

VOLUME I

CHARTER

Title I. Establishment.

- Sec. 1. Municipality.**
- Sec. 2. Validation of ordinances, property rights, liabilities, etc.**

Title II. Legislative

- Sec. 3. Creation.**
- Sec. 4. Limit on number of terms for city council and mayor.**
- Sec. 5. Filling vacancies in the city council or in the office of mayor.**
- Sec. 6. Regular and special meetings of council.**
- Sec. 7. Election of mayor and mayor pro tem; general duties of mayor.**
- Sec. 8. General powers and rules of council.**
- Sec. 9. Quorum; compelling attendance of members.**
- Sec. 10. Investigations of transactions of departments and officials.**

Title III. Administration

- Sec. 11. City manager; acting manager; assistant manager; appointment, qualifications and salary.**
- Sec. 12. City manager; responsibility; powers of appointment and removal.**
- Sec. 13. Removal of officers and employees.**
- Sec. 14. Council not to interfere in appointments or removals; violation a misdemeanor; forfeiture of office.**
- Sec. 15. Duties of manager.**
- Sec. 16. Manager's and officer's right to participate in council meetings.**
- Sec. 17. Administrative departments.**
- Sec. 18. Departments to be supervised by a director.**

Title IV. Finance Procedures

- Sec. 19. Surety bonds required of officers and employees.**
- Sec. 20. City officers; appointment and compensation.**
- Sec. 21. Consolidation of offices and departments.**
- Sec. 22. Emoluments other than regular compensation prohibited; exception.**

Title V. Miscellaneous Provisions

- Sec. 23. Oath of office.**
- Sec. 24. Continuance of present officers.**
- Sec. 25. Elections.**

FORT WALTON BEACH - CHARTER

- Sec. 26. Property rights, obligations, ordinances, etc., continued.**
- Sec. 27. Offices and employment continued.**
- Sec. 28. Construction.**
- Sec. 29. Repealer.**
- Sec. 30. Effective date.**
- Sec. 31. Police jurisdiction over navigable waters.**
- Sec. 32. Acquisition of recreational tracts.**

Historical Notes & State Law References

Laws of Florida - Section

Section - Laws of Florida

Referenda to Section

Charter Index

FORT WALTON BEACH - CHARTER

TITLE I. ESTABLISHMENT

Section 1. Municipality established.

The present municipality of the City of Fort Walton is hereby abolished and in the place of the same municipality there is hereby created and established a municipality under the name of Fort Walton Beach within the territorial boundaries of the said City of Fort Walton as now established or as there may hereafter be established, the said Fort Walton Beach to succeed to and take the place of the abolished City of Fort Walton. The municipal corporation hereby established and created shall have perpetual succession, may use a common seal, may contract and be contracted with, and may sue and be impleaded in all matters whatsoever.

Section 2. Validation of ordinances, property rights, liabilities, etc.

All laws, by-laws, resolutions and ordinances lawfully passed and in force in the City of Fort Walton under its former charter, not in conflict or inconsistent with the provisions of this charter, shall remain in force until repealed or altered in accordance with the provisions of this act. All rights, actions, prosecutions, contracts, and power and property of every description which were vested in it are vested in it under the charter herein provided for, as though there had been no change in form of government, and no neglect or liability, either in favor of or against the city, and no suit or prosecution of any kind, shall be affected by such change, unless expressly provided by the terms of this act.

TITLE II. LEGISLATIVE

Section 3. Creation and composition of council.

Except as otherwise provided in this charter, all powers of the city shall be vested in a council of seven members who are elected at-large. The term of all councilmembers shall be for four (4) years, and an election shall be held each two (2) years for the purpose of electing members of the council as the terms expire. Until such elected members of the council shall take office, the present members of the council of the City of Fort Walton Beach shall continue in office until the expiration of their present terms of office. Members of the council shall be qualified electors of the city, and have resided in the city for at least six (6) months prior to qualifying for an elected office of the City of Fort Walton Beach with the Okaloosa County Supervisor of Election, and shall not hold any other city, state or federal office, except that of notary public or member of the state militia or member of the reserve forces of the United States. A member of the council ceasing to possess any of the qualifications specified in this section or convicted of crime, while in office, shall immediately forfeit his office.

