

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No.: 9:18-cv-80771-RLR

ROBERT W. OTTO, PH.D., LMFT,
individually ,and on behalf of his patients,
JULIE H. HAMILTON, PH.D., LMFT,
individually and on behalf of her patients,

Plaintiffs,

v.

CITY OF BOCA RATON, FLORIDA, and
COUNTY OF PALM BEACH, FLORIDA,

Defendants.

PALM BEACH COUNTY'S NOTICE OF FILING
CERTIFIED COPY OF PALM BEACH COUNTY ORDINANCE NO. 84-8

The Defendant, PALM BEACH COUNTY (herein referred to as "the County"), by and through the undersigned Assistant County Attorney, hereby file this Notice of Filing Certified Copy of Palm Beach County Ordinance No. 84-8, Bates Labeled Document PBC 000551 – PBC 000561.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 1, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send an electronic notice to the authorized CM/ECF filers.

/s/ Rachel Fahey
Rachel Fahey, Esquire
Assistant County Attorney
Florida Bar No. 105734
Primary Email: rfahey@pbcgov.org
Secondary Email: dfishel@pbcgov.org
Litigation Section
300 North Dixie Highway, Third Floor
West Palm Beach, Florida 33401
Tel.: (561) 355-6337
Fax: (561) 355-4234

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ORDINANCE NO. 84-8

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, ADOPTING A CHARTER FOR
PALM BEACH COUNTY, FLORIDA; PROVIDING FOR TITLE;
PROVIDING FOR ADOPTION OF CHARTER; PROVIDING FOR
REFERENDUM; PROVIDING FOR FORM OF NOTICE; AND
PROVIDING FOR EFFECTIVE DATE.

AMENDED
8 78-184

WHEREAS, Section 1(c), Article VIII of the Constitution of the
State of Florida provides that by general law a county government may be
established by charter, and

WHEREAS, the optional county charter law, Sections 125.80
through 125.88, Florida Statutes, (inclusive), provide that the Board of
County Commissioners may propose a charter by ordinance subject to
approval of the charter by referendum, and

WHEREAS, the Board of County Commissioners through its staff
has proposed a charter it feels would provide better government for Palm
Beach County, and

WHEREAS, informational hearings on the charter have been held
throughout Palm Beach County to inform the public about the charter and
to receive suggestions to improve the charter, and

WHEREAS, passage of this ordinance will allow the residents of
Palm Beach County to adopt the proposed charter or not at a general
election to be held November 6, 1984,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1 - TITLE:

This ordinance may be cited as the "Charter Adoption
Ordinance".

SECTION 2 - ADOPTION OF CHARTER:

Subject to the approval of the electorate as required by the
Constitution and Laws of Florida and Section 3 of this ordinance, the
charter entitled "Charter of Palm Beach County, Florida," which is
attached to this ordinance and incorporated herein by reference, is

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1 adopted as the Charter for Palm Beach County, Florida pursuant to Section
2 125.82, Florida Statutes, 1983 Edition.

3 SECTION 3 - REFERENDUM:

4 On November 6, 1984, a general election is to be held and in
5 accordance with the requirements of the Constitution and Laws of Florida,
6 the question on the ballot shall be as follows:

7 "Shall there be a home rule charter for Palm Beach County,
8 Florida, providing for the restructuring of county government, which
9 shall take effect January 1, 1985, as proposed by charter dated September
10 11, 1984.

11 For Charter: 152,495

12 Against Charter: 92,776 "

13 SECTION 4 - FORM OF NOTICE:

14 The form of notice of the election by which this charter shall
15 be submitted to referendum shall contain the complete text of the
16 charter.

17 SECTION 5 - EFFECTIVE DATE:

18 The charter shall become law on January 1, 1985, if approved by
19 a majority of those electors voting on the matter.

20 APPROVED AND ADOPTED by the Board of County Commissioners of
21 Palm Beach County, Florida, on the 11th day of SEPTEMBER, 1984.

