation of other charter amendments, shall be incorporated as official amendments to the Charter.

*(Adopted by electorate, 11-2-76)*

### ARTICLE II - CORPORATE LIMITS

#### **Sec. 2.01. - Description of corporate limits.**

The area described in Appendix A of this Charter, as amended from time to time, shall constitute the corporate boundary of the City of Port St. Lucie.

*(Amendment adopted by electorate, 11-2-04)*

### ARTICLE III - LEGISLATURE

### **Sec. 3.01. - City council; powers and composition.**

There shall be a city council with all legislative powers of the city vested therein consisting of one member residing in each of the council districts, and a mayor, all to be elected at large on a nonpartisan basis by the electors of the city.

*(Adopted by electorate, 11-2-76; Am. Ord. 1, passed 3-18-80; Res. No. 80-R-18, passed 11-4-80; Amendment adopted by electorate, 11-6-90; Amendment adopted by electorate, 11-2-04)*

### **Sec. 3.02. - Qualifications.**

Any elector of the City, who has resided in the City for at least one (1) year prior to the deadline for qualifying, and, as to council members, has resided in the district for which that elector seeks office for at least one (1) year prior to the deadline for qualifying, shall be eligible to hold the office of city council member or mayor. The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one (1) week in advance of the hearing.

*(Adopted by electorate, 11-4-86; Amendment adopted by electorate, 11-2-04)*

### **Sec. 3.03. - Election and terms.**

- (a) *Election and terms.* The election of the city councilmembers and mayor shall be held on the date of the county's general election of each even-numbered year, in the manner provided in Article V of this charter, and shall be for four-year terms.
- (b) *Transition schedule.* Following the adoption of this charter amendment, the next city election shall be held on or about November 5, 2002, where a mayor and city councilmembers for Districts I and III will be elected for a four-year term, and city councilmembers for Districts II and IV will be elected for a two-year term. The next following city election shall be held on or about November 2, 2004, where city councilmembers for Districts II and IV will be elected for a four-year term.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 3-20-84; Amendment adopted by electorate, 9-6-88; Ord. No. 00-8, § 1, 1-24-00, ref. of 3-14-00; Ord. No. 00-78, 8-28-00, ref. of 11-7-00)*

### **Sec. 3.04. - Compensation.**

The City Council may determine the annual base salary of Councilmembers and the Mayor by ordinance and may further provide for annual automatic adjustments to the base salary so determined. No ordinance increasing the annual base salary shall become effective until the date of commencement of the terms of the Councilmembers elected at the next regular election, at which time the base salary increase shall become effective as

to all of the Councilmembers and the Mayor, provided that such election follows the adoption of such ordinance by at least six (6) months.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

**Sec. 3.05. - Mayor.**

The Mayor shall be a voting member of the city council and shall attend and preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the city message, appoint the members and officers of council committees, assign subject to the consent of council agenda items to committees, and perform other duties specified by the council. The Mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

**Sec. 3.06. - Vice-mayor.**

The mayor shall select one of the councilmembers as vice-mayor subject to the Council's approval.

*(Adopted by electorate, 11-2-76)*

**Sec. 3.07. - Interference with administration.**

Except for the purpose of inquiries relating to present or proposed legislation, the council or its members shall deal with the city officers and employees who are subject to the direction and supervision of the City Manager, solely through the City Manager and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

*(Adopted by electorate, 11-4-86)*

**Sec. 3.08. - Holding other office.**

No person shall hold any compensated appointive city office or employment until expiration of one (1) year after service in any elective position.