Section 4. Limit on number of terms for city council and mayor.

No person shall be elected to the office of city council or mayor of the City of Fort Walton Beach for more than two consecutive full terms.

Section 5. Filling vacancies in the city council or in the office of mayor.

(a) In the event a vacancy occurs on the city council, or in the office of mayor, after election of a person to fill the office concerned, the position shall be filled as follows:

- (1) If a person elected has not yet been sworn into office, the office shall not be filled until that person would ordinarily have been sworn in. The council taking its seat at the time that person would have been sworn in shall determine the successor, by majority vote.
- (2) If the person elected has been sworn into office, and if more than sixty (60) days remain before the next primary election to be held within the City of Fort Walton Beach, then that vacancy shall be filled by a vote of the majority of the council then sitting.
- (3) Prior to any appointment by council, nominations shall be accepted during at least the two (2) general meetings following creation of the vacancies. The city council shall appoint the person to fill the vacancy at the third regular meeting after the vacancy is created. Voting will be confined only to those persons who were nominated and discussed at either or both the public meetings at which nominations were accepted.
- (4) If fewer than sixty (60) days remain before the next primary election, no successor shall be appointed unless no one qualifies to run for the vacant position.

(b) All vacancies which occur on the city council, or in the office of mayor, shall be filled by majority vote of the council, but only until the next election held in the city.

(c) Whether or not the seat becoming vacant has been sworn into office, the appointment by a majority of the council shall be for a period extending only until the beginning of the first regular meeting after a successor is chosen by election as provided herein. That seat shall be open for qualification in the next election beginning sixty (60) days before the first primary and ending thirty (30) days before the first primary. Those candidates qualifying for that position shall run in a nonpartisan election. The candidate who receives a majority of the votes cast shall be elected to that position. In the event no candidate receives a majority of the votes cast, then the two (2) candidates with the highest number of votes will participate in a runoff to be held at the next primary election, or if none, at the general election. The winner of that election shall fill the balance of the term of the seat in which the vacancy occurred.

Section 6. Regular and special meetings of council.

On the first day of July, 1956, and thereafter on the first day of April in the years in which there are elections of councilmembers, the council shall meet in the council chamber of the city hall, and the newly elected members shall assume the duties of office. Thereafter the council shall meet at such times as may be prescribed by resolution. Special meetings shall be called by the clerk upon written request of the mayor, city manager or three members of the council. Any such notice shall state the subject or subjects to be considered. All meetings of the council and of the committees thereof shall be open to the public, and rules of the council shall provide that the citizens of the city shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat. Notice may be waived by written waiver signed by all members.

Section 7. Election of mayor and mayor pro tem; general duties of mayor.

FORT WALTON BEACH - CHARTER

The mayor shall be elected by the qualified voters of the city at large every four (4) years. The mayor pro tem shall be chosen by and from the members of the council. In addition to the powers conferred on the mayor by this charter, the mayor shall also have the rights, privileges and immunities of a member of the council except that the mayor shall have the right to cast a deciding vote should any issue before the members of the city council end in a tie vote. The mayor shall be subject to the same prohibitions against interfering with or suggesting to the city manager. The mayor shall preside at meetings of the council and shall also have the power and perform the duties conferred and imposed by the charter and the ordinances of the city. The mayor shall be recognized as the head of the city government for all ceremonial purposes, by the courts for serving civil processes, and by the governor for purpose of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the council, take command of the police, maintain order and enforce the law.

Section 8. General powers and rules of council.

