

# Revised City Charter

---

CITY OF SARASOTA 2014-15

Robert J. Martineau, Esq.  
DISTINGUISHED RESEARCH PROFESSOR EMERITUS OF LAW  
UNIVERSITY OF CINCINNATI

## CITY OF SARASOTA CHARTER

### **PREAMBLE**

**ARTICLE I. - GENERAL POWERS OF THE CITY**

**ARTICLE II. - CORPORATE BOUNDARIES**

**ARTICLE III. - ELECTED CITY POSITIONS**

**ARTICLE IV. - MAYOR AND COUNCIL**

**ARTICLE V. - APPOINTED CITY POSITIONS**

**ARTICLE VI. - ELECTIONS**

**ARTICLE VII. - BONDING**

**ARTICLE VIII. - CHARTER REVIEW, REDISTRICTING COMMITTEE  
AND CHARTER AMENDMENTS**

**ARTICLE IX. - MISCELLANEOUS**

**ARTICLE X. – SCHEDULE**

### **PREAMBLE**

*We the people of the City of Sarasota, in accordance with the Constitution and laws of the State of Florida, adopt this charter to secure the benefits of home rule and effective local government.*

## **ARTICLE I. - GENERAL POWERS OF THE CITY**

Section 1.01. - General Powers and Corporate Existence.

Section 1.02. - Construction.

Section 1.03. - Intergovernmental Relations.

Section 1.04. – Non Discrimination

### **Section 1.01. - General Powers and Corporate Existence.**

*The City of Sarasota, Sarasota County, Florida, has all the governmental, corporate, and proprietary powers allowed by law to enable it to conduct municipal government.*

### **Section 1.02. - Construction.**

*The grant of a specific power in this Charter does not limit the grant of full municipal power in Section 1.01.*

### **Section 1.03. - Intergovernmental Relations.**

*The City may participate in the performance of one or more of its powers in cooperation with one or more other governmental units of the United States, the State of Florida, or other state.*

**Section 1.04. – Non Discrimination.**

*A person may not discriminate against another in the City on the basis of age, disability, gender, marital status, national origin, race, religion, sexual orientation, gender identity, veteran’s status, housing, employment, or public accommodation.*

**ARTICLE II. - CORPORATE BOUNDARIES**

Section 2.01. - Corporate Boundaries.

**Section 2.01. - Corporate Boundaries.**

*The corporate boundaries of the City of Sarasota are as they exist on the effective date of this Charter or as the City may subsequently amend them.*

**ARTICLE III. - ELECTED CITY POSITIONS**

Section 3.01. - Form of Government.

Section 3.02. - Election and Terms.

Section 3.03. - Limitations of Terms for Mayor and Council Members; Effective Date.

**Section 3.01. - Form of Government.**

*A Mayor and Council constitute the government of the City. The Council exercises the legislative power of the City. It consists of five (5) members, one each elected from five (5) districts of the City. The Mayor exercises the executive power of the City. The Mayor is elected from the entire City.*

**Section 3.02. - Election and Terms.**

*The term of a Mayor or a Council member is four (4) years and begins at twelve o’clock (12:00) noon on the first Friday of November after the general election.*

**Section 3.03. - Limitations of Terms for Mayor and Council Members; Effective Date.**

*A person elected as Mayor or Council member may serve a maximum of three (3) consecutive elected terms.*

## ARTICLE IV. - MAYOR AND COUNCIL

Section 4.01. - Mayor.

Section 4.02. - Council.

Section 4.03. - Council Procedures.

Section 4.04. - Prohibitions.

Section 4.05. - Comprehensive Plan Amendments

Section 4.06. - Franchises; approval of written contracts, leases and changes to pension plan.

### Section 4.01. - Mayor.

*(a) The Mayor shall exercise the executive powers of the City which shall include but not be limited to;*

*(1) Organize, assign duties, and supervise the City departments including appointing, supervising, disciplining, and removing a City officer or employee in accordance with this Charter;*

*(2) Enforce this Charter, City ordinances, and applicable county, state, and federal laws;*

*(3) recommend to the Council measures for the improvement of the City and its government;*

*(4) Appoint or remove a City administrator, attorney, clerk, member of a City board, commission, or other entity created by the Council, or head of a department. An appointment or removal under this subsection requires Council approval except that the Mayor may remove a department head without Council approval.*

*(5) submit an annual budget and capital program to the Council;*

*(6) Veto an ordinance, resolution, or an appropriation within five (5) days of adoption, except an ordinance:*

*(i) Defined by a Florida statute as an emergency ordinance;*

*(ii) Adopted as a result of a quasi-judicial proceeding mandated by law; or*

*(iii) Required by law or this Charter to be subject to a referendum*

*(7) Attend and participate in the discussion at a Council meeting, but with no power to vote;*

*(8) report as needed, but at least annually the end of each fiscal year, to the Council and the public on the financial and administrative condition and needs of the City; and*