*(Adopted by electorate, 11-2-76)*

**Sec. 3.09. - Vacancies; forfeiture of office; filling of vacancies.**

- (a) *Vacancies.* The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the council.
- (b) *Forfeiture of office.* A council member shall forfeit his office if he lacks at any time during his term of office: (1) Any qualification for the office prescribed by this Charter or by law; (2) a proven violation of any expressed prohibition of this Charter; (3) a proven violation of city and/or state code of ethics; or (4) ceases to reside in the district from which the council member was elected.
- (c) *Filling of vacancies.* A vacancy of the council shall be filled in one of the following ways:
  - (1) *If there are fewer than six (6) months remaining in the unexpired term or if there are fewer than six (6) months before the next regular city election, the council by a majority vote, shall choose an interim successor from the district in which the vacancy occurred. The successor will serve to fill the unexpired term.*
  - (2) *If there are more than six (6) months remaining in the unexpired term or more than six (6) months remain before the next regularly scheduled election, the city council will schedule a special election to be held no earlier than thirty (30) days and not later than ninety (90) days following the date the vacancy occurred. Should a primary election become necessary, it shall be scheduled not fewer than fifteen (15) nor more than forty (40) days before the special election. Should at any time the council membership be reduced to less than a quorum, the remaining council members will appoint additional members to serve, subject to filling the vacancies as described above.*
- (d) *Extraordinary vacancies.* In the event that all members of the council are removed by death, disability, law, or forfeiture of office, the governor shall appoint an interim council that shall call a special election as provided in (c) above and such election shall be held in the same manner as the first (1st) election under this Charter.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 9-4-84; Amendment adopted by electorate, 11-2-04)*

### **Sec. 3.10. - Procedure.**

- (a) *Meetings.* The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of a majority of the members upon reasonable notice to each member, public, and the press.
- (b) *Rules.* The council shall determine its own rules by resolution and publish same sixty (60) days after the installation of each new council. The Mayor shall set the order of business for each meeting.
- (c) *Voting.* Voting, on ordinances and resolutions, shall be by roll call on final action and shall be recorded in the minutes of the proceeding. A majority of the council

shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council except as otherwise provided in the preceding sentence and in section 3.10, shall be valid or binding unless adopted by the affirmative vote of a majority of the council

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-6-90; Amendment adopted by electorate, 11-2-04)*

**Sec. 3.11. - Municipal committees.**

The City Council may, by a majority vote, establish Advisory Committees to work on matters affecting the City of Port. St. Lucie, Florida. Any resident of the City is eligible to serve on such a committee. No elected official shall be permitted to serve as a member of any committee established under this section. Each committee established under this section shall adopt its own rules and procedures, and set up its own internal regulations for periodic meetings, minutes, and reporting back their findings to the City Council.

When establishing such Advisory Committees, the City Council shall set forth the tenure and duties of the members thereon.

*(Adopted by electorate, 11-2-76)*

**ARTICLE IV - ADMINISTRATION**

**Sec. 4.01. - City manager.**

There shall be a City Manager with a suitable college degree and a minimum of two (2) years experience in city management, or in lieu thereof, five (5) years experience in city management, who shall be the chief administrative officer of the city. The manager shall be responsible to the Council for the administration of all city affairs placed in his charge by or under this Charter.

*(Adopted by electorate, 11-2-76)*

**Sec. 4.02. - Appointment; removal; compensation.**

- (a) *Appointment.* By majority vote of all members, the council shall appoint a City Manager and shall execute an employment contract with the City Manager, including provisions for termination.
- (b) *Removal.* The council may remove the manager by a majority vote of the council members. Upon demand by the manager a public hearing shall be held prior to a vote to remove the manager.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-6-90; Amendment adopted by electorate, 11-2-04)*

**Sec. 4.03. - Acting city manager.**

By letter filed with the council, the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability cease.

*(Adopted by electorate, 11-2-76)*

**Sec. 4.04. - Powers and duties of city manager.**

The City Manager may:

- (a) Appoint a City Clerk with the approval of the City Council, and assign the duties of the City Clerk to include: notice of meetings given to council members and the public and the press, and the City Clerk shall keep the minutes of council proceedings;
- (b) Appoint, when he deems it necessary, one or more Assistant City Managers and establish the duties and functions for those positions;
- (c) Appoint, and when he deems it necessary for the good of the city, suspend or remove any city employee and appointive administrative officer provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (d) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law;
- (e) Attend all council meetings and shall have the right to take part in discussion but may not vote;
- (f) See that all laws, provisions of this Charter and acts of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;
- (g) Prepare and submit the annual budget and accompanying documentation;
- (h) Submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (i) Make such other reports as the council may require concerning the operations of city departments, offices and agencies, subject to his direction and supervision;

- (j) Keep the council fully advised as to the financial conditions and future needs of the city and make such recommendations to the council concerning the affairs of the city as he deems desirable;
- (k) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances;
- (l) To accept service of process;
- (m) Exercise those extraordinary powers during the existence of an emergency as authorized by the City Council pursuant to ordinance or established procedures.
- (n) Perform such other duties as are specified in this Charter or may be required by the council.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

## **ARTICLE V - QUALIFICATIONS AND ELECTIONS**

### **Sec. 5.01. - Nonpartisan elections.**

All qualifications and elections for the office of city council or mayor shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition or ballot.

