PART I

CITY OF PANAMA CITY BEACH CHARTER*

Article I. General Provisions

Article 2. Mayor and City Council

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***Editor's note—**The City of Panama City Beach was created by the operation of a legislative Charter, Laws of Florida, Chapter 70-874, which merged the City of Panama City Beach, the City of Long Beach Resort and the Town of Edgewater Gulf Beach with the City of West Panama City Beach. The legislative Charter repealed the special acts creating the aforementioned communities and amended Laws of Florida, Chapter 67-2174, creating the City of West Panama City Beach. The legislative Charter was amended by Ordinance Number 201, adopted June 8, 1977. On March 22, 1978, the City Council adopted Ordinance Number 204, which contained a revised Home Rule Charter for the City of Panama City Beach. The proposed Charter was put before the voters in a referendum on May 2, 1978, and was adopted, thereby superseding the previous legislative Charter and Ordinance Number 201 amending it.

Editor's note—Said Charter is now current through Ord. No. 1277, §§ 1—5, 6(Exh. A) and 7(Exh. B), adopted November 14, 2013, Referendum of April 22, 2014.

Note—It should be noted that § 7(Exh. B) of Ord. No. 1277, adopted Nov. 14, 2013, Referendum of April 22, 2014, made miscellaneous changes throughout the Charter not updated through §§ 1—5 and 6(Exh. A). Said sections are not individually history-noted. Said changes can be viewed in the offices of the City.

The original arrangement, catchlines and subcatchlines of the home rule charter have been retained herein. Material which has been added for clarity is indicated by brackets [ ]. Obvious errors in spelling and punctuation have been corrected without notation.

State law references—Municipal Home Rule Powers Act, F.S. Ch. 166; Charter amendments, F.S. 166.031.

Article 5. Financial Procedures

Article 6. Civil Service

Article 7. Elections

Article 8. Transition

ARTICLE I. GENERAL PROVISIONS

Sec. 1-1. Continuance of City.

The City of Panama City Beach, Florida, created by the former City of Panama City Beach, created by Chapter 29399, Special Laws of Florida, 1953; the former City of Long Beach Resort, created by Chapter 29254, Special Laws of Florida, 1953; and the former Town of Edgewater Gulf Beach, created by Chapter 29050, Special Laws of Florida, 1953; by Chapter 70-874, Special Laws of Florida, 1970; with and into the City of West Panama City Beach, created by Chapter 59-1982, Special Laws of Florida, 1959 as amended by Chapter 67-2174, Special Laws of Florida, 1967, and Chapter 69-1719, Special Laws of Florida, 1969, shall continue to be a body politic and corporate under the name of the City of Panama City Beach and, as such, shall have perpetual succession. The powers to the City pursuant to said chapter 59-1982 and pursuant to each of said other Special Laws are specifically 69-1719, Special Laws of Florida, 1969, continued except in instances of conflict with this Charter.

Sec. 1-2. Territorial boundaries.

The City of Panama City Beach shall embrace and include that territory in Bay County, Florida, described as follows: Beginning at the intersection of the water's edge of the Gulf of Mexico and the West line of the Southeast Quarter of the southwest quarter of Fractional Section 6, township 4 South, Range 15 West; thence North along said West line to a point 1023.35 feet South of the Northwest corner of the NE 1/4 of the SW 1/4 of said Section 6; thence S55°00'E, 190 feet; thence N35°00'E, 131.67 feet, to the South Right of Way line of Surf Drive; thence N52°47'W, and along the said South R/W of Surf Drive, 240 feet, more or less to the West R/W of Surf Drive; thence N32°27'E, and along the said West R/W of Surf Drive 402.2 feet, more or less, to the South R/W of State Road S-392 (Thomas Drive); thence Westerly, along the South R/W of SR S-392 to a point on said South R/W, which is S37°15'37"W of the following described point on the North R/W of said SR S-392 (Thomas Drive). Commencing at the NW Corner of Section 6, Township 4 South, Range 15 West, proceed South along the West line of Section 6, to the North R/W of SR S-392; thence Southeasterly along the North R/W of the curve of SR S-392 to the Point of Tangency of curve, (having a Radius of 955.37'; central angle of 49 degrees, 28') 760' more or less; thence S52°44'23"E, 291.90' to said point; thence N37°15'37"E, and across said SR S-392, to the waters edge of Grand Lagoon; thence Northwesterly along the waters edge of Grand Lagoon, to the intersection of the West line of Section 6, Township 4 South, Range 15 West; thence North, along the West line of said Section 6, to the NE corner of Fractional Section 1, Township 4 South, Range 16 West; thence West along the North line of said Section 1, and South line of Section 36, Township 3 South, Range 16 West, to the Westerly R/W of SR S-392 (Thomas Drive); thence Northerly and Westerly, along the Southerly R/W of SR S-392 to a point which is the intersection of the said Southerly R/W and a point 90 feet East of the West line of the SE 1/4 of the SE 1/4 of said Section 36; thence South, and 90 feet East of, and parallel to said West line of SE 1/4 of SE 1/4, to the South line of said Section 36; thence West, along the South line of Section 36, Township 3 South, Range 16 West, 90 feet, more or less, to the SE corner of the SW 1/4 of the SE 1/4 of said Section 36, thence North along the East line of said SW 1/4 of SE 1/4 to the intersection with the South R/W line of U.S. Highway 98; thence West along said South R/W line of U.S. Highway 98 to a point that is 1020' East of the West line of said SW 1/4 of SE 1/4 of Section 36; thence North, 800 feet, more or less, to the North line of said SW 1/4 of SE 1/4 of Section 36; thence West along the North line of said SW 1/4 of SE 1/4, 1020 feet to the SE Corner of the NE 1/4 of the SW 1/4 of said Section 36; thence North along the East line of said NE 1/4 of SW 1/4, 1/2 mile to the NE corner of the SW 1/4 of said Section 36; thence West along the 1/2 Section Lines of Sections 36 and 35 to the NW Corner of the NE 1/4 of the SE 1/4 of Section 35, Township 3 South, Range 16 West; thence North along the West line of the E 1/2 of the NE 1/4 of said Section 35, 3/10 miles, more or less, to the North R/W line of State Road S-392-A; thence Northwesterly along said North R/W line, to the West line of the E 1/2 of the E 1/2 of Section 27, Township 3 South, Range 16 West