*(9) Serve full time and hold no other public office.*

*(b) Vacancy. If a vacancy in the office of Mayor occurs for a reason other than expiration of an elected term, the chair of the Council serves as acting Mayor until a successor is sworn in. Within thirty (30) days of a vacancy, the Council shall by a vote of at least three (3) members appoint a person, who is not a member of the Council, having the same qualifications as an elected Mayor to serve as Mayor for the remainder of the previous Mayor's term. If the remaining term is longer than twenty eight (28) months, the voters at the next general election shall elect a Mayor to serve the remainder of the term.*

*(c) Compensation. The Council shall fix the salary compensation of the Mayor by ordinance at not less than four (4) times the salary of a Council member and not less than \$100,000, effective at the beginning of the next four (4) year elected term. The Mayor shall also receive the same benefit package as a Council member.*

*(d) Employment. A person serving as Mayor may not be employed with the City within two (2) years of the end of their term as Mayor.*

#### **Section 4.02. - Council**

*(a) Powers and Duties. The powers and duties of the Council are to:*

*(1) Adopt ordinances, resolutions, an annual budget, and other appropriations it considers necessary for the governance of the City and its administration;*

*(2) Override the veto of an ordinance or resolution by the vote of at least four (4) members; and*

*(3) Conduct*

*(i) An annual audit of City finances, contracting annually with a certified public accountant for this purpose, and*

*(ii) When it considers it necessary a management evaluation of all or part of the administration of the City government, employing a professional consultant for this purpose.*

*(b) Vacancy. If a vacancy in the office of a Council member occurs for any reason other than expiration of an elected term, within thirty (30) days of the vacancy the Council shall by a majority vote of the remaining members appoint a person having the same qualifications as an elected member to serve as a Council member for the remainder of the elected member's term. If the Council fails to make the appointment within thirty (30) days, the Governor is hereby authorized to appoint a qualified elector to serve the remainder of the unexpired term. If the remaining term is longer than twenty eight (28) months, the voters at the next general election shall elect a member to serve the remainder of the term.*

*(c) Compensation. The Council shall by ordinance fix the compensation of its members effective at the beginning of the next four (4) year elected term of a member.*

**Section 4.03. - Council Procedures.**

*(a) Meetings. The Council shall meet at least monthly at the time and place it sets. The Council chair, Mayor, or three (3) Council members may call a special meeting. The call shall specify the time and place of the meeting to be held no sooner than twelve (12) hours after notice is given to Council members and the public unless those making the call determine that an emergency requires a shorter time period.*

*(b) Procedures and Minutes.*

*The Council shall:*

*(1) Adopt rules of procedure including the order of business for its meetings and voting procedure;*

*(2) Keep minutes of its meetings, including record of votes on an ordinance or resolution, and make them available for public inspection;*

*(c) Quorum. A majority of filled Council positions constitutes a quorum. A Council action requires the majority vote of filled Council positions except a smaller number may only compel attendance of an absent member subject to the penalty for failure to attend as established by ordinance, or adjourn a meeting. If under Florida law three (3) or more members may not vote on a matter, the Council may act by the unanimous vote of the remaining members.*

*(d) Veto Override. By a vote of at least four (4) members, the Council may override a veto of an ordinance or resolution if it does so within the later of five (5) days of the veto or the end of the day of the next Council meeting.*

*(e) Effective Date. An ordinance or resolution takes effect on the sixth (6th) business day after adoption or when later provided in the ordinance or resolution. An ordinance or resolution may take effect earlier if it so provides and the Mayor files a written notice with the City Clerk that the Mayor will not veto it.*

*(f) Officers. On the first Friday of November each year by a vote of at least three (3) members the Council shall elect one member as chair and one member as vice-chair. By the same procedure the Council shall fill a vacancy in either position for the remainder of the officer's term. The chair shall preside at a Council meeting or, if absent, the vice-chair shall preside. The Council may impose other duties on either officer.*

**Section 4.04. - Prohibitions.**

*(a) Interference with Executive Authority.*

*Except as provided in the Charter, the Council or a Council member may not interfere with the Mayor's executive authority under this Charter including the appointment or removal of an administrative officer or employee or with the performance of an officer's or employee's administrative duties. The Council or a member may direct a recommendation or criticism concerning the administration of the City only to the Mayor.*

*(b) Holding Other Office, City Employment*

*Except as permitted by Florida law, a Council member may not;*

*(1) Hold another elected office or employment with the City.*

*(2) Be employed with the City within two (2) years of serving as a Council member.*

*Nothing in this section shall be construed to prohibit the Council from selecting any current or former Council member to represent the City on the governing board of any regional or other intergovernmental agency.*

**Section 4.05. - Comprehensive Plan Amendments.**

*(a) By a vote of at least four (4) members the Council shall transmit to a state agency, and adopt, an amendment to the comprehensive plan that changes the Future Land Use Map or adds or changes a future land use classification of any parcel of real property depicted on the Future Land Use Map.*