*(Adopted by electorate, 11-2-76)*

### **Sec. 5.02. - Qualifications.**

Candidates for the office of city councilmember or mayor shall qualify for such office by the filing of a written notice of candidacy with the designated official at such time and in such manner as may be prescribed by ordinance.

*(Adopted by electorate, 11-2-76)*

### **Sec. 5.03. - Form of ballot.**

The council by ordinance shall prescribe the form of the ballot including the method of listing candidates for city council and mayor elections and any other city election. A charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described amendment be adopted?" Immediately below such question shall appear, in the following order, the words "for approval" and also the words "against approval" with a sufficient blank space thereafter for the placing of the symbol "x" to indicate the

voter's choice or with a lever opposite "for approval" or "against approval" if voting machines are used.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 5.04. - Elections.**

- (a) *Multiple candidates.* When three (3) or more persons qualify as candidates for any of the designated seats of the city council or mayor to be filled, the person's name who so qualified shall appear on the ballot and be voted upon at a primary election to be held on the first primary election of the county. Each candidate receiving a majority of the votes cast at the primary election for [a] designated seat shall be declared elected without the necessity of being voted upon in the regular city election and shall assume office at the same time and in the same manner as those elected in the regular city election. In the event no single candidate receives a majority of the votes cast in an election for a designated seat, the two (2) persons receiving the highest number of votes cast for that designated seat on the city council or mayor shall be voted upon at the regular city election to be held on the date of the county's general election.
- (b) *Single candidates.* In the event not more than one person qualifies as a candidate, either for ballot listing or write-in, for a designated seat on the city council or mayor to be filled at an election, that seat shall not be listed on the first nonpartisan primary or regular city election ballot. Each unopposed candidate shall be deemed to have voted for himself.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate 3-20-84; Ord. No. 00-8, § 1, 1-24-00, ref. of 3-14-00)*

#### **Sec. 5.05. - Council districts; adjustment of districts.**

- (a) *Number of districts.* There shall be four (4) city council districts.
- (b) *Districting commission.* Within thirty (30) days following ratification of this Charter by the voters at referendum and thereafter by the 30th day following official certification of the decennial census to the state, or at any interim period chosen by the City Council, the City Council shall appoint ten (10) city electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed or appointed by the City in any other capacity.
- (c) *Report; specifications.* Within one hundred and twenty (120) days of appointment, the districting commission shall file with the official designated by the council, a report containing a recommended plan for adjustment of the council district boundaries to comply with these specifications:
- (1) Each district shall be formed of compact, contiguous territory;



- (2) The districts shall be based on the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state;
- (3) The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official the report shall be treated as an ordinance introduced by a councilmember.
- (d) *Support.* It shall be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.
- (e) *Procedure.* The procedure for the council's consideration of the report shall be the same as for other ordinances provided that if a summary of the ordinance is published pursuant to this Charter and general law, it must include both the map and a description of the recommended districts.
- (f) *Failure to enact ordinance.* The council shall adopt a redistricting ordinance at least ninety (90) days before the next regular city election. If the council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.
- (g) *Effect of enactment.* The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular city election, including qualifications. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all councilmembers elected subsequent to the date the new districts went into effect take office.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-6-90)*

## **ARTICLE VI - TRANSITION SCHEDULE**

*Sec. 6.01 – 6.05. - Reserved.*

### **Sec. 6.06. - Deletion of obsolete schedule items.**

The council shall have power, by resolution, to delete from this article any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

*(Adopted by electorate, 11-2-76)*

## **ARTICLE VII - INITIATIVE, REFERENDUM, AND RECALL**

### **Sec. 7.01. - General authority.**

- (a) *Initiative.* The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (b) *Referendum.* The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

### **Sec. 7.02. - Commencement of proceedings; petitioner's committee; affidavit.**

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk and [an] affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioner's committee.