(being the quarter-quarter line); thence North along the quarter-quarter section line, to the Northeast corner of the SW 1/4 of the NE 1/4 of said Section 27, thence West along the quarter-quarter section line, .19 miles to the East R/W line of SR S-30-C; thence North along said East R/W line of SR S-30-C, .23 miles to the North R/W line of SR S-30-A; thence Westerly along the North R/W line of SR S-30-A; .20 miles; thence North 1141.13'; thence N42°33'41"W, 125' to the existing East Boundary Line of the East Leg of the West Bay Golf Course; thence Northerly along said Golf Course, .67 miles to the North line of Section 22, Township 3 South, Range 16 West; thence West along said North line, 1/4 mile to the SW Corner of the E 1/2 of U.S. government Lot 4 of Section 15, Township 3 South, Range 16 West; thence North along the West line of the E 1/2 of Government Lot 4, 567.02'; thence West, 660.68' to the West line of Section 15, Township 3 South, Range 16 West; thence South along the West line of Section 15, 567.02' to the NW Corner of Section 22, Township 3 South, Range 16 West; thence South along the West line of Section 22, 3/4 mile; thence East, 1/8 mile; thence South, 1/4 mile to the South section line; thence West along said South Section line, 1/8 mile to the SW Corner of said Section 22; thence continue West along the Section line, 1/2 mile to the SW corner of the SE 1/4 of Section 21, Township 3 South, Range 16 West; thence North along the half section line, 1/2 mile to the center of said Section 21; thence West along the half section line, 3/4 mile; thence North along the quarter-quarter section line, 1/4 mile; thence West along the quarter-quarter section line, 1/2 mile; thence North along the quarter-quarter section line, 1/4 mile to the South line of Section 17, Township 3 South, Range 16 West; thence West, 1/4 mile to the West line of said Section 17; thence North along said section line and the East Boundary Line of Gulf Highlands Subdivision to the NE Corner of said Subdivision; thence Westerly along the North Boundary Line of said Subdivision to the East R/W line of State Road S-79; thence Northerly along the East R/W line of said State Road S-79 to the South line of Section 7, Township 3 South, Range 16 West; thence West along the South lines of Section 7 and Section 12, Township 3 South, Range 17 West, to the SE corner of the SW 1/4 of the SW 1/4 of said Section 12; thence North along the quarter-quarter section line, 1/4 mile; thence West along the quarter-quarter section line, 1/4 mile to the West line of said Section 12; thence North along said West line, 1/4 mile; thence West along the quarter-quarter section line of Section 11, Township 3 South, Range 17 West, 1/4 mile; thence South along the quarter-quarter section line, 1/2 mile to the North line of Fractional Section 14, Township 3 South, Range 17 West; thence West along said North line to the Gulf of Mexico; thence South, 300'; thence Southeasterly following the meanderings of the Gulf of Mexico and always 300' Southwesterly therefrom, approximately 11.50 miles to a point that is 300' South of the Point of Beginning; thence North, 300' to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING PARCEL:

Begin at the Southeast Corner of that certain parcel conveyed by Long Beach Resorts, Inc. to W.J. Braswell, et ux, dated March 21, 1950, and recorded in Bay County, Florida Deed Book 144, at page 299; thence West along the South line of said Braswell property (South line of Section 36, Township 3 South, Range 16 West) to the West line of Gulf Drive; thence North along the West line of Gulf Drive to the intersection of the Southerly right-of-way line of U.S. Highway 98; thence Easterly along said Southerly right-of-way of U.S. Highway 98 to the Northwest corner of that certain parcel described in Ordinance #144 of the City of Panama City Beach, enacted July 28, 1971, and recorded in Bay County Official records Book 399, at page 692; thence Southerly 257 feet more or less to the water's edge of a lake; thence Easterly along said lake 300 feet more or less to a point South of the Northeast Corner of said parcel described in Ordinance #144 and to the East line of the said Braswell parcel; thence south to the Point of Beginning.

AS AMENDED BY ADOPTION OF ANNEXATION ORDINANCES.

Editor's note—Those ordinances annexing territory to the city since the Charter was adopted, and therefore amending the boundary description of the city, are on file in the office of the city clerk.

Sec. 1-3. Powers.