22 PALM BEACH COUNTY, FLORIDA, BY ITS
23 BOARD OF COUNTY COMMISSIONERS

24 By *Ken Spillies*
25 Chairman

26 APPROVED AS TO FORM AND
27 LEGAL SUFFICIENCY

28 *[Signature]*
29 County Attorney

30 Acknowledgement by the Department of State of the State of
31 Florida, on this, the 20th day of September, 1984.

32 EFFECTIVE DATE: Acknowledgement from the Department of State
33 received on the 24th day of September, 1984, at 4:41 P.M.
34 .M., and filed in the Office of the Clerk of the Board of County
35 Commissioners of Palm Beach County, Florida.

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HOME RULE CHARTER OUTLINE

PREAMBLE

Article I CREATION, POWERS & ORDINANCES OF HOME RULE CHARTER GOVERNMENT

- Section 1.1 Creation and General Powers of Home Rule Charter Government
- Section 1.2 Conflict with State Law
- Section 1.3 Scope of County Ordinances-Conflict with Municipal Ordinances
- Section 1.4 Conflict with Independent Special Districts

Article II FORM AND POWERS OF LEGISLATIVE AND EXECUTIVE BRANCHES

- Section 2.1 County Manager Form
- Section 2.2 Legislative Branch
- Section 2.3 Vacancies
- Section 2.4 Executive Branch

Article III SPECIFIC DUTIES OF LEGISLATIVE BRANCH

- Section 3.1 Delegation of Authority
- Section 3.2 Prevention of Conflict of Interest
- Section 3.3 Protection of Health, Safety and Welfare
- Section 3.4 Independent Audit

Article IV COUNTY OFFICES

- Section 4.1 Elected Constitutional Officers
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- Section 4.4 Office of Internal Auditor
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- Section 5.1 Initiative
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- Section 6.1 Home Rule Charter Effective Date
- Section 6.2 Home Rule Charter Transition
- Section 6.3 Home Rule Charter Amendments
- Section 6.4 Saving Clause

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CHARTER OF PALM BEACH COUNTY, FLORIDA

P R E A M B L E

WE, the voters of Palm Beach County, Florida, believing that governmental decisions affecting local interests should be made locally rather than by the State, and, in order to bring to our county the full home rule benefits of more responsive and efficient county government and improved cooperation between the municipalities and the county, do ordain and establish this Home Rule Charter for Palm Beach County, Florida.

Article I

CREATION, POWERS & ORDINANCES OF HOME RULE CHARTER GOVERNMENT

Section 1.1 Creation and General Powers of Home Rule Charter Government

Palm Beach County shall be a Home Rule Charter county, and, except as may be limited by this Home Rule Charter, shall have all powers of county self-government granted now or in the future by the Constitution and Laws of the State of Florida.

Section 1.2 Conflict with State Law

Nothing in this Home Rule Charter shall override or conflict with State Law or the State Constitution.

Section 1.3 Scope of County Ordinances - Conflict with Municipal Ordinances

Municipal ordinances shall prevail over county ordinances to the extent of any conflict regardless of the time of passage of the municipal ordinance.

Section 1.4 Conflict with Independent Special Districts

This Home Rule Charter shall not affect pre-existing independent special districts created by general law or Special Act of the State Legislature.

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Article II

FORM AND POWERS OF LEGISLATIVE & EXECUTIVE BRANCHES

Section 2.1 County Manager Form

Palm Beach County shall operate under a County Manager form of government with separation of legislative and executive functions in accordance with the provisions of this Home Rule Charter. The County

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1 Manager appointed under Section 2.4 herein shall be designated "County
2 Administrator" and shall be hereinafter referred to as "County
3 Administrator."