*(b) Amendments to assign a future land use classification to a parcel of real property newly annexed into the city which has not previously been classified on the future land use map shall be exempted from the super majority vote requirement for transmittal and adoption and may be transmitted or adopted by simple majority vote of the City Council.*

**Section 4.06. - Franchises; approval of written contracts, leases and changes to pension plan.**

- (a) *A privilege conferred under a franchise from the City must be approved by ordinance. The affirmative vote of four (4) members is necessary to adopt an ordinance granting a franchise for a term of greater than ten (10) years.*
- (b) *A contract of the City (including leases) requires Council approval except for specific contracts declared by ordinance to be exempt from this requirement. A contract so exempted may be administratively approved as provided by ordinance; except that any such administratively approved contract may not have a term of greater than ten (10) years. The affirmative vote of four (4) members is necessary to approve a contract to which the City is a party (including leases) in the event the term of the contract (inclusive of all renewal periods) is greater than ten (10) years. The affirmative vote of four (4) members is not necessary to approve a contract which is terminable at will by the City without cost to the City or to a bond issue (either general obligation or revenue bond) when the maturity date of the bond is more than ten years after date of issue.*
- (c) *The affirmative vote of four (4) members is necessary to approve any change in the terms of the City's pension plan which has the effect of increasing the actuarially accrued liability of the plan, as calculated by the plan's actuary.*

**ARTICLE V - APPOINTED CITY POSITIONS**

Section 5.01. - City Clerk.

Section 5.02. - City Administrator

Section 5.03. - City Attorney.

Section 5.04. - City Boards, Commissions and Authorities.

**Section 5.01. - City Clerk.**

- (a) *The City Clerk shall keep the books, records, and minutes of the City government, including the records and minutes of the Council, and perform other duties prescribed by the Council or Mayor. In carrying out these duties the Clerk shall serve both the Mayor and the Council.*
- (b) *The City Clerk may inspect and copy a record, document, or data however stored available to a City officer or employee, unless disclosure is prohibited by Florida or federal law.*

**Section 5.02. - City Administrator.**

*The City Administrator is responsible to the Mayor and shall manage the daily operations of the City government under the supervision of the Mayor. Prior to appointment by the Mayor, the City Administrator shall have had relevant local government management, executive, or administrative experience.*

**Section 5.03. - City Attorney.**

*(a) The City Attorney is the chief legal adviser of the City government. The City Attorney shall:*

- (1) Advise a City officer, employee, board, commission, or other entity acting in that capacity;*
- (2) Represent the City in a legal proceeding in which the City or a City officer, employee, board, commission, or other entity is or may be a party; and*
- (3) Perform a duty prescribed by Florida law, this Charter, an ordinance or resolution, or order of the Mayor.*

**Section 5.04. - City Boards, Commissions, and Authorities.**

*Establishment and Membership. Unless otherwise provided by Florida law, the Council may by ordinance establish or terminate a City board, commission, or other entity as it considers appropriate for the best interests of the City and its citizens. The Council shall prescribe the duties and size of the board, commission or other entity and may prescribe its procedures.*

**ARTICLE VI. - ELECTIONS**

Section 6.01. - Nonpartisan Elections.

Section 6.02. - Electors.

Section 6.03. - Qualifications and Eligibility

Section 6.04. - Elections Procedures.

Section 6.05. - Campaign Financing

Section 6.06 - Candidate Qualifying Oath.

Section 6.07. - Commencement of Term of Office.

Section 6.08. - Council Districts.

Section 6.09 – Recall of Elected Officials.

**Section 6.01. - Nonpartisan Elections.**

*A candidate for elective office under this Charter appears on the ballot without political party identification.*

**Section 6.02. - Qualifications to Vote.**

*A City of Sarasota resident with a voter registration number assigned by the Sarasota County Supervisor of Elections to vote in a City precinct is a City voter and may vote in an election under this Charter.*

**Section 6.03. - Qualifications and Eligibility**

*(a) Eligibility to be a Candidate.*

*(1) Mayor; A City voter for at least one (1) year immediately preceding end of the qualification period may be a candidate for Mayor.*

*(2) Council Member; A City voter and a resident of a Council district for one (1) year immediately preceding end of the qualification period may be a candidate for Council member from that district.*

*(b) Filing of Candidacy and Determining Eligibility.*

*A candidate for Mayor or Council member shall file a notice of candidacy for the office with the City Clerk in the time and manner established by ordinance. The City Clerk shall determine the eligibility of a candidate.*

**Section 6.04. - Elections Procedures.**

*(a) Conduct of Election. The Sarasota County Supervisor of Elections shall make arrangements for and conduct of an election under this Charter, including designation of voting locations, appointment of election staff, and ballot preparation.*