(a) The City of Panama City Beach shall have all the governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services as provided by s. 2(b), Art. VIII of the State Constitution and by § 166.021, Florida Statutes. The City of Panama City Beach may exercise any power for municipal purposes except when expressly prohibited by law. The City shall not, however, levy ad valorem taxes.

(b) Without limiting the foregoing or other powers, the City of Panama City Beach is authorized and empowered to plan, acquire, develop, construct, reconstruct, improve, extend, enlarge, relocate, equip, repair, maintain, and operate sports and recreational facilities, and industrial development facilities, within the area north of and within 12 miles of the corporate limits of the City of Panama City Beach, and to acquire within said area, by grant, purchase, gift, devise, lease, or the exercise of the right of eminent domain, all property, real or personal, or any estate or interest therein, necessary, desirable, or convenient for any such purpose, and to sell, convey, lease, rent, or assign all or any part of such property. The City of Panama City Beach shall have and exercise within the boundaries of any real property so acquired and owned in fee simple by the City of Panama City Beach, all the governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, except the power to levy ad valorem taxes.

(c) The term "sports and recreational facility" means and includes automobile and motorcycle or other speedways, racetracks, and testing grounds; facilities for observing or participating in any and all types or sports and recreational pursuits, including, but not limited to, baseball, softball, football, soccer, track and field, swimming, diving, tennis, and golf, and any and all sports, games, events, and exhibitions, which add to the recreational enrichment of the community; and playgrounds; and includes, but is not limited to, all lands, buildings, tracks, fields, pools, courses, courts, grandstands and stadiums, concession facilities and concessions, all necessary appurtenances and equipment, and all property, rights, easements and franchises, relating to and deemed necessary or convenient for the operation thereof.

( ) The term "industrial development facility" means and includes (i) any project as defined in the Florida Industrial Development Financing Act, Chapter 159, Part II, Florida Statutes (1988) and any amendments thereto; (ii) industrial development parks; (iii) facilities which in the opinion of the City Council are necessary, desirable, or convenient to enhance economic activity in and around the City of Panama City Beach.

Note—Laws of Florida, Ch. 89-490, H.B. # 1264, § 2, adopted 6-29-89, eff. 10-1-89 states that the planning, acquisition, development, construction, reconstruction, improvement, extension, enlargement, relocation, equipping, repair, maintenance, and operation, lease or sale of sports and recreational facilities and industrial development facilities, as defined in this Act, is expressly declared and deemed to be for a municipal purpose.

Laws of Florida, Ch. 89-490, H.B. # 1264, § 3, adopted 6-29-89, eff. 10-1-89 states that all powers preserved and continued unto the City of Panama City Beach by Chapter 70-874, Laws of Florida, as amended, merging certain municipalities, and by the Charter of the City of Panama City Beach adopted by Referendum May 2, 1978, are continued and preserved unto said city.

Laws of Florida, Ch. 89-490, H.B. # 1264, § 4, adopted 6-29-89, eff. 10-1-89 states that all powers granted in this Act are cumulative and in addition to existing powers of the City of Panama City Beach, however derived, and nothing herein, no grant or expression of power or authority stated, conferred, or implied in this Act, shall be deemed or construed to defeat or call into question any power or authority already held by the City of Panama City Beach, however derived.

Laws of Florida, Ch. 89-490, H.B. # 1264, § 5, adopted 6-29-89, eff. 10-1-89 states that if any provision, word, phrase, or clause of this Section 1-3 or the application thereof of any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect the other provisions or applications of this Act which can be given any effect, however slight, without the invalid provision or application, and to this end, the provisions of this Act are deemed severable.

Sec. 1-4. Severability of parts of Charter.

If any article, section, paragraph, sentence, clause, phrase or word of this Charter is, for any reason, held or declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such holding or declaration shall not be construed to affect those portions of this Charter

not so held or declared, it being hereby declared to be the express intent of the citizens of the City of Panama City Beach that any such unconstitutional or invalid article, section, paragraph, sentence, clause, phrase or word did not induce the ratification of this Charter and that the remaining constitutional and valid portions of this Charter would have been ratified without such unconstitutional or invalid portions.

ARTICLE 2. MAYOR AND CITY COUNCIL*

Sec. 2-1. Created; powers; composition.

There shall be a City Council for the City of Panama City Beach which shall be the governing body of the City and in which shall be vested all corporate and legislative powers of the City.

All legislative powers vested in the City Council shall be exercised by Ordinance. Administrative powers as are conferred upon the City Council by this Charter shall be exercised by resolution. Internal determinations and communications from the City Council may be by motion.

The City Council shall consist of four councilpersons who shall be elected at large, one to be elected from each of the four wards into which the City has been divided, and a Mayor who shall be elected at large.

Sec. 2-2. Terms of office.

(a) *Councilpersons.* The term of office for each City Councilperson shall be four (4) years and until his/her successor is duly elected and qualified. Each councilperson shall take office at the beginning of the first regular or special meeting of the City Council following his/her election. The terms of office to City Councilpersons elected from Wards 1 and 3 shall continue to follow the terms of office of City Councilpersons elected from Wards 1 and 3. The terms of office of City Councilpersons from Wards 2 and 4 shall continue to follow the terms of office of City Councilper-sons elected from Wards 2 and 4.

