

**2021-2022
CHARTER REVIEW COMMISSION**

March 9, 2022

A Charter Review Commission (CRC) Meeting was held at the Murdock Administration Center, 18500 Murdock Circle, Room B106, Port Charlotte, Florida at 3 p.m. on March 9, 2022.

Call to Order

The Meeting was called to order at 3:00 p.m. by Chairman William J. Dryburgh.

Roll Call

The following CRC members were present:

William Abbatematteo	Theresa H. Murtha
Patricia W. Aho	Donna C. Peterman
Jeffrey K. Anlauf	Richard Pitz
Donna Barrett	William B. Schafer
Cherie A. Burnett	Cyril F. Schrage
Steve A. Drake	Bob White
William J. Dryburgh	
Donald McCormick	

Alternates

Rob Humpel, 1st Alternate
Suzanne Graham, Alternate

The following members were absent: Adam Riley, and James Coalwell, Alternate.

Others present: Robert H. Berntsson, Attorney.

Citizen's present: David Kesselring.

I. Approval of Minutes:

MOTION WAS MADE BY BOB WHITE AND SECONDED BY CHERIE BURNETT TO APPROVE THE MINUTES OF FEBRUARY 9, 2022.

MOTION CARRIED: 13:0

II. Citizen Input on Agenda Items:

Citizen David Kesselring provided a document (attached) listing the issues he has brought forth previously to the Charter Review Commission as well as a new proposal regarding changing the percentage of signatures to initiate or repeal existing ordinances from ten (10) percent in Article II, Section 2.2 G (1).

1. Prior Proposals: A people's bill of rights, term limits (2) for County Commissioners, election of county administrator, election of county attorney, election of the Charter Review Board, single member districts, limiting the power of the County Administrator and the County Attorney.

2. Ordinances: Recommending that the Charter be changed to a much more reasonable 5% for repeal of an ordinance, 7% for an amendment to an ordinance and 10% for a new ordinance.

CRC Member William Schafer (speaking under Citizen's Input) provided two documents (attached) for the Commissioners consideration as proposals for a ballot question.

1. An Article concerning on how a top Fort Myers law firm broke county lobbying rules and the Lee County Ordinance No. 03-14. Mr. Schafer recommends language from this Ordinance regarding Lobbying be placed in the Charlotte County Charter.

2. Mr. Schaefer's second document covered topics on suggested changes to the following:

- Election of County Commissioners: "The Board of County Commissioners shall be composed of 7 commissioners; 5 commissioners shall be elected (district-wide) from each of the existing 5 election districts. In addition, 2 new commissioners shall be elected upon a county-wide (at large) basis. All Commissioners must reside within their district of residence during their term of office."
- The County Administrator – " shall be appointed on the affirmative vote of a "Super Majority" (5 of 7 votes)...and removed with or without cause upon a "Simple Majority" (4 of 7 votes)...grounds for removal may include neglect of duty."
- The County Attorney – same above language as County Administrator.
- The Director of Economic Development – same above language as County Administrator.
- Residency Requirements: "Vacancies in Charlotte County elected offices shall be appointed by the Governor of Florida as provided by general law and the Florida Constitution. Candidates running for at-large elective office in the County of Charlotte must reside within Charlotte County for at least 6 months immediately prior to the time of qualifying to run for said office and remain a resident of Charlotte County during his/her entire term of office."
- Constitutional Officers: "There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court. A county charter may not abolish the office of a sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit court; transfer the duties of those officers to another officer or office; change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of said county."

III. Presentation of the Board of County Commissioners Staff Sub-Committee Final Report with the following recommendations:

Chairman William Abbatematteo began the subcommittee's report by thanking the membership of Jeffrey Anlauf, Donna Peterman, and Richard Pitz. Chairman Abbatematteo reported that the committee asked tough questions and based their report on facts not opinions, principles not emotions. The committee attempted to keep personalities out of the equation, keeping in mind the

advice to ask questions based on how you would construct the county from scratch. The committee raised a total of 13 issues but are only recommending three as possible Charter ballot questions. Chair Abbatematteo continued with the philosophy and thought process of why the committee made the following recommendations.

Charter Recommendations:

1. Term Limits for all County Elected Officials and Boards (excludes Constitutional Officers):

The subcommittee **does** recommend that the Board of County Commissioners be limited to three consecutive terms in office.

2. Economic Development Office: Return to the Executive Branch of Government:

The subcommittee agrees with the separation of powers between the Legislative and Executive functions of Charlotte County Government. The committee **does** recommend that the Economic Development Office return to the executive branch of government which affects the Charlotte County Charter, Article II, Section 2.3 B (1) *County Department Heads and F Director of Economic Development.*

The subcommittee also recommends either returning to the language of the 2004 Charter (for the above items) or adding a Division of Powers clause– see example from Brevard County:

“Section 1.5 Division of Powers. The County hereby establishes the separation between legislative and executive functions of Brevard County government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Manager.”

3. Casino Referendum needed for Casino Gambling:

The subcommittee **does** recommend language regarding casino gambling be added to the Charter.

To be modeled upon language used in Clay, Orange, Osceola, and Seminole County Charters, which in part reads:

“ Reservation of Power by the Electorate: The citizens of Clay County reserve to themselves the power to approve or disapprove casino gambling of any nature within the boundaries of the County. Therefore, if and when casino gambling becomes lawful under the Constitution and Laws of the State of Florida, no action may be taken by the Board of County Commissioners, by the governing body of any municipality, or by any elected or appointed official or employee of either the County or any municipality the effect of which is to authorize, to approve, or in any manner to allow casino gambling to occur anywhere in the County unless and until casino gambling in the County is first authorized by an approving vote of a majority

of the qualified electors residing in the County and voting on the question at referendum, and such referendum must be separate and apart from any State-wide or multi-County referendum on the question."

(This excerpt is only one of four or so paragraphs that we are recommending.)