*(b) General and Primary Elections. The Sarasota County Supervisor of Elections shall make all necessary arrangements for holding the regular City elections and shall declare the results thereof. A general election for contests with three (3) or more candidates occurs on the date of the primary election established by general law for election of State and County officers. A runoff election for the two (2) candidates receiving the greatest number of votes at the primary election, where none received a majority, occurs on the date of the general election established by general law for election of State and County officers. A general election for contests when there are only two (2) candidates occurs on the date of the general election established by general law for election of State and County officers.*

*(c) Notice. The City Clerk shall publish on the City's website and in a newspaper of general circulation in the City a notice of the time and place of an election under this Charter at least once a week for two (2) consecutive weeks during the thirty (30) days prior to the qualifying time for the election.*

*(d) Ballot. The Sarasota County Supervisor of Elections shall list each candidate for an office in alphabetical order on the ballot.*

*(e) Tabulation and Return. The Sarasota County Supervisor of Elections shall tabulate and return and the canvassing board shall canvass, the votes cast in accordance with Florida law. The board shall certify the result to the City Clerk. The City Council shall declare by resolution the official results of the election or referendum.*

**Section 6.05. – Campaign Financing**

*(a) Contribution Limits.*

*(1) A candidate for an office under this Charter may not accept campaign contributions:*

*(i) In cash or in kind services that exceed the amount allowed by state law or such lesser amount established by ordinance from one contributor per election. Florida law governs the definition of candidate and contribution.*

*(ii) From a person or entity other than a natural person age eighteen (18) or over at the time of the election for which a contribution is made.*

*(b) Each primary, general, or runoff election is a separate election.*

**Section 6.06. - Candidate Qualifying Oath.**

*A candidate for an elective office under this Charter shall subscribe to an oath or affirmation and file it with the City Clerk, in the form and during the period set by Florida law for a candidate for a county office.*

**Section 6.07. - Commencement of Term of Office.**

*At the time established in section 3.02 for taking office, an official elected under this Charter shall take the oath of office. If the official is elected at an election other than a primary or general election, the official takes office at twelve o'clock noon (12:00) on the Friday after the election or if that day is a legal holiday the next day not a legal holiday.*

**Section 6.08. - Council Districts.**

*Council districts are as established under Article 8 below.*

**Section 6.09. – Recall of Elected Officials**

*City voters may recall an official elected under this Charter in accordance with Florida law.*

## ARTICLE VII - BONDING

Section 7.01. - General Obligation Bonds

Section 7.02. – Revenue Bonds.

Section 7.03. – Other Bonds.

Section 7.04. – Pledge of Other Revenue Sources

Section 7.05. - Sale of Bonds or Other Financial Obligations.

Section 7.06. - Further Provisions Applicable to Bonds

Section 7.07. - Authority as to Bonds Supplemental.

Section 7.08. – Referendum on Issuance of Bonds.

Section 7.09. - Certificates of Participation.

Section 7.10. - Derivatives Prohibited

### **Section 7.01. - General obligation bonds.**

*The Council may issue or refinance a general obligation bond of the City for a lawful purpose including any aspect of an improvement in or outside City boundaries. The Council may not issue bonds that total in excess of ten (10) percent of the nonexempt assessed valuation of real property in the City. This limit does not apply to a bond refinancing an existing bond to which the limit is applicable unless required by Florida law.*

*The City may issue a bond only if a majority of the voters voting on the question approve the issuance at a general or special election held in accordance with Florida law. The City may refinance a general obligation bond including interest and redemption premium without voter approval unless required by Florida law.*

*The Council shall levy a tax on all the assessed valuation of non-exempt real property in the City sufficient to pay when due and payable the principal of and interest on a general obligation bond. The City shall collect the tax in the same manner as other taxes on real property.*

### **Section 7.02. - Revenue bonds.**

*The Council may issue or refinance a bond payable solely from the revenue from a present or future City owned or operated facility for the same purpose as a general obligation bond under section 7.01 above without voter approval. If the bond requires payment from general City revenues, the Council shall submit the issuance of the bond for voter approval in the same manner as a general obligation bond.*

### **Section 7.03. - Other Bonds.**

*The Council may issue or refinance a bond or other obligation of the City payable from general City revenues other than the tax on real property in the City without voter approval.*

**Section 7.04. - Pledge of other revenue sources.**

*In addition to the funding sources authorized by sections 7.01-.03, the Council may pledge City revenue from any other source to pay a general obligation or revenue bond or other financial obligation of the City from a source other than the tax on real property in the City.*

**Section 7.05. - Sale of bonds or other financial obligations.**

*(a) Manner of Sale. The City shall sell a bond or other financial obligation of the City at public sale unless the Council determines by resolution the sale may be by private sale.*