(b) *Mayor.* The term of office for Mayor shall be four (4) years and until his/her successor is duly elected and qualified. The Mayor shall take office at the beginning of the first regular or special meeting of the City Council following his/her election.
(Ord. No. 282, § 1, adopted 1-12-84, passed by referendum 5-1-84; Ord. No. 325, adopted 12-1087, passed by referendum of 2-9-88; Ord. No. 1277, adopted 11-14-2013, passed by Referendum 4-22-2014)

Sec. 2-3. Vacancies.

The office of a member of the City Council shall become vacant upon death, resignation, refusal to serve, removal of the councilperson from the Ward from which he/she was elected or removal from office in any manner authorized by law.

Should a vacancy occur, except as a result of recall, the remaining members of the City Council shall select a replacement to hold that office until the next general election, at which time the Councilperson then elected shall serve until the seat held by him/her would have been subject to election had such vacancy not occurred. Any person appointed to fill such a vacancy must possess all the qualifications required for election to such office.

In the event that three (3) or more members of the City Council are removed by death, disability or forfeiture of office, the Governor of the State of Florida shall appoint interim Council members and the City Council so constituted shall call a special election to fill the vacancies.
(Ord. No. 1277, adopted 11-14-2013, passed by Referendum 4-22-2014)

Sec. 2-4. Mayor.

The Mayor shall be Chairperson of the City Council, and, as such, shall preside at all meetings of the City Council and shall have the right to vote on all matters considered by the City Council. The Mayor shall be recognized as the head of City government for ceremonial purposes, purposes of military law and the service of process upon the City. Upon authorization and designation by the City Council, the Mayor shall,

*__Cross reference__—Qualifying fee for candidates for mayor and councilmen, § 9-4.

represent the City in agreements with or certifications to other governmental entities and shall execute contracts, deeds and other documents. The Mayor shall have no administrative duties except those required to carry out the provisions of this Charter, unless no City Manager or Assistant City Manager has been duly appointed and is acting.
(Ord. No. 1277, adopted 11-14-2013, passed by Referendum 4-22-2014; Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Sec. 2-5. Vice-Mayor.

At its first regular meeting following each election for the office of City Councilperson, the City Council shall select from among its members a Vice-Mayor. The Vice-Mayor so chosen shall, in the absence or disability of the Mayor, preside over the meetings of the City Council and perform all the duties and exercise all the authorities of the Mayor.
(Ord. No. 1277, adopted 11-14-2013, passed by Referendum 4-22-2014)

Sec. 2-6. Clerk of Council.

The City Clerk shall be ex officio the Clerk of the City Council. As Clerk of the City Council, the City Clerk shall give notice of City Council meetings as required by law, shall be present at all meetings of the City Council, shall record all proceedings of the City in a journal which he/she shall maintain for such purpose, shall establish regulations and procedures for making the journal of City Council proceedings available to the public, shall be the official depository for the storage and maintenance of all ordinances, resolutions, motions and documents of the City Council, shall establish regulations and procedures by which such ordinances, resolutions, motions and documents of the City Council shall be made available to the public, and shall perform such other duties as the City Council may require. (Ord. No. 1277, adopted 11-14-2013, passed by Referendum 4-22-2014)

Sec. 2-7. Meetings.

(a) *Regular.* The City Council shall meet regularly at least twice each month at such times and places as the City Council shall direct. The City Council may reschedule or cancel the second regular meeting in each November and December.

(b) Special. Special meetings may be called by the Mayor or any three (3) Councilpersons upon no less than twenty-four (24) hours' notice to each member of the City Council; provided, that in the event of an emergency, the Mayor may call a special meeting of the City Council without such notice. No business shall be conducted at a special meeting other than that stated in the notice calling such meeting. Business at an emergency special meeting, called by the Mayor without notice, shall be limited to matters dealing with the emergency.

(c) Public Hearings. The City Council shall meet at such times and places as it shall determine for the purpose of conducting public hearings required by this Charter, state law or Ordinance of the City and for other purposes as the City Council may determine; provided, that notice of each such meeting is given to each member of the Council and to the public by posting on a designated web-page noticed upon and linked to the landing page on the City's official web site, and whenever and to the extent required by state law by publication in a newspaper of general circulation within the City. The conduct of such public hearings shall be in accordance with the provisions of this Charter, state law, Ordinances of the City and rules of procedures established by the City Council.

Sec. 2-8. Quorum; voting.

A majority of the members of the City Council shall constitute a quorum. No business may be conducted by the City Council unless a quorum is present; provided, that a smaller number may adjourn from time to time and may compel the attendance of absent members in a manner prescribed by the City Council.

No action shall be taken by the City Council, except as provided above, unless adopted by the affirmative vote of a quorum present. Voting on ordinances and resolutions shall be by roll call. All votes taken by the City Council shall be recorded in the journal of proceedings of the City Council.

Sec. 2-9. Rules of procedure and business; journal of proceedings.

The City Council shall determine its own rules of procedure and its own order of business.

The City Clerk shall keep a journal of the proceedings of the City Council which shall be available for public inspection during the normal office hours of the City Clerk and subject to such reasonable regulations and procedures that the City Clerk may impose to ensure the integrity and safe-keeping of the journal.
(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

Sec. 2-10. Boards, commission, authorities and agencies.

The City Council may create such boards, commissions, authorities and agencies as it deems advisable. The powers and duties of such boards, commissions, authorities and agencies shall be as prescribed by the City Council.