Non-Charter Recommendations:

1. Procedures for review and oversight of County Funds given to other government entities, NGOs, Non-Profits, civic groups, etc.:

The subcommittee **does make a recommendation** to the Board of County Commissioners and Administration that they review procedures for oversight of County Funds given to other government and non-governmental entities and make sure all mechanisms are in place and address it administratively as needed.

2. Prohibition on use of county offices and staff for non-County entities, including NGOs, civic groups, 501c(3), 501c(6), etc.:

The subcommittee **does make a recommendation** and the committee's preference is to handle this issue administratively in lieu of a charter revision.

"The subcommittee inquired about the previous use of county facilities and staff serving as the office, point of contact and record keeping for a 501(c)(6) for several years, and although the subcommittee was told that this practice has stopped after the hiring of a new department director, this arrangement is not officially prohibited by the County, as far as memorializing it in any written policy, code or resolution by the County Administration or Board of County Commissioners. To avoid a repeat of this practice, which we felt is not a legitimate use of public funds, personnel, and property, we prefer and that the Board of County Commissioners or Administration handle this internally by adopting and issuing a written county-wide prohibition of such uses by any county department or personnel, and that such policy is communicated to all county departments and personnel via the standard distribution process for such matters.

Furthermore, if this recommendation is adopted by the Charter Review Commission, we would like to submit this one particular matter to the Board of County Commissioners and the Administration contemporaneously upon such adoption to give the County an opportunity to respond to the Charter Review Commission regarding this recommendation, and upon assurances that the County has agreed to adopt such a prohibition administratively, we will forego any further discussions about addressing this as a Charter revision."

3. 1% Sales Tax:

The committee **does make a recommendation** to the Board of County Commissioners and Administration to review the process by which they make decisions (to select projects) regarding the allocation of the one percent sales tax dollars.

Questions:

A spirited debate was held by commission members with various questions and discussions being raised concerning the recommendation of "prohibition on use of county offices and staff for non-County entities". Special concerns included non-profit organizations who already have long standing agreements in the use of county facilities. Member Barrett noted that a 501c(6) is a "member-based" organization and no longer contains political action organizations. Political action organizations are now filed under a 501c(4). The law was changed in 2013 so that a 501c(6) cannot have any religious or political entities in it. As this topic will be debated at another time, Chair Dryburgh recommending moving the meeting on to the next topic.

IV. Presentation of the Other Boards and Agencies Final Report with the following recommendations:

Chairman Theresa Murtha began the subcommittee's report by thanking members Steve Drake, Adam Riley, and James Coalwell, noting former members, Joyce Cream and Coleen Palinski-Ferrara who had to resign. She reported that this subcommittee was designed to interview other agencies in the county, most specifically those not connected to the county or under the review of the other subcommittees. Chairman Murtha concluded her report by commending Administrative Assistant Andrea Yerger for her assistance in guiding this subcommittee through the process and helping them to achieve their goals.

Charter Recommendations:

1. Term limits for County Commissioners: Insert after 2.2. "Staggered terms of four years" No county commissioner shall serve more than two consecutive terms.

2. Referendum on Casino Gambling: See Sample Below of Potential Language:

Casino Gambling Provision Based on Osceola County, Florida

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

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

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

D. Enforcement. The restrictions of this section may be enforced by the County, by a municipality in the County, or by any person substantially affected by any violation thereof. E. Municipal Referenda Not Prohibited. Nothing in this section prohibits any municipality in the County, whether by Charter or municipal ordinance, from likewise requiring approval by its voters at referendum before casino gambling may be allowed within the boundaries of the municipality, but any such referendum requirement shall be in addition to, not in substitution of, the referendum approval required by Subsection A above.

3. Balancing of the Composition of the Charter Review Commission to ensure equal representation across Charlotte County.

Recommendations for Future Charter Review Commissions

- To make more efficient use of time and encourage participation, there is a need for the ability to conduct interviews using Zoom, Facetime, or other appropriate technology. All sub-committee members could be present at physical meeting and public able to witness interviews conducted on a screen.
- Improvement needed in public awareness of the Charter Review Commission and encouragement to attend meetings and voice opinions.
- Recommend consider making the Commission a Standing Commission between required time for changes to be submitted to the electorate. During the early part of the timeframe, meetings could be less frequent, but would encourage recommendations and study recommendations from the public for consideration. The Commission could also be available as an enforcement watchdog of the Charter.

Recommendations (Other)

- The County should work with a partner to establish a forum/conference for interaction and planning with the leadership of public and private entities in the County to discuss and plan for core issues facing the County, for instance, water quality and quantity.
- Given concerns regarding the one-percent tax administration, it is recommended that procedures be reviewed by a Citizens Committee prior to the next One-Percent Sales Tax Committee start-up and recommendations for changes be evaluated and voted on by the County Commissioners. It is also recommended that a table of future costs associated with each project be used in deciding on projects to select. In addition, we recommend that there be an effort to balance proposed expenditures on projects across the County.

- The Charter is silent on balancing of memberships on the various advisory committees and boards to be reflective of the County as a whole. It is recommended that the selection process for committees and boards consider balancing with members from different areas of the County.

V. Old Business: None.

VI. New Business:

a. Dates and Times for Public Hearings: The commission members discussed the locations and set the times of 3 p.m. for the Public Hearing Meetings of April 27th at Charlotte Harbor Event and Conference Center, Punta Gorda; May 11th at Ann & Chuck Dever Park, Englewood; and May 25th at the Administration Center.

THE CR COMMISSION AGREED BY CONSENSUS TO THE MEETING LOCATIONS AND THAT ALL PUBLIC HEARING MEETINGS WILL BE HELD AT THE NORMAL MEETING TIME OF 3:00 P.M.

b. Approval of Big W Law Firm Statement for Services: The March 1, 2022 "Statement for Services" in the amount of \$956.25 was presented for approval.

MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY CYRIL SCHRAGE TO APPROVE THE BIG W LAW FIRM'S STATEMENT FOR SERVICES IN THE AMOUNT OF \$956.25

MOTION CARRIED 13:0

Member Barrett raised the question of the commission's rule established at the beginning of the Charter Review process regarding absenteeism of the members at meetings – three missed meeting in a row resulting in the removal from the Board. Attorney Berntsson reported that an opinion came from the County Attorney that a committee cannot make its own rules and only the Board of County Commissioners can remove a member. Member Murtha stated she felt this policy was problematic and asked how we might change it for the future? Chair Dryburgh said with the commission's consent he could bring this issue up before the County Commissioners and advise them that this is not a good practice. (The commission did not object). It is felt that missing three meetings in a row, results in a lot of missed information, especially when it comes time to voting on the issues. Attorney Berntsson offered that this could be a recommendation to put into the Charter. Member Peterman requested a review of the ground rules before moving forward. Attorney Berntsson stated quorum is the majority of 15 members present. Discussion continued regarding the member absenteeism issue and their voting on topics.

c. Discuss and Vote on proposed Charter issues: The Commission commenced with reviewing the issues proposed by Charlotte County Citizens over the past months.

Attorney Robert Berntsson gave the commission members the following "Ground Rules": If someone wants to discuss an item on the list, make a motion. If seconded, then the topic can be discussed. There is no need to make a motion or discuss an issue if no one is interested in putting the item on the ballot for electors.

- Single Member District Voting for Board of County Commissioners:

MOTION WAS MADE BY DONNA BARRETT AND SECONDED BY DONALD MCCORMICK TO EXCLUDE AS A BALLOT QUESTION SINGLE MEMBER DISTRICT VOTING FOR THE BOARD OF COUNTY COMMISSIONERS.

A debate on the merits of the motion followed with commission members voicing opinions regarding the pros and cons of the issue.

MOTION CARRIED: 8:5

- Term Limits for Commissioners. (If passed, the commission members then will vote on the number of terms.):

MOTION WAS MADE BY DONNA BARRETT AGAINST THE BALLOT QUESTION OF TERM LIMITS FOR COMMISSIONERS AND SECONDED BY RICHARD PITZ.

A debate on the merits of the motion followed with commission members voicing opinions regarding the pros and cons of the issue.

MOTION CARRIED: 10:3

- Charlotte County Water Quality/Amendment: **Failed to discuss due to lack of Motion.**
- Change Section 1.3 "Municipal Ordinances" and add language regarding sustainability: **Failed to discuss due to a lack of Motion.**
- Elected Charter Review Members. Change Sec. 4.C (1) from "shall be appointed by the BCC" to "shall be elected district wide by electors in each district.": **Failed to discuss due to a lack of Motion.**
- Lower Percentage for Citizen's Initiatives: **Failed to discuss due to a lack of Motion.**
- Separation of Powers/Limit power and authority of County Attorney and County Administrator: **Failed to discuss due to a lack of Motion.**
- Citizen's Bill of Rights:

MOTION WAS MADE BY THERESA MURTHA AND SECONDED BY WILLIAM ABBATEMATTEO TO DISCUSS THE ISSUE OF CITIZENS RIGHTS AS A BALLOT QUESTION IN THE CHARTER.

A debate on the merits of the motion followed with commission members voicing opinions regarding the pros and cons of the issue.

MOTION FAILED: 0:13

MOTION WAS MADE BY CHERIE BURNETTE AND SECONDED BY PATRICIA AHO TO RECOMMEND TO THE NEXT CHARTER REVIEW COMMISSION TO CONSIDER ADDING A CITIZEN'S BILL OF RIGHTS TO THE CHARTER.

A debate on the merits of the motion followed with commission members voicing opinions regarding the pros and cons of the issue.

MOTION FAILED: 5:8

- New Opening Statement to the Charter: "We the people of Charlotte County, in order to secure for ourselves the benefits and responsibilities of home rule and in order to provide for a county government to provide for the protection of our life, liberty, and property, do under God adopt this charter and as part thereof adopt the following". **Failed to discuss due to a lack of Motion.**

The discussion and voting on the proposed issues were tabled and will continue at the March 23, 2022 meeting.

VII. Discussion:

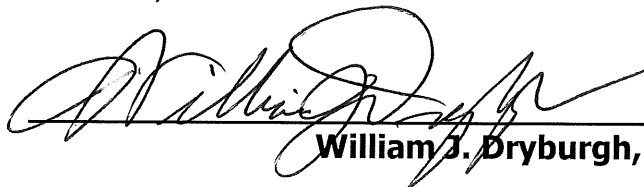
Chairman Dryburgh raised the suggestion of changing the meeting time of the March 23, 2022 scheduled meeting to 2:30 due to the long agenda of voting on proposed Charter issues.

THE CHARTER REVIEW COMMISSION AGREED BY CONSENSUS TO CHANGE THE MEETING TIME FOR THE MARCH 23, 2022 MEETING TO 2:30 P.M.

VIII. ADJOURNMENT:

THE MEETING WAS ADJORNED BY CONSENSUS AT 4:34 P.M.

The next meeting will convene on March 23, 2022, at 2:30 p.m. at the Murdock Administration Center, 18500 Murdock Circle, Room B106, Port Charlotte, Florida.



William J. Dryburgh, Chair

DATE ADOPTED: 3/23/2022

I'd like to continue to remind you of some of the suggestions already made of which you should have record.

These suggestions include:

A people's bill of rights,

(2) Term limits for the County Commission among others,

Election of the county administrator,

Election of the county attorney,

Election of the Charter Review board,

Single member districts in which the voters in each district get to pick their own representatives. Contrary to the propaganda being spread by those currently in power in Sarasota County, single member district voting is not a Democratic Party idea, but an idea supported by people of almost every party...it's nonpartisan,

And last but not least, the limiting of power of the County administrator and the county attorney.