*(b) Public Sale Procedure.*

*(1) Notice. The City Clerk shall solicit sealed bids for the purchase of a bond or other obligation by a notice on the City's website and in a newspaper of general circulation in the City at least once before the sale day. The Clerk shall include in the notice: (1) the time and place for submitting a bid; (2) a statement that the City has the right to reject a bid; and (3) a statement that the interest rate as calculated under standard bond tables may not exceed the maximum allowed under Florida law.*

*(2) Deposit. The Council may require a bidder to submit with a bid a certified or bank check in an amount not to exceed two percent (2%) of the par value of the bond or other obligation to be sold as liquidated damages if the bid is accepted but the bidder fails to complete the purchase.*

*(3) Opening and taking action on bids. The Council shall designate a City employee to open timely bids. The employee shall present the bids to the Council at its next regularly scheduled meeting or a special meeting set for receiving and acting on the bids.*

**Section 7.06. - Further provisions applicable to bonds.**

*The Council may take an action not prohibited by Florida law or this Charter to facilitate the sale and payment of a bond or other financial obligation of the City and the interest on either. The Council may delegate its power under this section to a person under standards and procedures set by the Council by ordinance or resolution.*

**Section 7.07. - Authority as to bonds supplemental.**

*The authority of the Council under this article is in addition to the authority of the City to incur and pay indebtedness under Florida law and does not restrict an authority under that law.*

**Section 7.08. - Referendum on issuance of bonds.**

*Florida law and the ordinance authorizing the issuance of a bond pledging the full faith and credit of the City to the bond's repayment govern the referendum on the issuance of the bond.*

**Section 7.09. – Certificates of Participation.**

*The City may issue a certificate of participation of the City only after voter approval at a referendum held for that purpose in the manner provided by Florida law and by an ordinance or resolution.*

**Section 7.10. - Derivatives Prohibited.**

*In connection with a bond issued by the City, the City may not enter into a financial instrument, the value of which depends on, or is derived from, the value of one (1) or more underlying assets or index or asset values, including options, forward contracts, futures, stripped mortgage backed securities, structures notes, swaps, or a similar instrument.*

**ARTICLE VIII - CHARTER REVIEW, REDISTRICTING COMMITTEE  
AND CHARTER AMENDMENTS**

[Section 8.01. - Charter Review and Redistricting Committee](#)

[Section 8.02. - Charter Amendments](#)

**Section. 8.01. - Charter Review Commission and Redistricting Committee**

*(a) Charter Review and Redistricting Committee. Within one year after publication of the federal decennial census and at such additional times as the Council may provide by resolution, the Mayor with Council approval shall appoint a nine (9) member charter review and redistricting committee. The Mayor may appoint only a City voter who does not hold an elective office in any government. The Mayor shall fill a vacancy on the committee within thirty (30) days of the vacancy in the same manner as the initial appointment. A committee member receives no compensation for committee service.*

*(b) Duties.*

*(1) Redistricting.*

*(i) Within one (1) year after a federal decennial census is published the committee shall draw the Council district boundaries in accordance with legal requirements and Article III, Section 21 of the Florida Constitution. At other times the committee may also redraw the districts to reflect major changes in district populations or City boundaries.*

*(ii) The redrawn boundaries apply to the next Council election and are effective for all purposes when the Council members elected at that election take office.*

*(2) Charter Review.*

*(i) The committee shall review this Charter to determine if an amendment to it is necessary. If it so finds, the committee shall by the July 31 of the year in which appointed and at such other time when it considers it appropriate recommend to the Council the language of a charter amendment.*

*(c) Procedure. The committee shall meet within ten (10) days of its appointment to elect a chair and vice-chair and establish procedures for carrying out its duties. The committee shall meet on the call of the chair or any three (3) members. A committee meeting is open to the public.*

*(d) Expenses. At least annually the committee shall verify its expenses and send them to the Mayor who shall pay them for the City general fund.*

**Section 8.02. - Charter Amendments.**

*The methods for placing a charter amendment on the ballot to the extent consistent with Florida law are:*

*(a) By the Council. The Council may put on the ballot a proposed charter amendment:*

*(1) Submitted to it by the charter review and redistricting committee. If the charter review and redistricting committee under section 8.01 recommends to the Council a charter amendment, the Council may take such action on the amendment as it considers appropriate, including putting it on the ballot as submitted, revising it and putting it on the ballot, or sending it back to the committee for further study; or*

*(2) Adopted by a resolution of the Council.*

*(b) By written petition. If the Council receives a petition meeting the requirements set forth below, the Council shall place the proposed charter amendment on the ballot.*

*(c) A petition to put a Charter amendment on the ballot must:*

*(1) Contain the full text of the proposed amendment. If the petition amends more than one (1) Charter section the petition must contain a clear and concise summary of the proposed amendments; and*

*(2) Be signed within one hundred eighty (180) days of its submission to the City Clerk by City voters equal to ten percent (10%) of number City voters at the time of the last general City election.*