The council shall be the judge of the election and qualification of its members and, in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers, but the decision of the council, in any case, shall be subject to review by the courts. The council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior, and, by vote of not less than six (6) members, may expel a member for disorderly conduct or the violation of its rules, but no member shall be expelled unless notified of the charges and given an opportunity to be heard in their own defense.

Section 9. Quorum; compelling attendance of members.

A majority of the members elected to the council shall constitute a quorum to do business, but a lesser number may adjourn from time to time to compel the attendance of absent members, in such manner and under such penalties as may be prescribed by ordinance. No member shall be excused from voting, except on matters involving the consideration of their own official conduct, or when their financial interests are involved.

Section 10. Investigations of transactions of departments and officials.

The council, the mayor or any committee, duly authorized and appointed by council or the mayor to do so, may investigate the financial transactions of any office or department of the city government and the official acts of any city official, and by similar investigation may secure information upon any matter relating to the city's business. In conducting such investigations the council, the mayor or any committee duly appointed may require the attendance of witnesses and production of books, papers, electronic files and other evidence, and for that purpose may issue subpoenas which shall be signed by the presiding officer of the council, the mayor or the chairperson of such committee, as the case may be, which may be served and executed by any police officer.

FORT WALTON BEACH - CHARTER

TITLE III. ADMINISTRATION

Section 11. City manager; acting manager; assistant manager; appointment, qualifications and salary.

The council is hereby authorized to appoint from time to time a city manager who shall be the administrative head of the municipal government, who shall be responsible for the efficient administration of all departments, and who may be the head of the department or departments as the council may by ordinance provide. The city manager shall be chosen on the basis of their executive and administrative qualifications. The city manager may or may not be a resident of the City of Fort Walton Beach or the State of Florida. No member of the city council shall be appointed city manager. The city manager shall receive such salary as may be fixed by council. The council is further empowered to appoint or designate an acting city manager from time to time and also to appoint or designate an assistant city manager from year to year or from time to time and either shall receive such salary as the council shall see fit. The city council shall have the authority to provide the duties of the post of assistant city manager or the acting city manager when the city manager is absent and cannot himself designate or prescribe the duties of the assistant city manager or the acting city manager, as the case may be. In case of sickness or absence of the city manager, or in the case of a vacancy in said office, the city council may appoint another person, not a member of the city council, to act for the city manager during the absence or sickness, or during such vacancy, and the person so appointed may, during the absence, sickness or vacancy of the city manager, act and perform all the duties of the city manager, and all such acts of the person so appointed shall be as valid as though performed by the city manager. The council is limited to the appointment of an acting city manager to two consecutive terms of ninety (90) days each at the end of which time it shall be mandatory that the council appoint a fulltime city manager who meets the qualifications hereinabove set forth.

Section 12. City manager; responsibility; powers of appointment and removal.

The city manager shall be responsible to the council for the proper administration of all affairs of the city in his or her charge, and to that end, subject to such civil service provisions as may be provided for by ordinance and except as otherwise provided herein, the city manager shall have the power to appoint and remove all officers and employees in the administrative service of the city, and the manager may authorize the head of a department or office responsible to him or her to appoint and remove, with the same limitations, subordinates in such department or office. Appointments made by or under the authority of the city manager shall be on the basis of the executive and administrative ability and of the training and experience of the appointee in the work which he or she is to perform. All such appointments shall be without definite terms unless for temporary service not to exceed sixty (60) days.

Section 13. Removal of officers and employees.

Officers and employees appointed by the city manager, or under his or her authorization, may be removed by the city manager, or by the officer by whom appointed, at any time.

Section 14. Council not to interfere in appointments or removals; violation a misdemeanor; forfeiture of office.

Neither the council, nor any of its committees or members, shall direct or request the appointment of any person to or removal from office by the city manager or any of his or her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with that portion of the administrative service for which the manager is responsible solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the city either publicly or privately. Any violation of the provisions of this section by a member of the council shall be a misdemeanor, conviction of which shall immediately cause the forfeiture of the office of the member so convicted.