ARTICLE 3. OFFICERS AND EMPLOYEES GENERALLY

Sec. 3-1. City Attorney; special counsel.

There is hereby created the office of City Attorney.

The City Council shall appoint a City Attorney who shall serve at the pleasure of the City Council. The person appointed to fill the office of City Attorney shall be an attorney at law in good standing, licensed to practice in the State of Florida but not necessarily a resident within the corporate limits of the City of Panama City Beach. The compensation of the City Attorney shall be as determined by the City Council.

The City Attorney shall represent the City, its agencies, boards, commissions, authorities, officers and employees in all matters relating to their official duties as directed by the City Council.

The City Council shall have the authority to employ special legal counsel whenever, in their judgment, it is necessary or advisable for the City to be represented by such special legal counsel for the preservation and protection of the City's interests.

Sec. 3-2. City Clerk.

There is hereby created the office of City Clerk.

The City Clerk shall be appointed by the City Council and shall hold office at the pleasure of the City Council. The compensation of the City Clerk shall be as determined by the City Council.

The City Clerk shall serve as the Clerk of the City Council and, as such, shall have all the powers conferred and duties imposed upon that office by this Charter. In addition to his/her duties as the Clerk of the City Council, the City Clerk shall be the official custodian of the City seal and of all official records, documents and papers of the City and shall perform such other duties as are required of the City Clerk by this Charter, state law, ordinances of the City or direction of the City Council.

Sec. 3-3. City Manager—Creation of office; appointment; term; qualifications; compensation.

There is hereby created the office of City Manager.

Prior to the appointment of a City Manager, by the City Council, and in the absence of an appointed City Manager, all duties and responsibilities of the office of City Manager, as defined herein, are vested in the Assistant City Manager. In the absence of both a City Manager and Assistant City Manager, all duties and responsibility of the office of City Manager are vested in the office of Mayor.

A City Manager may be appointed by the City Council for an indefinite term and shall serve at the pleasure of the City Council. The City Manager shall be chosen solely on the basis of his/her executive and administrative qualifications; provided, that he/she shall be no less than twenty-one (21) years of age. The City Manager shall establish residence within the corporate limits of the City of Panama City Beach no more

than six (6) months after his/her appointment though he/she need not be a resident of the City or the state at the time of his/her appointment.

The City Manager shall receive such compensation as the City Council shall determine. (Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014; Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Sec. 3-4. Same—Removal.

The City Manager may be removed from office by the City Council at any time, with or without cause. Upon demand by the City Manager, a public hearing shall be held prior to such removal for cause.
(Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Sec. 3-5. Same—Powers and duties.

The City Manager shall be the chief administrative officer of the City and shall be responsible to the City Council for the administration of all City affairs placed in his/her charge by this Charter or by ordinances of the City. To that end, he/she shall have the following powers and duties:

(a) He/she shall appoint, supervise, regulate and, when he/she deems it necessary for the good of the City, discipline, demote, suspend or remove any City employee or appointed administrative officer, except the City Clerk and the City Attorney, subject to provisions of Article 6 of this Charter. He/she may promulgate personnel rules and regulations for City employees. He/she may authorize any subordinate officer or employee to exercise such powers with respect to subordinates in turn; provided, that the City Manager shall, in all cases, retain the right to alter or deny any determination made by such subordinates.

(b) He/she shall direct, supervise and be responsible for the administration of all departments, divisions, offices and positions of the City government, and may delegate to his/her subordinate officers and employees those powers which are necessary or expedient to the proper management, control and function of such departments, divisions, offices and positions.

(c) He/she shall have the power to create, combine or discontinue any administrative departments, divisions, offices and positions, subject to the requirements of Article 6 of this Charter and subject to approval by the City Council. In so doing, he/she shall have the power to determine, consolidate, combine or distribute the functions and duties of such administrative departments, divisions, offices and positions.

(d) He/she shall ensure that all laws, provisions of this Charter, ordinances and other acts of the City Council, subject to enforcement by him/her or his/her subordinates, are faithfully executed.

(e) He/she shall attend all meetings of the City Council and shall have the right to take part in all discussions though not to vote on any matter.

(f) He/she shall have the right to recommend to the City Council for adoption such measures as he/she may deem necessary or expedient to the interests of the City.

(g) He/she shall keep the City Council fully advised as to the financial conditions and future needs of the City and shall, as he/she deems advisable, make recommendations to the City Council concerning the financial affairs of the City.

(h) As soon as practicable after the close of each fiscal year, he/she shall submit to the City Council a complete report on the finances and on the financial and administrative activities of the City government for the preceding fiscal year. He/she shall make such other reports as the City Council may require concerning the operation of the departments, divisions, offices and positions of the City government subject to his/her direction and supervision.

(i) Pursuant to the provisions of Section 5-2 of this Charter, he/she shall annually prepare a proposed budget to be submitted to the City Council for its consideration.

(j) Subject to the provisions of this Charter relative to purchases, contracts and competitive bidding, he/she shall purchase services, supplies, materials and equipment; provided, that such purchases are in conformance with the requirements of this Charter, state law and the ordinances of the City. Purchases shall be made only on behalf of the City pursuant to the provisions of appropriation ordinances or resolutions. The City shall not be liable for any service, supply, material or equipment furnished to the City unless the City Council shall have previously made an appropriation therefor. No contract shall be let for the construction of public improvements except in accordance with the directions of the City Council.