*(d) If the Council votes or receives a valid petition to put a proposed Charter amendment on the ballot, the Council within thirty (30) shall by resolution set the date of the referendum to be held on the proposed Charter amendment at either a special election to be held no earlier than ninety (90) days of its adoption or at the next general election. The Council in the resolution shall include the language to appear on the ballot at the referendum and the effective date of the amendment if approved by the voters.*

## **ARTICLE IX. - MISCELLANEOUS**

[Section 9.01. - Code of Ethics.](#)

[Section 9.02. - Alternate Minimum Wage Requirements for Certain Employers.](#)

### **Section 9.01. - Code of Ethics.**

*The Council shall by ordinance adopt a code of ethics for elected and appointed City officers and employees. The Council may adopt ethical standards that are at least equal to those set by Florida law for state and local officials and employees.*

### **Section 9.02. - Alternate Minimum Wage Requirements for Certain Employers.**

*(a) Purpose.*

*The purpose of this section is to ensure that when a taxpayer-financed benefit is extended by the City to private businesses; it is used to benefit the interests of the City as a whole, by creating jobs that keep workers and their families out of poverty. This section therefore requires a business benefiting from City financial assistance to pay its employees a wage that will enable a full-time worker to*

*support a family at a level that meets basic needs and avoids economic hardship.*

*(b) Definitions. For purposes of this section:*

*(1) Employee means an individual who performs work on a full-time, part-time, temporary, or seasonal basis, including permanent workers, temporary workers, contracted workers, contingent workers and persons made available to work through services of a temporary services, staffing or employment agency or similar entity.*

*(2) Employer means an individual, partnership, corporation, limited liability company, sole proprietorship, association, joint venture, estate, trust, and any other entity, group or combination acting as a unit, and the individuals constituting such group or unit.*

*(3) Fiscal year means October 1 through September 30.*

*(4) Alternate minimum wage means, for a given fiscal year, an hourly wage equal to the federal poverty level for a family of four (4), as updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902, or its successor, as of the July 1 immediately preceding the start of the fiscal year, divided by 2,080 and rounded to two decimal places.*

*(5) (i) Subsidy or tax abatement mean something of economic value, awarded or conveyed to an employer by or through approval of the City. A subsidy or tax abatement includes: contributions or donations of funds, real property or tangible personal property without equivalent consideration; payments for goods provided or services rendered in an amount that exceeds the fair market value for such goods or services; provision of goods, rendering of services or provision of funds or resources necessary for such provision or rendering, when such goods or services inure to the benefit of any private interest; below-market-rate loans; deferrals or reductions of payments due on a loan; reduction in the interest rate of a loan; tax incentives; reduction of or credit towards a tax assessment; fee waivers; tax increment financing; bond financing; rent subsidies; land write-downs (i.e. the donation, sale, lease, assignment, or transfer of land at less than fair market value of property); rebates; contingent obligations assumed by the City, such as any guarantee; and the provision of tangible personal property such as materials, equipment, fixtures, merchandise, inventory, or machinery.*

*(ii) Subsidy or tax abatement does not include generalized financial assistance, such as that provided through broadly applicable tax reductions; City staff assistance in and of itself; or entry into a contract with the City to provide goods or services at fair market value.*

*(iii) When something of economic value described in sub-paragraph (A) is to be divided into or distributed in identifiable parts, including installments, stages, shares or billable portions, subsidy or tax abatement refers to each individual part and not to the set of such parts in the aggregate.*

*(6) direct means, a subsidy or tax abatement:*

*(i) If funds, appropriated by the City, but not subsequently appropriated by another unit of government; or*

*(ii) If other than funds, approved by the City, but not subsequently approved by another unit of government.*

*(7) A subsidy or tax abatement is a direct subsidy or tax abatement regardless of any involvement by a private or quasi-governmental intermediary or agent subsequent to appropriation or approval by the City.*

*(8) received means, a subsidy or tax abatement:*

*(i) If funds, the date the funds are disbursed to the employer; or*

*(ii) If other than funds, the earliest date the employer acquires the ability to derive benefit from the subsidy or tax abatement.*

*(9) Extended benefit amount means the gross amount or value of a subsidy or tax abatement, less the fair market value of any goods provided or services rendered as a condition of receipt of said subsidy or tax abatement, as of the date the subsidy or tax abatement is received, except that goods provided or services rendered that inure to the benefit of a private interest count toward the extended benefit amount. For purposes of this section, inurement to the benefit of a private interest does not preclude the simultaneous fulfillment of a broader public purpose such as economic development.*

*(10) Extended benefit period means, for a subsidy or tax abatement, a period of four consecutive fiscal years commencing October 1 of the fiscal year immediately following the date on which the subsidy or tax abatement is received, except that if the total of the extended benefit amounts of all direct subsidies and tax abatements received during the same fiscal year does not exceed \$100,000, there is no extended benefit period.*