Section 15. Duties of manager.

It shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that the ordinances of the city and laws of the state are enforced; to make recommendations to the council concerning the affairs of the city as may seem desirable; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this charter or required by ordinance or resolution of the council.

Section 16. Manager's and officer's right to participate in council meetings.

The city manager, the directors of all departments, and such other officers of the city as may be designated by vote of the council, shall be entitled to take part in all discussions of the council relating to their respective departments and offices.

Section 17. Administrative departments.

There shall be such departments, boards and authorities as may be established by ordinance for the purposes of carrying out the legal, financial, public safety, public service and welfare functions of the city. The council may change any department, board, authority or office by ordinance and may prescribe, distribute or discontinue the functions and duties of departments, boards, authorities and offices so established, with the exception of the police or fire department, which shall require either a unanimous vote of the council or require a public referendum to discontinue. Additional functions and duties may be assigned by ordinance to departments, boards and authorities established by this charter, and departments, boards and authorities may be discontinued or the functions thereof changed by ordinance.

Section 18. Departments to be supervised by a director.

At the head of each department there shall be a director who shall have the supervision and control thereof. Each director, with the consent of the manager, shall have power to prescribe rules and regulations, not inconsistent with this charter and the ordinances passed pursuant thereto, for the conduct of the officers and employees of the department of which he or she is in charge and for the custody of the books, papers, electronic files and property under its control. The city manager may act as the director of any one or more departments if the city council should so provide by

ordinance.

TITLE V – FINANCE PROCEDURES

Section 19. Surety bonds required of officers and employees.

The council of the City of Fort Walton Beach shall fix the amount of the bond of all officers required by resolution or ordinance to give bond, and all officers, clerks and employees of whom bond is required by the council shall, before entering upon their respective duties, give bond with surety to be approved by the council, conditioned on the faithful performance of the duties of their respective offices, which bond, unless otherwise specifically provided by this charter, shall be payable to said city, and in such penalty as the council may by resolution prescribe. The council shall accept as surety on any official bond a good solvent surety company authorized to do business in the State of Florida. The premium on any such bond shall be paid by the city, unless otherwise specifically provided, and such bond shall be preserved by the city clerk.

Section 20. City officers; appointment and compensation.

The city council shall appoint the city clerk and the city attorney. All other officers and employees shall be selected by the city manager. The council shall fix, by resolution, the compensation of the city manager, the mayor, the city clerk, and the city attorney. The city manager shall fix the salaries or compensation of all other officers and employees.

Section 21. Consolidation of offices and departments.

The city council shall have the right to combine the functions of various departments and of various offices and to provide that one officer may perform the duties of one or more officers and may hold one or more offices.

Section 22. Emoluments other than regular compensation prohibited; exception.

No member of the council or officer or employee of the city shall directly or indirectly receive from the city any compensation, emolument or other thing of value for any service rendered by them or other than the regular compensation to be paid as fixed by the terms of their employment by law or ordinance, nor shall they accept any frank, free ticket, pass or service, directly or indirectly, from any person, firm or corporation, upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor. Such prohibitions of free service shall not apply to police officers or firefighters in uniform or wearing their official badge when the same is provided by ordinance.

TITLE V. MISCELLANEOUS PROVISIONS

Section 23. Oath of office.

Every officer of the city shall, before entering upon the duties of their office, take and subscribe to an oath or affirmation, to be filed and kept in the office of the council, that he or she will support, protect and defend the constitution and laws of the United States and of the State of Florida, and in all respects discharge the duties of their office.

Section 24. Continuance of present officers.

All persons holding office in or employed by the city, at the time this charter goes into effect, shall continue in such office or employment and in the performance of their duties until provisions shall have been otherwise made in accordance with the provisions of this charter for the performance or discontinuance of the duties of any such office or employment. When such provisions shall have been made the term of any such officer shall end.