4 Section 2.2 Legislative Branch

5 The governing body of the county shall be a Board of County
6 Commissioners composed of five (5) members serving staggered terms of
7 four (4) years. One Commissioner residing in each district shall be
8 elected by the electors of the county, except that the commissioner must
9 reside within the district at the time of qualifying to run for that
10 office and during his/her term of office must reside in the district from
11 which he/she ran. Salaries of the Board of County Commissioners shall be
12 the same as set by state law for the county commissioners of non-charter
13 counties. The Board of County Commissioners shall be responsible for
14 exercising and fulfilling all their powers and duties provided by the
15 charter.

16 Section 2.3 Vacancies

17 Vacancies on the County Commission shall be defined and
18 filled as provided by Florida Law.

19 Section 2.4 Executive Branch

20 The executive responsibilities and powers of the county, as
21 authorized by the Board of County Commissioners, shall be assigned to and
22 vested in a County Administrator. The County Administrator shall be
23 appointed by and serve at the pleasure of the Board of County
24 Commissioners. The County Administrator's salary shall be set by the
25 Board of County Commissioners. The County Administrator shall be chosen
26 on the basis of his/her professional training, executive and
27 administrative experience and qualifications, and he/she shall reside
28 within the county while so employed. Within 90 days after the adoption
29 of this charter, the County Administrator shall present to the Board of
30 County Commissioners the current Code of Laws and Ordinances and the
31 Administrative Code with any recommended changes for their action. The
32 codes shall contain the current ordinances, the rules of procedure
33 adopted by the Board of County Commissioners, the organization of the
34 county departments, the statements of established county policy, and

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1 administrative regulations. The Administrative Code shall provide a
2 personnel system based on the merit system principle which shall include
3 a job description and pay plan, fringe benefits, a personnel review
4 system and a procedure for hearing terminations and other disciplinary
5 actions for all county employees. The Administrative Code shall include
6 an affirmative action plan.

7 Article III

8 SPECIFIC DUTIES OF LEGISLATIVE BRANCHES

9 Section 3.1 Delegation of Authority

10 The Board of County Commissioners shall retain its
11 responsibility and authority to administer properly the affairs of the
12 County and its ability to delegate the administration of its policies to
13 the County Administrator.

14 Section 3.2 Prevention of Conflict of Interest

15 The Board of County Commissioners shall take whatever
16 action is necessary on behalf of its residents to ensure that the county
17 government's appointed officials, elected officials and employees abide
18 by the Code of Ethics as set out in State law.

19 Section 3.3 Protection of Health, Safety and Welfare

20 It shall be the policy of the County to protect the health,
21 safety and general welfare of all of the residents of Palm Beach County.
22 The Board of County Commissioners may adopt appropriate ordinances to
23 accomplish these purposes.

24 Section 3.4 Independent Audit

25 The Board of County Commissioners shall have an independent
26 audit of its accounts and records each fiscal year as required by State
27 law.

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28 Article IV

29 COUNTY OFFICES

30 Section 4.1 Elected Constitutional Officers

31 The elected constitutional offices of Sheriff, Property
32 Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of
33 Elections shall remain as presently constituted.

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1 The Board of County Commissioners shall make available all
2 services provided by its Central Service Departments to the elected
3 Constitutional Officers.

4 Section 4.2 Initial County Departments and Offices

5 The county department heads, with the exception of the
6 County Attorney, Internal Auditor, and, initially, the Fire/Rescue
7 Administrator, shall be appointed by the County Administrator, with
8 advice and consent of the Board of County Commissioners, and shall be
9 responsible to the County Administrator. The initial county departments
10 and offices, which may be changed with Board of County Commissioners'
11 approval, shall be as follows:

12 A. Central Service Departments

- 13 1. Budget
- 14 2. Financial Management
- 15 3. Employee Relations and Personnel
- 16 4. General Services
- 17 5. Office of Management and Program
- 18 Evaluation
- 19 6. Purchasing
- 20 7. Risk Management