*(Adopted by electorate, 11-2-76)*

### **Sec. 7.03. - Petitions.**

- (a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least 15 percent of the total number of qualified voters registered to vote at the last regular city election.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

- (d) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 7.04. - Procedure for filing.**

- (a) *Certificate of clerk; amendment.* Within twenty (20) days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 7.03, and within five (5) days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (b) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or any amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 7.05. - Referendum petitions; suspension of effect of ordinance.**

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition; or
- (2) The petitioners' committee withdraws the petition; or
- (3) The council repeals the ordinance; or
- (4) Thirty (30) days have lapsed after a vote of the city council on the ordinance unless a petition is in process.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 7.06. - Action on petitions.**

- (a) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in section 7.04 or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally sufficient, it shall submit the proposed or referred ordinance to the voters of the city.
- (b) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon filing of such request, the petition shall have no further force or effect and all proceedings there shall be terminated.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 7.07. - Results of election.**

- (a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

*(Adopted by electorate, 11-2-76)*

**Sec. 7.08. - Recall.**

Any member of the city council may be removed from office by the electors of the City of Port St. Lucie in accordance with the procedures established by state law.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 9-4-84)*

**ARTICLE VIII - CIVIL SERVICE BOARD**

**Sec. 8.01. - Civil service board.**

When the city council deems it necessary, and it is in the best interest of the city, the city council may, by ordinance, create a Civil Service Board and a Civil Service Appeals Board. The ordinance shall set forth the manner of selection of members to the Board their qualifications, term of office, duties, and rules and regulations from which to conduct meetings.

*(Adopted by electorate, 11-2-76)*

**ARTICLE IX - POWERS OF THE CITY**

*Sec. 9.01. - Reserved.*

*Sec. 9.02. - Reserved.*

**Sec. 9.03. - Intergovernmental relations.**

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

*(Adopted by electorate, 11-2-76)*

**Sec. 9.04. - City attorney.**

The council shall appoint a city attorney and such assistant city attorney as it deems necessary who shall serve at the pleasure of the council and act as legal advisor for the city and all its officers on matters relating to their official duties. The City Attorney shall approve all contracts of the municipality involving expenditures in excess of twenty-five thousand dollars (\$25,000.00) before the same shall be entered into.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

**Sec. 9.05. - Investigations.**

The council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punishable by a fine not more than five hundred dollars (\$500.00) or by imprisonment for not more than sixty (60) days, or both.

*(Adopted by electorate, 11-2-76)*

**Sec. 9.06. - Independent audit.**

The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government [or] of any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made not later than thirty (30) days after the beginning of such fiscal year. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

*(Adopted by electorate, 11-2-76)*

**Sec. 9.07. - City funds.**

The council shall, by resolution, designate depositories for city monies and provide for proper security of all city deposits.

*(Adopted by electorate, 11-2-76)*

**Sec. 9.08. - Fidelity bonds.**

The council shall provide for fidelity bonds for such employees of the city as may be considered necessary.

*(Adopted by electorate, 11-2-76)*

**Sec. 9.09. - Action requiring an ordinance.**

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the city council shall be by ordinance which:

- (a) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;
- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (c) Levy taxes, except as otherwise provided in section 9.02 with respect to the property tax levied by adoption of the budget;
- (d) Grant, renew or extend a franchise as herein provided;
- (e) Regulate the rate charged for its services by a public utility as provided in section 9.02;
- (f) Authorize the borrowing of money;
- (g) Convey or lease or authorize the conveyance or lease of any lands of the city;
- (h) Adopt ordinances proposed under the initiative power, and;
- (i) Amend or repeal any ordinance previously adopted, except as otherwise provided in section 7.05 with respect to repeal of ordinances reconsidered under the referendum power.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

*(Adopted by electorate, 11-2-76)*

**Sec. 9.10. - Ordinances in general.**

- (a) *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be, "The City of Port St. Lucie hereby ordains . . ." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing in brackets or by strikeout type and shall indicate new matter by underscoring or by italics; provided however, that when substantial additions or deletions are made to the language of a given ordinance or code section, it shall be

necessary only to provide that such ordinance or code section is amended to read as follows....

- (b) *Procedure.* An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the city clerk shall distribute a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the city clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing, the council may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance.
- (c) *Effective date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of ten (10) days after adoption or at any other date specified therein.
- (d) *Publish defined.* As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the city, (1) the ordinance by title, and (2) the places where copies of it have been filed and the time when they are available for public inspection.