I have a new suggestion this month.

Article II, Section 2.2, G (1) currently reads:

The people of Charlotte County shall have the right to initiate county ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition by a number of electors equal to ten (10) percent of the number of electors qualified to vote in the county as a whole in the last preceding general election.

That's over 15,000 signatures for any type of change to our own local ordinances. This is unacceptable. It's unacceptable that ordinances or the repeal thereof are never done by the people because of a ridiculously high number of petitions required by those in power. I've been in Charlotte County for three decades and have never seen a citizen initiated change in ordinances in this county.

My suggestion has a slight twist. We have way too many restrictive and repressive ordinances on the books. I would ask that the charter be changed to a much more reasonable 5% for repeal of an ordinance, 7% for an amendment to an ordinance and 10% for a new ordinance. This would still require over 7500 signatures to repeal ordinances that clearly don't have the consent of the people. If you don't already know, you need to come to an understanding that governments are instituted among men deriving their just powers from the consent of the governed. Government without the consent of the people is the very definition of slavery.

It's time this county charter changes to a document of the people, by the people and for the people.

David Kesselring
3/9/22

Top Fort Myers law firm broke county lobbying rules

Firm Consulted On Babcock Ranch, by Bill Smith - Fort Myers News-Press – June 5, 2019

One of the region's biggest law firms is among several business interests that did not meet required deadlines for registering as lobbyists, the Lee County Inspector General said in an investigative report released Tuesday.

Henderson, Franklin, Starnes & Holt, a Fort Myers based law firm; John Gucciardi, a consultant to Fort Myers Beach developer TPI Hospitality and Waldrop Engineering of Bonita Springs each missed filing deadlines.

Waldrop, which has consulted on Babcock Ranch and other projects, went seven years without filing the statement. It has since filed registrations for its employees.

Inspector General Tim Parks looked into the lobbyist registration filings after receiving three anonymous complaints in a two-week period last October. The complaints were made to a telephone tip line created by Lee County Clerk Linda Doggett and warned that three entities involved in development projects had failed to register on time.

The lobby rules are established by county ordinance. Under state law, violation of an ordinance can be prosecuted and punished by a fine of up to \$500 and 60 days in jail. Parks did not recommend any further action in any of the cases investigated.

Henderson Franklin missed the June 1, 2018 date for filing its 201819 registration, instead making the filing on July 30.

"It was substantiated that Henderson was lobbying without being currently registered," the inspector general's audit report stated. "The 59day lapse in registration does not meet the criteria of an intentional violation of the ordinance."

Attorney Russell Schropp, managing partner of the Henderson Franklin firm, said he believes the firm complied with the law when it filed its registration on July 30.

"We register annually as required by the ordinance", Schropp said. "The ordinance says we must file annually and use forms supplied by the clerk; I think we did that."

During the period when Henderson Franklin did not have a current registration on file, the auditor found six instances of lobbying activity, including meetings with David Loveland, the county director of community development, and Douglas Meurer, the assistant manager overseeing that department. The firm also had a representative meet with the late Larry Kiker, who represented District 3 on the board.

A Lee County ordinance states that annual registration statements for paid lobbyists must be filed annually on forms "prepared by the clerk's office." While the clerk's office does not specify the filing date, the official form states that it is for a period that runs from July 1 to June 30.

While Schropp said the firm files annually, Henderson Franklin allowed more than a year to go between filings. Its 2017-18 paperwork was filed on May 31, 2017, but a report for the following year was turned in 14 months later.

Henderson Franklin's paperwork lists more than 100 entities that it represents that could lead employees to lobby county officials. More than 50 attorneys are named in the firm's filing with the clerk's office.

Many of those entities are involved in real estate development projects.

Schropp spoke before the county commission last week in favor of a policy making it easier to build in state-designated wetlands in the county. Also this month, he represented the developer of a proposed new 7-Eleven at Winkler Road and College Parkway which drew opposition from residents of a nearby over-55 condominium community.

Another firm involved in the 7-Eleven application considered earlier this month was also cited in the audit, for not having filed lobbyist registration statements for the past seven years, going back to 2013.

Alexis Crespo, vice president of planning for Waldrop Engineering of Bonita Springs, testified in favor of the new convenience store and gas station at hearing examiner proceedings that resulted in a favorable recommendation for the project.

Employees of Waldrop have also represented Babcock Ranch and its developer Syd Kitson in winning approval for the community that straddles the Charlotte-Lee county line.

The company moved to resolve the registration issue by designating all employees as lobbyists.

“We promptly registered all employees that meet with county officials and staff in an abundance of caution, and to ensure all of our activities are above board,” Crespo said in a statement emailed to the News-Press.

Waldrop is among several engineering firms that both do paid work for the county and represent developers seeking county approval for development. Waldrop has been active in conducting studies and supervising remedial work in the county’s response to flooding caused by Hurricane Irma.

Engineers at Waldrop also issued a controversial 2016 study, commissioned by the county, on the need for lime rock in the county. That report includes a much-debated finding that the region could face a shortage of 84-million cubic yards of lime rock by 2040. Opponents of new mines in the southeast county have criticized the methodology in the report.

Crespo said the company was notified by the county attorney’s office about the audit and took steps toward compliance.

Parks’ report noted four contacts Waldrop representatives had with Kiker, Meurer and County Attorney Richard Wesch in August 2018, but did not detail contacts over the full seven years in which the company did not file lobby registration. Waldrop filed a report on April 19, and attached its filing for 2019-20 at the same time.

The inspector general limited his look at the actual contacts to confirming that the companies who registered late conducted lobbying while registrations had lapsed.

Lobbyists must also file quarterly statements listing money spent in the course of lobbying.

County Commissioners and employees in a position to recommend actions to the board are required to file quarterly reports on contacts with lobbyists and others seeking to influence county business.