21 B. General Operations Departments

- 22 1. Airports
- 23 2. County Library
- 24 3. Community Services
- 25 4. Engineering and Public Works
- 26 5. Parks and Recreation
- 27 6. Planning, Zoning and Building
- 28 7. Public Safety
- 29 8. Surface Transportation
- 30 9. Water Utilities

31 Section 4.3 Office of the County Attorney

32 There shall be a County Attorney selected by the Board of
33 County Commissioners who shall serve at the pleasure of the Board. The
34 office of County Attorney shall not be under the direction and control of

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1 the County Administrator, but shall instead be responsible directly to
2 the Board of County Commissioners.

3 The Palm Beach County Attorney shall be an attorney
4 licensed to practice law in the State of Florida for at least three
5 years. Upon appointment, he/she shall be employed full time by said
6 County. The County Attorney shall employ such assistant county attorneys
7 and special assistant county attorneys, on either a full time or
8 part-time basis, as may be necessary, subject to budget approval.

9 The office of County Attorney shall be responsible for the
10 representation of Palm Beach County, the Board of County Commissioners,
11 the County Administrator, and all other departments, divisions,
12 regulatory boards and the advisory boards of county government in all
13 legal matters relating to their official responsibilities. The office of
14 County Attorney shall prosecute and defend all civil actions for and on
15 behalf of Palm Beach County and the Board of County Commissioners, and
16 shall review all ordinances, resolutions, contracts, bonds, and other
17 written instruments.

18 Section 4.4 Office of the Internal Auditor

19 There shall be a County Internal Auditor selected by the
20 Board of County Commissioners who shall serve at the pleasure of the
21 Board. The office of County Internal Auditor shall not be under the
22 direction and control of the County Administrator, but shall instead be
23 responsible directly to the Board of County Commissioners.

24 The County Internal Auditor shall be a certified public
25 accountant or certified internal auditor. Upon appointment, he/she shall
26 be employed full time by said County. The County Internal Auditor shall
27 employ such assistant county auditors, on either a full time or part-time
28 basis, as may be necessary, subject to budget approval.

29 The office of County Internal Auditor shall be responsible
30 for performing post audits and performance audits, and interfacing with
31 all external auditors for the Board of County Commissioners, the County
32 Administrator, and all other departments, divisions, regulatory boards
33 and advisory boards of county government in all financial matters
34 relating to their official responsibilities.

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1 Section 4.5 Fire/Rescue Department

2 There shall be a Fire/Rescue Administrator selected
3 initially by the Board of County Commissioners. The Fire/Rescue
4 Department shall not initially be under the direction and control of the
5 County Administrator, but shall instead be responsible directly to the
6 Board of County Commissioners. The Board of County Commissioners may,
7 after four (4) years from the effective date of this Charter, place the
8 Fire/Rescue Administrator and Department under the direction of the
9 County Administrator.

10 The Fire/Rescue Administrator shall be responsible for the
11 administrative and technical duties directly involving all activities of
12 the Fire/Rescue Department and has authority and responsibility of the
13 fire/rescue operations and shall exercise supervisory control over all
14 members of the department. The Fire/Rescue Administrator shall adhere to
15 all administrative policies in the Administrative Code.

16 Article V

17 SPECIAL PROVISIONS

18 Section 5.1 Initiative

19 The people of Palm Beach County shall have the right to
20 initiate, county ordinances by filing with the Board of County
21 Commissioners a copy of the proposed ordinance and a petition containing
22 the signatures and addresses of not less than 7% of the number of voters
23 qualified to vote in the last general election. The initiative process
24 shall be available to the people to establish new ordinances and amend or
25 repeal existing ordinances. Within 45 days after the filing of the
26 petition with the Board, the Supervisor of Elections shall verify the
27 signatures on said petition. Within 45 days after the petition is
28 verified by the Supervisor of Elections, the Board of County
29 Commissioners shall hold public hearings on the proposed ordinance
30 according to law, and vote on it. If the Board of County Commissioners
31 fails to adopt the proposed ordinance, they shall then place the
32 ordinance for a referendum on the ballot at the next general election
33 occurring at least 30 days after the Commission's vote for a referendum.
34 If approved by a majority of those who voted the ordinance shall become

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1 effective on the date specified in the ordinance or if not specified in
2 the ordinance, then it shall become effective January 1st following the
3 election. None of the above provisions shall be available to the people
4 for initiation, change, or modification of County budgetary provisions.