*(Adopted by electorate, 11-2-76; Am. Ord. 84-1, passed 3-20-84; Amendment adopted by electorate, 11-2-04)*

### **Sec. 9.11. - Code of technical regulations.**

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be prescribed for ordinances generally except that:

- (a) The requirement of section 9.10(b) for distribution and filing of copies of the ordinance shall be construed to include copies of the code and technical regulations as well as of the adopting ordinances; and
- (b) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to section 9.12(a). Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

*(Adopted by electorate, 11-2-76)*



**Sec. 9.12. - Authentication and recording; codification; printing.**

- (a) *Authentication and recording.* The city clerk shall authenticate by signature and maintain a permanent record of all ordinances and resolutions adopted by the council, properly indexed and readily retrievable.
- (b) *Codification.* Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or looseleaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Florida, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Port St. Lucie City Code. Copies of this Code shall be furnished for free public reference and available for purchase by the public at a reasonable price fixed by the Council.
- (c) *Printing of ordinances and resolutions.* The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Port St. Lucie City Code and at all times amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Florida, or the codes of technical regulations and other rules and regulations included in the code.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

**Sec. 9.13. - Insurance.**

The City Council shall protect the city by insuring against reasonable hazards.

*(Adopted by electorate, 11-2-76)*

**Sec. 9.14. - Code of ethics.**

The City shall be governed by the Code of Ethics as prescribed by ordinance and Florida Statutes.

**ARTICLE X - ADMINISTRATIVE DEPARTMENTS**

### **Sec. 10.01. - General provisions.**

- (a) *Creation of departments.* The council, on recommendation of the manager, may establish city departments, offices, and/or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.
- (b) *Direction of manager.* All departments, offices, and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the council, the manager may serve at the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them or may combine the functions of any officers specified in this Charter which may be appointed by him.
- (c) *City treasurer.* The manager shall appoint a city treasurer with the approval of the city council who shall supervise collection of all taxes, license fees and all other monies to which the city may be entitled. The treasurer shall maintain accurate records, depository all monies of the city as provided in section 9.07 and authorize the expenditure of city funds upon proper warrant. The treasurer may invest sinking funds in such securities as may be directed by the council and authorized by law.

*(Adopted by electorate, 11-2-76)*

### **Sec. 10.02. - Personnel system.**

- (a) *Merit principle.* All appointments and promotions of the city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
- (b) *Personnel director.* There shall be a personnel director, appointed by the manager as provided in section 4.04(b) who shall administer the personnel system of the City.

*(Adopted by electorate, 11-2-76)*

### **Sec. 10.03. - Personnel rules.**

The personnel director shall prepare personnel rules. When approved by the manager, the rules shall be proposed to the council, and the council may by ordinance adopt them with or without amendment.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

## **ARTICLE XI - FINANCIAL PROCEDURES**

**Sec. 11.01. - Fiscal year.**

The fiscal year of the City shall begin on the first day of October and end on the last day of September.

*(Adopted by electorate, 11-2-76)*

**Sec. 11.02. - Submission of budget and budget message.**

On or before the 1st day of September of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

*(Adopted by electorate, 11-2-76)*

**Sec. 11.03. - Budget message.**

The city manager's message shall explain the budget both in fiscal terms and in terms of the work program. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the city manager deems desirable.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

**Sec. 11.04. - Budget.**

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the city manager deems desirable or the council may require. In organizing the budget, the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each such capital expenditure; and

- (3) Anticipated net surplus or deficit for the ensuing fiscal year of any and each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each such utility giving such detailed income and expenditure information shall be attached as appendices subject to provisions of this article. The total of proposed expenditures shall not exceed the total of estimated income.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

### **Sec. 11.05. - Capital program.**

- (a) *Submission to the council.* The city manager shall prepare and submit to the council a five-year capital program prior to the final date for submission of the budget.
- (b) *Contents.* The capital program shall include:
- (1) A clear general summary of its contents;
  - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
  - (3) Cost estimates, methods of financing and recommend [recommended] time schedules for such improvements; and
  - (4) The estimated annual cost of operating and maintaining the facilities to be constructed and acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

### **Sec. 11.06. - Council action on budget.**

- (a) *Notice and hearing.* The council shall publish in one or more newspapers of general circulation in the city the general summary of the budget and a notice stating:
- (1) The times and places where copies of the message and budget are available for inspection by the public; and
  - (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.
- (b) *Amendment before adoption.* After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income.