The third lobbyist who filed late, John Gucciardo, works with TPI Hospitality, the company building the massive Margaritaville resort on Fort Myers Beach. He said he confused the required filing of quarterly reports with the need to file the annual registration and simply missed it.

Gucciardo filed the report due July 1 on Oct. 1, or three months late. Parks found six instances of lobbying with a lapsed registration in July.

Parks found that Gucciardo’s lapse “does not meet the criteria of an intentional violation of the ordinance.”

Gucciardo filed his 2019-20 registration on May 22, or nine days before it was due.



A model home and one for sale at Babcock Ranch on the North Fort Myers/Charlotte County line. The engineering firm on the project went seven years without filing required lobbyist registration forms.

LEE COUNTY ORDINANCE NO. 03-14

AN ORDINANCE RELATING TO LOBBYING ACTIVITIES AND LOBBYIST REPORTING IN LEE COUNTY; REPEALING ORDINANCE NOS. 89-40 AND 90-07; PROVIDING FOR DEFINITIONS; PROVIDING FOR RECORD-KEEPING RESPONSIBILITIES; ANNUAL REGISTRATION OF PAID LOBBYISTS; EXEMPTIONS; QUARTERLY LOBBYING STATEMENTS; CLERK TO MAINTAIN REGISTRATION, LOBBY LOGS AND LOBBYING STATEMENTS; PROHIBITED CONDUCT OF COUNTY OFFICIALS AND EMPLOYEES; PENALTIES; ENFORCEMENT; SEVERABILITY; AND EFFECTIVE DATE.

SECTION ONE REPEALER

Lee County Ordinance Nos. 89-40 and 90-07 are hereby repealed in their entirety.

SECTION TWO DEFINITIONS

A. "Lobbying" means communications outside of a duly noticed public meeting or hearing on the record, whether written or oral by a lobbyist, with any member or members of the Board of County Commissioners, or any member or members of any decision-making body under the jurisdiction of the Board, or any county employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the Board of County Commissioners, or any Decision-Making Body under the jurisdiction of the Board, or which may be presented for consideration by a county employee as a recommendation to the Board or decision-making body.

B. "Lobbyist" means any person, firm, corporation or other legal entity, paid or unpaid, who, on behalf of another, engages in the activity of lobbying as defined in this ordinance.

C. "Paid Lobbyist" means a person, firm, corporation or other legal entity who is employed and receives payment, or who contracts for economic consideration in any form for the purpose of lobbying, or a person who is principally employed for, or whose substantial duties pertain to governmental affairs communications for another person or governmental entity to lobby on behalf of that other person or governmental entity and engages in the activity of lobbying as defined in this Ordinance.

D. "Immediate Family" shall mean the lineal descendants, antecedent and the collateral kin of both the individual involved and the spouse of any such person.

E. "Principal" means the person, firm, corporation, or other legal entity which has arranged for a lobbyist to engage in lobbying.

F. "Employee" means:

- (1) County Manager, Deputy County Manager, Assistant County Managers, and Public Works Director;
- (2) County Attorney, Deputy County Attorney, Chief Assistant County Attorneys, and Assistant County Attorneys;
- (3) Executive Director of the Port Authority;
- (4) Department Directors or Interim Department Directors, Department Deputy or Interim Deputy Director, Division Directors or Interim Division Directors, Division Deputy Directors, or Interim Division Deputy Directors, to also include the Manager of Public Resources, Veteran Services, Risk Program, and Equal Opportunity Office.
- (5) All employees within the Purchasing Division and Contracts Office with the exception of the secretarial staff.

G. "Decision-Making Body" means any body established by the Board of County Commissioners which is subject to its jurisdiction.

SECTION THREE RECORD-KEEPING RESPONSIBILITIES

County Commissioners and employees as specified in Section Two (E), who make regulatory decisions or recommendations to the Board of County Commissioners shall be responsible for maintaining a written log which documents each oral lobbying communication or meeting with a lobbyist whether paid or unpaid, held for the purpose of lobbying outside a duly noticed public meeting or hearing on the record. The written log shall be of uniform form (Exhibit "A", hereto). County Commissioners nor County employees shall be required to maintain a record of their contact with each other, while acting within the scope of their official capacities and duties. The log shall, at a minimum, reflect the name of the lobbyist, the date of the oral lobbying communication or lobbying meeting, and the subject matter discussed.

County Commissioners shall deliver their logs to the Clerk of Court at the end of each quarter and at the conclusion of their final term in office. County employees as designated in Section Two (E) must deliver their logs to the Clerk at the end of each quarter and upon the conclusion of their employment with Lee County. All lobby logs must be in the form provided for in Exhibit "A", hereto.

Individuals who serve as members of advisory boards or advisory committees to the county, who are either volunteers or receive no compensation from the county for their services, are not required to maintain the logs as described in this section.

All individuals subject to the requirements of this section must file lobby logs as set out above, regardless of whether any lobbying contacts are reported during any reporting period.

SECTION FOUR ANNUAL REGISTRATION OF PAID LOBBYISTS

All paid lobbyists as defined herein, shall register with the Clerk of the Board of County Commissioners on an annual basis. Every unregistered, paid lobbyist shall register prior to the first occasion such unregistered, paid lobbyist engages in the activity of lobbying as defined in this ordinance. Every person, firm or other entity required to register as a paid lobbyist shall register on forms prepared by the Clerk's Office. The paid lobbyist shall state under oath their name, business address, the name and business address of each principal represented, the general and specific areas of legislative interest and the nature and extent of any direct business association or partnership with any current member of the Board, a county employee, or person sitting on a decision-making body that is created by Florida Law, and under the jurisdiction of the Board of County Commissioners. Each firm, corporation or other legal entity, may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons which may engage in lobbying as defined in this ordinance.