(k) He/she shall sign such contracts, bonds and agreements of the City as are required by this Charter or ordinances of the City or as directed by the City Council.

(l) He/she shall be responsible for the collection of all revenues and monies due the City and shall maintain proper records of such collections. He/she shall be responsible for the disbursement of all City monies and shall maintain proper records of such disbursements.

(m) He/she shall maintain a uniform system of accounts in which shall be entered all financial transactions of the City. He/she shall establish and require the maintenance of a uniform system of accounting for each administrative department, division, office or position of the City, and may audit such accounts at his/her discretion.

(n) He/she shall perform such other duties and shall have such other powers as are specified by this Charter or ordinances or resolutions of the City or as the City Council may require from time to time.

(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

Sec. 3-6. Acting City Manager and Assistant City Managers.

During the temporary absence or disability of the City Manager, the Assistant City Manager shall serve as acting City Manager until the return to duty of the City Manager. Whenever no Assistant City Manager has been duly appointed and is acting, the City Manager shall designate a qualified City administrative officer to assume and exercise the powers and duties of his/her office during his/her temporary absence or disability.

The City Manager may create the offices and titles of such Assistant City Managers as the City Manager determines are necessary for the effective administration of the City. Each Assistant City Manager shall be selected by the City Manager, serve at the pleasure of the City Manager and not be a member of Civil Service. The terms and conditions of employment of each Assistant City Manager shall be approved by the City Council.

(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014; Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Sec. 3-7. Council participation in administrative affairs.

Neither the City Council nor any of its members, either individually or collectively, shall exercise any authority over any officer or employee of the City subordinate to the City Manager. Except as provided in this Charter, neither the City Council nor any of its members, either individually or collectively, shall direct or request or participate in the appointment, discipline, demotion, promotion, suspension or removal of any administrative officer or employee under the City Manager or his/her subordinates.

Any inquiry pertaining to any position, function, power or duty of an administrative officer or employee, except the audit required by Section 5-8 of this Charter and the management evaluation which may be ordered pursuant to Section 3-8 of this Charter, shall be directed to the City Manager.

(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

Sec. 3-8. Management evaluations.

The City Council shall provide for management evaluations of the Charter Officers of the City. For this purpose, the City Council may select and contract with a professional consultant specializing in such evaluations. All reports and recommendations of such consultant shall be directed to the City Council. The City Attorney, City Clerk, City Manager and his/her subordinate officers and employees shall cooperate fully with the consultant and shall make all accounts, records, reports and data available to him/her upon his request.
(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014; Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

ARTICLE 4. ORDINANCES

Sec. 4-1. Enactment by City Council.

The City Council shall have the power to enact such ordinances as it deems necessary to exercise the legislative powers granted the City by this Charter.

In the enactment of such ordinances, the City Council shall comply with the procedures set forth by this Charter and state law for the adoption of ordinances; provided, that the City Council may adopt additional procedures or prescribe procedures in greater detail than contained herein; provided, that such changes do not alter, lessen or reduce the procedural requirements for the enactment of ordinances set forth in this Charter or State law. Each ordinance, except an emergency ordinance, must be passed on two separate readings. A vote shall be taken upon each reading and recorded in the journal of proceedings of the City Council.

Ordinances adopted by the City Council shall be posted on a designated web-page noticed upon and linked to the landing page on the City's official web site no more than fourteen days after passage. Such posting shall be the duty of the City Clerk who shall note the date of posting, on the ordinance itself. Failure or inadequacy of post-adoption posting shall not affect the validity of an Ordinance. Posting may be discontinued whenever the Ordinance is included in an official code of ordinances published physically or electronically.

Ordinances enacted by the City Council shall become effective twenty (20) days after final passage or at such other date as may be specified in the ordinances.
(Ord. No. 1025, §2, adopted 3-23-06, passed by referendum 4-18-06; Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

State law reference—Minimum procedural requirements for adoption of ordinances, F.S. § 166.041.

Sec. 4-2. Advisory referenda.

Whenever, at its discretion, the City Council shall determine it advisable that an advisory referendum be held to ascertain the majority position of the electors of the City on a proposed ordinance or action contemplated by the City Council, the City Council shall have the power to call an advisory referendum on such proposed ordinance or action and shall have the power to provide by ordinance that a special election be held, for the purpose of such advisory referendum. Under no circumstances shall the provisions of this section be construed to require the City Council to call such an advisory referendum except at its own discretion.

Sec. 4-3. Beach easements.

The City shall not abandon any public, recreational beach access easement or right-of-way south of Alternate Highway 98, South Thomas Drive or Thomas Drive without approval by majority vote in a properly held City referendum. (Proposed by petition and adopted by referendum 5-4-82; Ord. No. 1277, § 1, 11-14-2013, Referendum of 4-22-2014)

Sec. 4-4. Rights-of-Way.

The City shall not abandon any public road or highway right-of-way within the city limits, or give its approval to such abandonment by another governmental agency, without approval by majority vote in a properly held City referendum. (Proposed by petition and adopted by referendum 2-1-83; Ord. No. 1277, § 1, 11-14-2013, Referendum of 4-22-2014)

ARTICLE 5. FINANCIAL PROCEDURES*

Sec. 5-1. Fiscal year.

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

State law reference—Mandate for fiscal year, F.S. §§ 166.241, 218.33.