5 Section 5.2 Recall

6 The Board of County Commissioners shall be subject to
7 recall as provided by Florida Statutes.

8 Article VI

9 HOME RULE CHARTER EFFECTIVE DATE, TRANSITION, AMENDMENTS, REVIEW

10 Section 6.1 Home Rule Charter Effective Date

11 This charter shall become effective on January 1, 1985.

12 Section 6.2 Home Rule Charter Transition

13 Unless expressly provided for otherwise in the Home Rule
14 Charter, the adoption of this Home Rule Charter shall not affect any
15 existing obligations of Palm Beach County, the validity of any of its
16 ordinances, or the term of office of any elected county officer which
17 terms shall continue as if this charter had not passed.

18 Section 6.3 Home Rule Charter Amendments

19 Amendments to this Home Rule Charter may be proposed by the
20 Board of County Commissioners by an affirmative vote of at least four (4)
21 members, subject to approval by the voters of Palm Beach County in a
22 referendum. The Home Rule Charter Amendment may also be initiated by 10%
23 of the number of voters qualified to vote in the last general election,
24 and the initiated amendment shall be presented and verified in the manner
25 and time set forth in Article V § 5.1. The Home Rule Charter Amendment
26 so initiated shall be placed on the ballot at the next general election
27 occurring at least 30 days after verification. If approved by a majority
28 of those who voted, the Home Rule Charter Amendment shall become
29 effective on the date specified in the amendment or if not so specified,
30 on January 1st following the election.

31 Section 6.4 Saving Clause

32 If any provision of this charter is held invalid, in whole
33 or in part, such holding shall not affect any other provision of this
34 charter.

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COUNTY OF PALM BEACH, STATE OF FLORIDA
CLERK OF CIRCUIT COURT

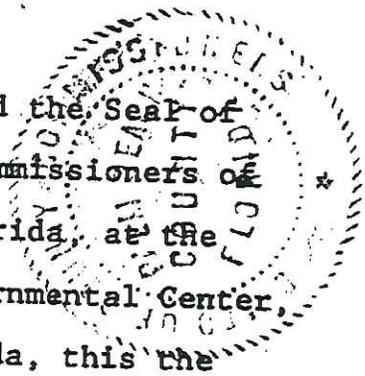
I, John B. Dunkle, Clerk of the Fifteenth Judicial Circuit Court of the State of Florida and Clerk of the Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING A CHARTER FOR PALM BEACH COUNTY, FLORIDA; PROVIDING FOR TITLE; PROVIDING FOR ADOPTION OF CHARTER; PROVIDING FOR REFERENDUM; PROVIDING FOR FORM OF NOTICE; AND PROVIDING FOR EFFECTIVE DATE.

approved and adopted by the Board of County Commissioners in regular session September 11, 1984 as shown by the record of this office.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Comptroller certify
this to be a true and correct copy of the original
filed in my office on September 11, 1984
dated at West Palm Beach, FL on 9-20-15
By Sharon R. Bock
Deputy Clerk

Given under my hand and the Seal of
the Board of County Commissioners of
Palm Beach County, Florida, at the
Palm Beach County Governmental Center,
West Palm Beach, Florida, this the
25th Day of September, A.D. 1984



JOHN B. DUNKLE, CLERK
Board of County Commissioners

By Phillip A. House
Deputy Clerk

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