SECTION FIVE EXEMPTIONS

The following persons are not lobbyists as defined in Section Two (Paragraphs B and C), and shall not be required to register as paid lobbyists or keep records as paid lobbyists:

- (A) Lee County employees discussing government business;
- (B) Law enforcement personnel conducting an investigation;
- (C) Persons when they communicate with Board members or employees in their individual capacity for the purpose of self-representation, or on behalf of their family, without compensation or reimbursement;
- (D) Persons when they appear at public meetings or hearings and communicate on the record;
- (E) Consultants under contract with Lee County who communicate with Commissioners or employees regarding issues related to the scope of services in their contract;
- (F) Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are a government employee principally employed for, or whose substantial duties pertain to governmental affairs lobbying;
- (G) Persons who make purely informational requests to a Board member, Advisory Board member or Employee with no intent to affect a decision or recommendation on any item; and
- (H) Persons or representatives of organizations contacted by a Board member, Advisory Board member or Employee when the contact is initiated by that Board member, Advisory Board Member or Employee in their official capacity in the normal course of their duties to obtain factual information.

SECTION SIX VALIDITY OF ACTION

The validity of any decision, action or determination made by the Commission, Advisory Board or Staff shall not be affected by the failure of any person to comply with the provisions of this Ordinance.

SECTION SEVEN QUARTERLY PAID LOBBYIST STATEMENT

Each Quarter, all paid lobbyists shall submit to the Clerk's Office a signed statement under oath listing lobbying expenditures, the sources of the funds, and an itemization as to the amount expended for each member of the Board of County Commissioners, a county employee or any other person on a Decision-Making Body under the jurisdiction of the Board of County Commissioners. The statement shall be rendered on forms as provided by the Clerk's Office.

SECTION EIGHT MAINTAINING REGISTRATIONS AND LOBBYING STATEMENTS

The Clerk of the Board of County Commissioners shall accept and maintain the Paid Lobbyist Registrations, Quarterly Paid Lobbying Statements and Lobbying Logs, which shall be open for public inspection.

SECTION NINE PROHIBITED CONDUCT OF COUNTY OFFICIALS AND EMPLOYEES

No county official or employee of Lee County shall solicit or accept any compensation, payment, favor, service, or thing of value from a lobbyist when such county official or employee, as specified in Section Two (E), knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist.

SECTION TEN PENALTIES

The penalties for an intentional violation of this ordinance are those as specified in Section 125.69(1), Florida Statutes, as it may be amended or re-numbered from time to time.

SECTION ELEVEN SEVERABILITY

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included therein.

SECTION TWELVE EFFECTIVE DATE

This Ordinance will become effective immediately upon receipt of official acknowledgment of the Office of Secretary of State of Florida that this Ordinance has been filed with said office.

The foregoing Ordinance was offered by Commissioner **Coy**, who moved its adoption. The motion was seconded by Commissioner **St. Cerny** and being put to a vote, the vote was as follows:

BOB JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>AYE</u>
JOHN ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 24th day of June, 2003.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Charlie Green
Deputy Clerk

By: [Signature]
Chairman

APPROVED AS TO FORM:

By: [Signature]
Office of the County Attorney



ANNUAL LOBBYIST REGISTRATION

LEE COUNTY
SOUTHWEST FLORIDA

FOR THE PERIOD JULY 1, _____ THRU JUNE 30, _____

NAME _____ PHONE _____

MAILING ADDRESS _____

LIST THE NAME AND BUSINESS ADDRESS OF EACH PRINCIPAL REPRESENTED, THEIR GENERAL AND SPECIFIC AREAS OF LEGISLATIVE INTEREST, AND THE NATURE AND EXTENT OF ANY DIRECT BUSINESS ASSOCIATION OR PARTNERSHIP WITH ANY CURRENT MEMBER OF THE BOARD OF COUNTY COMMISSIONERS, COUNTY STAFF, OR PERSON SITTING ON A DECISION-MAKING BODY UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS WITH THE PRINCIPAL.

(1) NAME _____

ADDRESS _____

AREAS OF LEGISLATIVE INTEREST: ASSOCIATION WITH COMMISSIONERS, COUNTY STAFF OR MEMBERS OF DECISION-MAKING BODIES UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS.

(2) NAME _____

ADDRESS _____

AREAS OF LEGISLATIVE INTEREST: ASSOCIATION WITH COMMISSIONERS, COUNTY STAFF OR MEMBERS OF DECISION-MAKING BODIES UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS.

(3) NAME _____

ADDRESS _____

AREAS OF LEGISLATIVE INTEREST: ASSOCIATION WITH COMMISSIONERS, COUNTY STAFF OR MEMBERS OF DECISION-MAKING BODIES UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS.

(4) NAME _____

ADDRESS _____

AREAS OF LEGISLATIVE INTEREST: ASSOCIATION WITH COMMISSIONERS, COUNTY STAFF OR MEMBERS OF DECISION-MAKING BODIES UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS.

(USE ADDITIONAL PAGES IF NECESSARY)

STATE OF FLORIDA

COUNTY OF LEE

I HEREBY CERTIFY that the statements made above are true and accurate. I further certify and acknowledge that I understand that it is my responsibility to file my annual and quarterly statements and that I will not be notified by the Clerk's Office of my failure to do so.