*(11) Covered employee means an employee of an employer who must be paid an hourly wage not less than the federal minimum wage by an employer pursuant to the federal Fair Labor Standards Act and who performs work for the employer a total of five (5) or more hours per week at locations within the City or for purposes that pertain to the specific purpose for which a direct subsidy or tax abatement was awarded or conveyed by the City.*

*(c) Alternate minimum wage for City-subsidized employers.*

*(1) For a fiscal year, an employer is City-subsidized for purposes of this section if:*

*(i) as of October 1, the fiscal year coincides with the unexpired extended benefit period for a direct subsidy or tax abatement received from the City; or*

*(ii) as of the earliest date such that the total of the extended benefit amounts for all direct subsidies and tax abatements received from the City during that fiscal year exceeds \$100,000.*

*This subsection applies to a direct subsidy or tax abatement received from the City except as provided in subsection (j). Overlapping extended benefit periods run concurrently.*

*(2) An employer designated as City-subsidized during a fiscal year retains that status until the end of the fiscal year. That status may be extended into the next fiscal year in accordance with paragraph (1) of this subsection. However, an employer may not be designated as City-subsidized retroactively.*

*(3) A City-subsidized employer with fifty (50) or more covered employees shall pay the covered employees an hourly wage not less than the alternate minimum wage for all work that is performed at locations within the City or that pertains to the specific purpose for which a direct subsidy or tax abatement is awarded or conveyed by the City, except that an employer not considered City-subsidized as of the preceding October 1 shall implement the alternate minimum wage within thirty (30) days of the date it receives the subsidy or tax abatement requiring designation as City-subsidized.*

*(d) Notice to prospective City-subsidized employers. A notice, agreement or contract that offers or obligates a direct subsidy or tax abatement to an employer must include notification of the applicability and requirements of this section, including the fact that a violation of this section constitutes a material breach of an agreement or contract. Failure on the part of the City to provide such notification does not exempt the employer from a requirement.*

*(e) Annual determination and notification of City-subsidized employers. Not later than August 1 of each year, the City shall inform employer known to be designated as City-subsidized for the next fiscal year of its status, the revised alternate minimum wage and other requirements of this section. The City shall at the same time also provide employer with a notice clearly stating the revised alternate minimum wage and the requirements of this section to its employees. The City shall write the notice in English and Spanish and shall include a telephone number and World Wide Web URL maintained by the City, to which an employee or other party may seek additional information.*

*(f) Posted notice to employees. A City-subsidized employer shall ensure that the notice to employees described in paragraph (e) is visible and continuously posted in close proximity to other employer notices, wherever the notices are posted.*

*(g) Monitoring and reporting.*

*(1) The City shall monitor the compliance of City-subsidized employers with the provisions of this section.*

*(2) At the request of the City, a City-subsidized employer shall:*

*(i) Provide satisfactory proof of compliance with this section; and*

*(ii) Provide payroll records or other documentation within ten (10) business days of receipt of the City's request.*

*(3) Within thirty (30) days of the end of a fiscal year, an employer designated as City-subsidized for a portion of the fiscal year shall submit to the City a report containing all requested information including the monthly average number of covered employees and the monthly average number of the employees whose wages were affected by this section.*

*(4) By February 1 each year the City shall submit a report to the Council containing a*

*compilation of information collected pursuant to paragraph (3) of this subsection and a summary report of violations of this section.*

*(h) Retaliation prohibited. A City-subsidized employer or other party may not discriminate or take adverse action against a person in retaliation for exercising a right protected under this section. A right protected under this section includes the right to (i) file a complaint or inform another person of an alleged noncompliance with this section, (ii) inform a person of his or her potential rights under this section and (iii) assist the person in asserting such rights.*

*(i) Violations.*

*(1) A violation of this section constitutes a material breach of an agreement or contract governing a subsidy or tax abatement to a City-subsidized employer.*

*(2) If the City finds a City-subsidized employer to be in violation of this section the City shall:*

*(i) If a first violation of this section, issue a warning notice and immediately pay all current and former covered employees all past due wages earned pursuant to this section.*

*(ii) If a second or subsequent violation of this section, the employer to remit to the City an amount equal to ten (10) percent of the extended benefit amount of a direct subsidy or tax abatement considered in the determination of the employer's status as City-subsidized pursuant to subsection (c), and pay a current and former covered employee past due wages earned pursuant to this section.*

*(iii) If a third or subsequent violation of this section, and the City finds the violation to be deliberate, the employer shall, in addition to incurring penalties pursuant to subparagraph (B), forfeit a subsidy or tax abatement not yet received and is thereafter ineligible to receive a subsidy or tax abatement from the City for a period of five (5) years from the date of the finding.*

*(3) A covered employee or the employee's representative may file a complaint or report of a violation of this section to the City Upon receipt of such a complaint or report, the City shall investigate and determine within ninety (90) whether a violation has occurred.*

*(j) Exemptions.*

*(1) A City-subsidized employer that is a not-for-profit corporation organized and operated exclusively for charitable purposes and that is both exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and in compliance with the registration and reporting requirements of Chapter 496, Florida Statutes, as amended, is exempt from the this section.*

*(2) A subsidy or tax abatement received from the City granted solely and directly for providing affordable housing to City residents is exempt from this section.*

*(3) The Council may grant an employer a partial or complete exemption from the requirements of this section only in the event that the Council finds that an application of this section that would cause a violation of federal or state law.*

## ARTICLE X. – SCHEDULE

Section 10.01. - Effective Date.