Section 25. Elections.

(a) Except as modified or altered by the charter of the City of Fort Walton Beach, or by ordinances adopted from time to time, the provisions of general law of the State of Florida pertaining to state and local elections, registrations, manner of voting, qualifications of electors, duties of election officers, canvassing returns and the general holding and management of elections, shall apply. In addition, the council may provide detail for such elections more specifically by ordinance enacted from time to time.

(b) Any qualified elector of the city may become a candidate for any elective office by filing with the supervisor of elections a petition in the form as prescribed by that officer, together with a filing fee which shall be established by ordinance, but which may not exceed the sum of fifty dollars (\$50.00).

(c) All ballots and other forms necessary for accomplishment of the function of the supervisor of elections shall be the responsibility of the office of the supervisor of elections.

(d) After the first election which, pursuant to the provisions of this charter, the council shall provide for by ordinance, the subsequent elections shall be provided for by ordinance and the times of such elections shall be fixed so as to assure the elections being held from time to time before the expiration of the terms of office of the incumbents.

Section 26. Property rights, obligations, ordinances, etc., continued.

(a) *Property taxes, claims, etc.* All property rights, uncollected taxes due, claims, judgments, decrees and choses in action held and owned by the City of Fort Walton, abolished by this charter, shall pass to and be vested in the municipality created by this charter.

(b) *Obligations and contracts.* No liability, obligation or contract of the said municipality of any nature whatsoever, including bonds and other outstanding indebtedness heretofore issued, shall be impaired or affected by this charter, but such debts, obligations and contracts shall pass to and be binding upon the new municipality which is hereby organized and created.

(c) *Ordinances.* The ordinances of the present City of Fort Walton, Okaloosa County, State of Florida, shall be and hereby are declared to be the ordinances of the City of Fort Walton Beach, hereby organized and established, until altered, amended, modified or repealed by the city council, except insofar as said ordinances may be modified, altered, amended or repealed by the provisions of this charter.

Section 27. Offices and employment continued.

All officers and employees of the City of Fort Walton shall continue in their respective offices and employment, after the effective date of this charter, until they are replaced by election or appointment in accordance with the provisions of this charter.

Section 28. Construction.

(a) *Powers cumulative with state law.* The enumeration of particular powers in this charter shall not be termed or held to be exclusive, but in addition to the powers enumerated herein, implied hereby, or applicable to the exercise thereof, which are now, or may hereafter be, possessed or enjoyed by cities under the constitution and general laws of this state, and such powers shall be cumulative and alternative powers to those herein granted and all the powers of the city, either expressed or implied, shall be exercised and embraced in the manner prescribed by this charter, or when not so prescribed, then in such manner as prescribed by ordinance or resolution of the council.

(b) *Severability.* If any section or part of a section of this charter is invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section of this charter, unless it clearly appears that such other section or part of a section is willingly and necessarily dependent upon the section which is unconstitutional or invalid.

Section 29. Repealer.

All laws and parts of law in conflict herewith are hereby repealed.

Section 30. Effective date.

This act shall take effect immediately upon its becoming a law.

Section 31. Police jurisdiction over navigable waters.

The City of Fort Walton Beach is authorized to exercise police jurisdiction over all navigable water within a distance of one-half (1/2) mile of the present city limits of the City of Fort Walton Beach, provided, however, that no such distance shall extend beyond the half-way portion of any said body of water. This charter shall not be construed to annex any portions of water at the present time or any future date.

Section 32. Acquisition of recreational tracts.

The City of Fort Walton Beach is authorized to acquire property on Santa Rosa Island outside the city limits of the City of Fort Walton Beach for recreational purposes, regardless of whether such lands are contiguous to the present city limits, by passage of an ordinance of the city council without regard to any general or special law of the state now existing.