DATED this _____ day of _____
WITNESSED:

Deputy Clerk _____ Lobbyist _____

SWORN TO AND SUBSCRIBED Before me this _____ day of _____

My Commission Expires: _____ Notary Public _____

QUARTERLY LOBBYING STATEMENT

FOR THE PERIOD _____ THRU _____

NAME _____

ADDRESS _____

(1) PRINCIPAL _____

EXPENDITURES MADE ON BEHALF OF PRINCIPAL \$ _____

SOURCE OF FUNDS _____

PURPOSE AND SUBJECT OF LOBBYING ACTIVITIES _____

THE INDIVIDUAL (COMMISSION, COUNTY EMPLOYEE, OR PERSON ON A DECISION-MAKING BODY UNDER
THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS) LOBBIED _____

(2) PRINCIPAL _____

EXPENDITURES MADE ON BEHALF OF PRINCIPAL \$ _____

SOURCE OF FUNDS _____

PURPOSE AND SUBJECT OF LOBBYING ACTIVITIES _____

THE INDIVIDUAL (COMMISSION, COUNTY EMPLOYEE, OR PERSON ON A DECISION-MAKING BODY UNDER
THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS) LOBBIED _____

(3) PRINCIPAL _____

EXPENDITURES MADE ON BEHALF OF PRINCIPAL \$ _____

SOURCE OF FUNDS _____

PURPOSE AND SUBJECT OF LOBBYING ACTIVITIES _____

THE INDIVIDUAL (COMMISSION, COUNTY EMPLOYEE, OR PERSON ON A DECISION-MAKING BODY UNDER
THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS) LOBBIED _____

(USE ADDITIONAL PAGES IF NECESSARY)

STATE OF FLORIDA

COUNTY OF LEE

I HEREBY CERTIFY that the statements made above are true and accurate. I further certify and acknowledge that I understand that it is my responsibility to file my annual and quarterly statements and that I will not be notified by the Clerk's Office of my failure to do so.

DATED this _____ day of _____, 19 _____

WITNESSED:

Deputy Clerk

Lobbyist

SWORN TO AND SUBSCRIBED Before me this _____ day of _____, 19 _____

My Commission Expires:

Notary Public

LOG OF LOBBYIST CONTACTS PURSUANT TO THE LEE COUNTY LOBBYING ORDINANCE

I hereby certify that the below information is true and accurate to the best of my knowledge.

Signature: _____ Week Ending: _____ Quarter Ending: _____

Typed Name of Individual: _____ Date Signed: _____

Date	Type of Contact (T or V)*	Name of Lobbyist	Principal Represented by the Lobbyist	Topic of Discussion	Comments (if any)

*T = Telephone Call
 V = Personal Visit
 Distribution: Original to Clerk of Courts
 Copy to Filer
 Copy to Office File



**STATE OF FLORIDA
DEPARTMENT OF STATE**

JEB BUSH
Governor

GLEND A. HOOD
Secretary of State

July 3, 2003

Honorable Charlie Green
Clerk of Circuit Court
Lee County
Post Office Box 2469
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 30, 2003 and certified copies of Lee County Ordinance Nos. 03-14 through 03-16, which were filed in this office on July 1, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Jane Bradshaw".

Sarah Jane Bradshaw
Assistant Director

SJB/mp

2003 JUL - 7 AM 10: 26
MINUTE OFFICE



STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

GLEND A E. HOOD
Secretary of State

July 3, 2003

Honorable Charlie Green
Clerk of Circuit Court
Lee County
Post Office Box 2469
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 30, 2003 and certified copies of Lee County Ordinance Nos. 03-14 through 03-16, which were filed in this office on July 1, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Jane Bradshaw".

Sarah Jane Bradshaw
Assistant Director

SJB/mp

2003 JUL - 7 AM 10: 26
RECEIVED
MINUTES OFFICE

CHARLOTTE COUNTY CHARTER REVIEW COMMISSION 2021 - 2022

Charlotte County is a relatively large county with a small population which is experiencing large growth spurts throughout the county. Due to the size of the county, residents can live as much as an hour apart and have significantly different opinions as to how their area should look and operate. Charlotte County was created approximately **100 years ago**, while its only city (Punta Gorda) was created approximately **140 years ago**. Therefore, it does not appear likely that additional cities will be created soon. Furthermore, we should recognize that some simple changes should be made which would support the existing 5 election districts, while also recognizing the fact that it is in **Charlotte County's best interest that it be operated as a united single entity**.

Charlotte County is governed by the Charlotte County Board of County Commissioners. Currently our commissioners run for office based on the commissioner's district of residence while being elected on a countywide (at-large) basis. On occasion district commissioners may find it difficult to support those issues specific to their home district, because the commissioner has been elected on a countywide (at-large) basis. Therefore, the residents of each district could very easily feel disenfranchised because their district commissioner might have been elected by the combined remaining 4 districts. On the other hand, county-wide concerns are more easily represented by commissioners that are elected on a county-wide (at-large) basis.

The following recommendations (**bullet points**) should help provide a balance between the residents of the individual election districts and the overall needs of all the county residents.

❖ **Note: As anyone who has run for county-wide office can attest, it is a very expensive and time-consuming venture. Whereas a district-wide office would open the door to additional and new candidates for office and is a far less costly time-consuming venture.**

- The Board of County Commissioners shall be composed of 7 commissioners, 5 commissioners shall be elected (district-wide) one from each of the existing 5 election districts. In addition, 2 new commissioners shall be elected on a county-wide (at large) basis. All Commissioners must reside within Charlotte County during their term of office. All (district-wide) commissioners *must* also reside within their district of residence during their term of office. The 2 county-wide (at-large) commissioners shall hold **staggered 4-year terms** and must reside within Charlotte County while they are running/elected for office and shall be elected by all residents of Charlotte County on a county-wide basis. At-large commissioners must reside within Charlotte County during their terms of office. During the 1st and 4th years in office each countywide commissioner shall serve as Vice Chairman of the Board of County Commissioners and during the 2nd and 3rd years in office shall serve as Chairman of the Board of County Commissioners.

- All redistricting of commissioner districts shall be performed by the **Charlotte County Attorney's Office**. The redistricting function shall take place during the odd numbered years and be implemented during the next following **even numbered election year**. During the redistricting process district-wide commissioners **cannot** be removed from their elected district because of the redistricting process. Each district must be contiguous and with the population count in each district as equal as possible. **No two districts shall have a difference in population-count greater than 3 percent.**

❖ **Note: The redistricting for the 2022 elections was performed by the Charlotte County Attorney's office and implemented by the Charlotte County Board of commissioners.**

- Each of the 7 commissioners shall have 1 vote to cast for all business coming before the board of County Commissioners. The adoption of ordinances shall require the affirmative vote by a **"simple majority"** (4 of 7 commissioners), and issues relating to long-term debt, acquisitions of property (land), zone changes and individuals appointed/hired to serve at the pleasure of the Board of County Commissioners shall require the affirmative vote by a **"super majority"** (5 of 7 commissioners). Business coming before the board of commissioners cannot be voted on without the participation of at least 5 commissioners.