- (c) *Adoption.* The council shall adopt the budget on or before the thirtieth (30th) day of September of the fiscal year currently ending. If it fails to adopt the budget by this date, the amount appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations from the funds indicated and shall constitute a levy of the property tax therein proposed.
- (d) *Certification of taxing authority.* From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city, in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the city manager and filed by him with the city council, whose duty it shall be to determine the millage for the corresponding tax year.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

#### **Sec. 11.07. - Council action on capital program.**

- (a) *Notice and hearing.* The council shall publish in one or more newspapers of general circulation in the city the general summary of the capital program and a notice stating:
- (1) The times and places where copies of the capital program are available for inspection by the public; and
  - (2) The time and place, not less than two weeks after such publication, for public hearing on the capital program.
- (b) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before September 30.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 11.08. - Public records.**

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 11.09. - Amendments after adoption.**

- (a) *Supplemental appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget,

the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

- (b) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes [notes], which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenues available will not be sufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the definite [deficit], any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take further action as it deems necessary to prevent or minimize any definite [deficit] and for the purpose it may by ordinance reduce one or more appropriations.
- (d) *Transfer of appropriations.* At any time during the fiscal year the manager may transfer part or all of the unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another. This authority to transfer appropriations shall not apply to the capital program.
- (e) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 11.10. - Lapse of appropriation.**

Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 11.11. - Administration of budget.**

- (a) *Work programs and allotments.* At such time as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year

showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to section 11.04.

- (b) *Payments and obligations prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorization of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

*(Adopted by electorate, 11-2-76)*

#### **Sec. 11.12. - Definition of fund balances.**

"Fund balances" are defined as any revenue from whatever source derived to the city which is in excess of expenditures and/or encumbered funds for that fiscal year. They do not pertain to types of funds with special purposes or operations.

*(Adopted by electorate, 11-2-76; Amendment approved at referendum, 8-25-81; Amendment adopted by electorate, 11-8-88; Amendment adopted by electorate, 11-2-04)*

#### **Sec. 11.13. - Carrying forward of fund balances.**

The City Council may carry forward current year fund balances into the following fiscal year's fund budget.

*Sec. 11.14. - Reserved.*

### **ARTICLE XII - PLANNING AND ZONING**

#### **Sec. 12.01. - Planning and zoning board.**

There shall be a planning and zoning board to operate within the City of Port St. Lucie, Florida, for the purpose of procuring and suggesting plans for the zoning and arrangement of the city, with a view to its general improvement and probable growth and demands.

*(Adopted by electorate, 11-2-76)*

**Sec. 12.02. - Composition of the planning and zoning board.**

Composition of the board shall be as provided for by ordinance.

*(Adopted by electorate, 11-2-76; Am. Ord. 2, passed 3-18-80)*

**Sec. 12.03. - Removal of board members.**

Any member of the Planning and Zoning Board may be removed by a vote of the City Council either with or without cause. The Planning and Zoning Board, by a majority vote of the Board, shall recommend new members to be considered for appointment by the City Council.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

**Sec. 12.04. - Planning and zoning board recommendations to the city council.**

The Planning and Zoning Board shall make recommendations to the City Council pertaining to all items relating to planning and zoning before any council action may be taken.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

**Sec. 12.05. - Adoption of procedures.**

The City Council shall, by ordinance, set forth the procedures for meeting, records, absences, and voting for the Planning and Zoning Board meetings.

*(Adopted by electorate, 11-2-76)*

*Sec. 12.06. - Reserved.*

**ARTICLE XIII - GENERAL PROVISIONS**

**Sec. 13.01. - Separability.**



If any provision of this Charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

*(Adopted by electorate, 11-2-76)*

**Sec. 13.02. - State laws as amended.**

All references to specific state law shall be construed to mean such state laws as amended.

*(Adopted by electorate, 11-2-76)*

**ARTICLE XV - CITY PENSION PLAN**

**Sec. 15.01. - City pension plan.**

No elected official of the City of Port St. Lucie will be eligible to participate in the municipal pension plan.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 11-2-04)*

**ARTICLE XVI - CHARTER AMENDMENTS**

**Sec. 16.01. - Amendment procedure.**

Amendments to this Charter may be made in accordance with the procedures established by state law.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 9-4-84)*

**Sec. 16.02. - Referendum.**

Any subsequent charter or charter amendment shall become effective upon its ratification by a majority vote of the registered voters residing in the City of Port St. Lucie, Florida, voting upon the question of the approval or disapproval of such charter or charter amendment at the next general election or a special election to be called by the city council not less than thirty (30) days nor more than ninety (90) days after the submission of such charter or charter amendment to the city council.

*(Adopted by electorate, 11-2-76; Amendment adopted by electorate, 9-4-84)*