Sec. 5-2. Budget.

(a) Required. No monies of the City shall be disbursed except in pursuance of appropriations made by the City Council.

(b) Preparation. Prior to September 1 of each year, the City Manager shall prepare and submit to the City Council a proposed budget for the ensuing fiscal year. Such proposed budget shall contain a complete plan for all City funds and financial activities for the ensuing fiscal year and shall include such details and be in such form as required by this Charter, state law and the City Council. Such proposed budget shall show comparative figures of revenues and expenditures for the ensuing and current fiscal years, detailing the relationship of proposed expenditures to current expenditures in dollars and percentages, and thus showing any increase or decrease in the level of expenditure.

(c) Message of City Manager to Council. When presenting the proposed budget to the City Council, the City Manager shall present a message to the City Council outlining existing debt, proposed financial policies, describing the features of the budget, explaining major changes in financial policies, expenditures and revenues from those in the budget for the current fiscal year, summarizing the City's current and overall financial position and including such other material and information as the City Council may require. The proposed budget shall be posted upon the City's official website.

(d) Public hearing. Upon receipt of the proposed budget, the City Council shall call a public hearing to consider the criticisms, recommendations and suggestions of the citizens of the City relative to such proposed budget. In calling such public hearing, the City Council shall give at least one week's notice of the time, place and purpose of such public hearing by posting on a designated webpage noticed upon and linked to the landing page on the City's official website, and whenever and to the extent required by state law by publication once in a newspaper of general circulation within the City. A copy of the proposed budget shall be made available for public inspection at the office of the City Clerk for at least one week prior to the date on which the public hearing is scheduled.

( ) Action by Council. After completion of the final public hearing, the City Council shall adopt the budget as submitted or after making such changes and amendments as it deems necessary for the proper and economical operation of City government. Final City Council action on the budget for the ensuing fiscal year shall be completed by September 30. In the event the Council does not or cannot take final action on the budget by this date, the amounts appropriated for operations in the prior fiscal year shall be deemed adopted for the ensuing fiscal year.

(a) Amendment after adoption. The City Council shall have the power to amend the budget at any time to utilize excess funds, to increase appropriations, to transfer funds or for any other purpose.

(b) Emergency expenditures. The City Manager is authorized to expend monies beyond those provided in the budget, for emergency purchases to procure necessary supplies and services to handle emergency circumstances which require immediate action for the protection of the health, safety or welfare of the City or a sector thereof, in a cumulative amount not to exceed $100,000. The City Manager shall exercise such authority with the concurrency of the Finance Director, and then only in the manner and within the limits established by the City Council and only if a special meeting of the City Council is not possible. The City Manager shall report any

***State law references—**Municipal borrowing, F.S. § 166.101 et seq.; municipal finance and taxation, F.S. § 166.201 et seq.; financial matters pertaining to political subdivision, F.S. Ch. 218.

such emergency purchase(s) at the next meeting of the City Council, whether it be a regular or special meeting.
(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014; Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

State law reference—Municipal budgets, F.S. § 166.241.

Sec. 5-3. Deposit and investment of City funds.

The City Council shall, at its discretion, designate banks or trust companies as City depositories. The City Council may establish rules and regulations governing deposits and withdrawals and security deposits and other safeguards for City funds so deposited.

All monies collected or received by officers and employees shall be given to the City Manager or the appropriate officer or employee designated by the City Manager for deposit in the City depositories.

Any City funds or deposits not currently needed for public purposes may be invested in short term United States bonds, treasury notes or bills or other investments as authorized by law and the City Council.

State law reference—Municipal investments, F.S. § 166.261.

Sec. 5-4. Disbursements of City funds.

City funds shall be withdrawn from City depositories only upon presentation of checks drawn and signed by the City Manager or such subordinates of the City Manager as the City Council may designate or by electronic funds transfers. The form of such checks and the procedures for such electronic fund transfers shall be as prescribed by the City Manager, subject to the approval of the City Council. Countersignature by the City Clerk shall be required for checks.
(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

Sec. 5-5. Facsimile signatures.

The use of digital or electronic signatures shall be permitted for such purposes and subject to such limitations and restrictions as the City Manager may prescribe.
(Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Sec. 5-6. Contracts, licenses, permits, etc.

No promise or representation of any kind by any officer or employee of the City shall be binding upon or enforceable against the City nor create an estoppel, an implied contract or any liability against or upon the City, unless ratified or embodied in a contract, permit, license, approval, consent or other instrument issued pursuant to and in accordance with an ordinance or resolution of the City.

Every contract made by or on behalf of the City shall be in writing, approved as to form and legality by the City Attorney, approved by the City Council, signed by the City Manager and attested by the City Clerk. A person other than the City Manager may be authorized to execute a contract on behalf of the City only upon express approval memorialized in a resolution adopted by the City Council.

Notwithstanding the foregoing, the City Manager, with attestation by the City Clerk, is authorized to enter contracts in writing by or on behalf of the City requiring the expenditure of not more than twenty-five thousand dollars ($25,000) provided that no contract or purchase or the quantity thereof shall be split for the purpose of avoiding or exceeding the limit of this authorization.
(Ord. No. 326, § 1, adopted 12-10-87, passed by referendum of 2-9-88; Ord. No. 1025, § 1, adopted 3-23-06, passed by referendum of 4-18-06; Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Sec. 5-7. Competitive bidding.