- OVER -

- **The County Administrator** shall be appointed on the affirmative vote of a "Super Majority" (5 of 7 votes) and of the board of county commissioners based on administrative ability and qualifications, pursuant to requirements specified by ordinance, and shall reside within the county while so employed. The county administrator may be removed with or without cause upon a "Simple Majority" (4 of 7 votes) of the board of county commissioners. Grounds for removal for cause may include neglect of duty.
- **The County Attorney** shall be appointed on the affirmative vote of a "Super Majority" (5 of 7 votes) and of the board of county commissioners based on administrative ability and qualifications, pursuant to requirements specified by ordinance, and shall reside within the county while so employed. The county attorney shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners. The county attorney may be removed with or without cause upon a "Simple Majority" (4 of 7 votes) of the board of county commissioners. Grounds for removal for cause may include neglect of duty.
- **The Director of Economic Development** shall be appointed on the affirmative vote of a "Super Majority" (5 of 7 votes) and of the board of county commissioners based on administrative ability and qualifications, pursuant to requirements specified by ordinance, and shall reside within the county while so employed. The director of the economic development office shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners. The director of economic development may be removed with or without cause upon a "Simple Majority" (4 of 7 votes) of the board of county commissioners. Grounds for removal for cause may include neglect of duty.

RESIDENCY REQUIREMENTS

- Vacancies in Charlotte County elected offices shall be appointed by the Governor of Florida as provided by general law and the Florida Constitution. Candidates running for at-large elective office in the County of Charlotte must reside within Charlotte County for at least 6 months immediately prior to the time of qualifying to run for said office and remain a resident of Charlotte County during his/her entire term of office. Candidates running for district-wide elective office in the County of Charlotte must reside within Charlotte County and within the district of their residency for at least 6 months immediately prior to the time of qualifying to run for said office. Candidates must also remain a resident of both their district of residency and Charlotte County during his or her entire term of office. However, any district-wide officeholder who is temporarily removed from his or her residence because of calamity or natural disaster shall be deemed to be residing in such district, provided said commissioner demonstrates his or her intention to return to said district within 6 months.

CONSTITUTIONAL COUNTY OFFICERS.

- There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court. A county charter may not abolish the office of a sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit court; transfer the duties of those officers to another officer or office; change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of said county."

❖ **Note: The Constitutional officers subcommittee has recommended the following issue be incorporated in the Charlotte County home rule charter.**

- The duties of the Charter Review Commission should be amended in the Home Rule County Charter keeping the commission active until the next Charter Review Commission is established in 6 years. In the event there is a question of interpretation and/or enforcement of the current Home Rule County Charter, the remaining members of the charter review commission will interpret and enforce the intent of any said violation through the Charlotte County Attorney's Office.

- **The County Administrator** shall be appointed on the affirmative vote of a "Super Majority" (5 of 7 votes) and of the board of county commissioners based on administrative ability and qualifications, pursuant to requirements specified by ordinance, and shall reside within the county while so employed. The county administrator may be removed with or without cause upon a "Simple Majority" (4 of 7 votes) of the board of county commissioners. Grounds for removal for cause may include neglect of duty.
- **The County Attorney** shall be appointed on the affirmative vote of a "Super Majority" (5 of 7 votes) and of the board of county commissioners based on administrative ability and qualifications, pursuant to requirements specified by ordinance, and shall reside within the county while so employed. The county attorney shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners. The county attorney may be removed with or without cause upon a "Simple Majority" (4 of 7 votes) of the board of county commissioners. Grounds for removal for cause may include neglect of duty.
- **The Director of Economic Development** shall be appointed on the affirmative vote of a "Super Majority" (5 of 7 votes) and of the board of county commissioners based on administrative ability and qualifications, pursuant to requirements specified by ordinance, and shall reside within the county while so employed. The director of the economic development office shall not be under the direction and control of the county administrator but shall, instead, be responsible directly to the board of county commissioners. The director of economic development may be removed with or without cause upon a "Simple Majority" (4 of 7 votes) of the board of county commissioners. Grounds for removal for cause may include neglect of duty.

RESIDENCY REQUIREMENTS

- Vacancies in Charlotte County elected offices shall be appointed by the Governor of Florida as provided by general law and the Florida Constitution. Candidates running for at-large elective office in the County of Charlotte must reside within Charlotte County for at least 6 months immediately prior to the time of qualifying to run for said office and remain a resident of Charlotte County during his/her entire term of office. Candidates running for district-wide elective office in the County of Charlotte must reside within Charlotte County and within the district of their residency for at least 6 months immediately prior to the time of qualifying to run for said office. Candidates must also remain a resident of both their district of residency and Charlotte County during his or her entire term of office. However, any district-wide officeholder who is temporarily removed from his or her residence because of calamity or natural disaster shall be deemed to be residing in such district, provided said commissioner demonstrates his or her intention to return to said district within 6 months.

CONSTITUTIONAL COUNTY OFFICERS.

- There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court. A county charter may not abolish the office of a sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit court; transfer the duties of those officers to another officer or office; change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of said county."

❖ **Note: The Constitutional officers subcommittee has recommended the following issue be incorporated in the Charlotte County home rule charter.**

- The duties of the Charter Review Commission should be amended in the Home Rule County Charter keeping the commission active until the next Charter Review Commission is established in 6 years. In the event there is a question of interpretation and/or enforcement of the current Home Rule County Charter, the remaining members of the charter review commission will interpret and enforce the intent of any said violation through the Charlotte County Attorney's Office.