Section 10.02. - Ordinances Preserved.

Section 10.03. - Repeal of Former Charter Provisions and Extraterritorial Powers Preserved.

Section 10.04. - Precedence over Code Provisions.

Section 10.05. – Officers, Board Members and Employees.

Section 10.06. - Existing Rights, Obligations, Duties and Relationships.

Section 10.07. - Transition.

Section 10.08. - Severability.

### **Section 10.01. - Effective Date.**

*If a majority of the voters at the referendum on this Charter approve it, the Charter becomes effective January 1, 2015.*

### **Section 10.02. - Ordinances Preserved.**

*An ordinance in effect upon the adoption of this Charter, to the extent not inconsistent with it, remains in effect until amended or repealed.*

### **Section 10.03. - Former Charter Provisions and Extraterritorial Powers Preserved.**

*A provision of the Sarasota City Charter in effect prior to January 1, 2015, not included in the new Charter but not inconsistent with it, continues in effect as an ordinance of the City. An extraterritorial power of the City conferred by special act or otherwise remains in effect until repealed or modified by referendum or as otherwise provided by law.*

### **Section 10.04. - Precedence over Code Provisions.**

*If a conflict exists between this Charter and an ordinance, the Charter controls.*

### **Section 10.05. - Officers, Board Members and Employees.**

*The adoption of this Charter does not affect or impair the rights, privileges or immunities of a City officer, board member or employee at the time of the effective date of this Charter, including a right provided for pursuant to Chapter 447, Florida Statutes, and collective bargaining agreements. An elected officer continues in office for the term prescribed by the previous Charter and until a successor is elected. A current board member shall remain in office until another appointment is made.*

**Section 10.06. - Existing Rights, Obligations, Duties and Relationships.**

*(a) Continuity. A right claim, action, order, contract, or legal or administrative proceeding involving the City continues except as modified by this Charter.*

*(b) Obligations. A debt, contract obligation, or assessment by the City remains in effect after the adoption of this Charter according to its terms, under the Charter provisions applicable at the time the debt was incurred, contract signed, or assessment imposed. An obligation or right arising in connection with projects financed under former Charter provisions remains in effect after this Charter is effective.*

*(c) Other Government Units. An existing right, obligation, duty, or relationship by law or agreement between the City and another governmental unit remains in effect after this Charter is effective.*

**Section 10.07. - Transition.**

*(a) Ordinance or Resolution. The City Commission or Council shall adopt an ordinance or resolution as required to effect the transition from the previous charter to this Charter. The Council may adopt an emergency ordinance following the procedures prescribed by law within sixty (60) days of the first Council meeting under this Charter to facilitate the transition.*

*(b) Within 60 days of the adoption of this Charter the City Commission shall divide the City into five (5) Council districts from which the voters elect Council members. In drawing up the districts, the Commission shall follow applicable legal requirements and the redistricting standards established in Article III, Section 21 of the Florida Constitution.*

*(c) Election and term lengths of Mayor and Council Members.*

*(1) Mayor*

*(i) If there are only two (2) candidates for Mayor, the election will be held on the first Tuesday in March 2015. If there are three (3) or more candidates for Mayor, a primary election shall be held the first Tuesday in March 2015. If no candidate receives a majority of all votes cast, a run-off election of the two (2) candidates receiving the highest number of votes shall be held on the first Tuesday in May 2015. If there is only one (1) candidate, an election shall not be held.*

*(ii) The term of the Mayor elected in 2015 shall conclude in November 2018.*

*(2) Council Members*

*(i) If there are only two (2) candidates for a Council district, the election shall be held on the first Tuesday in March 2015. If there are three (3) or more candidates a primary election shall be held on the first Tuesday in March 2015. If no candidate receives a majority of all votes cast, a run-off election of the two (2) candidates receiving the highest number of votes is held on the first Tuesday in May 2015. If there is only one (1) candidate, an election shall not be held.*

*(3) The initial terms of two of the Council members elected in 2015, expire the day after the November 2018 general election. At the first Council meeting under this Charter the five members shall draw lots, conducted by the City Clerk, to determine which members have two year terms and which have four year terms. Council members serving four years terms expire the day after the November 2020 general election.*

**Section 10.08. - Severability.**

*If a court of competent jurisdiction, holds invalid a provision of this Charter that ruling does not affect the remainder of this Charter except to the extent the ruling expressly states.*