(a) *Required.* No purchase by or on behalf of the City requiring the expenditure of twenty-five thousand dollars ($25,000) or more shall be awarded, let or made except through competitive

bidding after the advertisement for the bids in the form and manner prescribed in this Charter. No purchase or the quantity thereof shall be split for the purpose of avoiding the requirements of this section.

(b) Publication of request for bids. Published notice of each intended purchase by competitive bid shall be posted on a designated web-page or other digital platform noticed upon and linked to the landing page on the City's official web site for 21 consecutive days prior to the opening date of the bid. In addition to the posting requirements of this section, the City Council may direct the City Manager to notify, by whatever means it chooses, additional potential suppliers of such requests for bids whenever the City Council determines that the website posting requirement of this section is inadequate to produce sufficiently competitive bidding. In emergency circumstances, notification time on the request may be shortened by the City Manager.

(c) Contents of request for bids. Each request for the submission of bids shall contain an acceptance clause granting the City a minimum of forty-five (45) days in which to accept or reject the bid, during which time the tendered bid shall remain valid. The request for the submission of bids may contain a requirement that the bidder provide a performance bond in the full amount of the contract price and may further contain such other specifications and declarations as the City Council shall determine necessary for the proper evaluation of the bidder's proposal and qualifications.

(d) Awards. The City Council shall award the contract to the lowest fully responsive and responsible bidder; provided, that the City Council may award the contract to a bidder other than the lowest bidder should it find that the lowest bidder does not offer the reliability, quality of service or product afforded by such other bidder. Where a bid other than the lowest bid is taken, the City Council shall state the reasons upon which such award was made.

(e) Rejection and resubmission for bids. The City Council may reject all submitted bids and provide for the request of additional bids whenever it finds that the bids submitted are not responsive to the request for bids, that the bids are not responsible or that the bid prices are unacceptable. Requests for such additional bids shall comply with the provisions of this section.

( ) Purchases on failure to receive bids. Where no bids are received and the Council determines that additional requests for bids are unlikely to produce responses, the City Council may authorize the purchase, at the best obtainable price determined through direct quotation, of such products or services as are available on the open market.

(a) Professional services. Contracts for professional services, including but not limited to architects, attorneys, accountants, engineers and surveyors, may, upon approval by the City Council, be entered into without competitive bidding. The City Council shall review the qualifications, work history and other relevant data before contracts for such services are rendered. The Consultants' Competitive Negotiation Act shall be followed where applicable.

(b) Emergency purchases. The City Council may substitute competitive quotes for the competitive bidding required by this section upon a finding by extraordinary vote that a public emergency exists making the bid delay contrary to the public interest.

(c) Piggybacking. Notwithstanding the foregoing, a purchase of goods made by or on behalf of the City on the same terms and conditions as were obtained by a federal, state or municipal government or cooperative purchasing entity of which the City is a member, through an advertised, competitive bidding process shall be deemed to be made through competitive bidding under this Charter, provided the contract to be piggybacked is in full force and effect at the time of the City's purchase.

(d) Purchase of Goods for Utilities. Notwithstanding the foregoing, a purchase by or on behalf of the City of goods or services, or both, which are to be used exclusively for the operation or maintenance of the City's potable water, stormwater, reuse-water or wastewater utility, or any combination of those utilities, and requiring the expenditure of not more than $100,000

may be made by substituting competitive quotes for competitive bidding if required. No purchase or the quantity thereof shall be split for the purpose of avoiding the requirements of this section. This authorization shall not be utilized in conjunction with a construction or other service contract that requires competitive bidding.

(k) *Sole Source.* Notwithstanding the foregoing, the City Council may authorize any purchase of goods requiring an expenditure of not more than $50,000 without competitive bid when the City Council finds that the goods are to be used exclusively for the operation or maintenance of the City's potable water, stormwater, reuse-water or wastewater utility, or any combination of those utilities, that the goods are to replace a specialized, mechanical or electrical component of the utility, and that the goods are only available from a sole source of supply. The fact that the new component may increase capacity shall not disqualify this authorization. This authorization shall not be utilized in conjunction with a construction or other service contract that requires competitive bidding.
(Ord. 499, § 3, adopted 8-13-96, passed by referendum vote 5-20-97; Ord. No. 1177, § 1, adopted 3-11-2010, passed at referendum 4-20-2010; Ord. No. 1178, § 1, adopted 3-11-2010, passed at referendum 4-20-2010; Ord. No. 1277, §§ 4, 5, 11-14-2013, Referendum of 4-22-2014; Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

State law reference—Acquisition of professional services, F.S. § 287.055.

Sec. 5-8. Audits.

Under the direction of the City Council, the finances of the City shall be examined and audited at least once each year in accordance with the rules of the auditor general of the State. For this purpose the City Council shall employ an accountant not connected with the City government at the end of each fiscal year, or more frequently if the City Council so desires. Such financial audit shall be a certified audit with no exceptions. All reports and recommendations of the auditor shall be directed to the City Council. The City Manager and his/her subordinate officers and employees shall cooperate fully with the auditor and shall make all accounts, books, vouchers, records, reports and other data available to him/her.
(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

State law reference—Municipal audits, F.S. § 11.45, 473.317.

ARTICLE 6. CIVIL SERVICE*

Sec. 6-1. Board of Civil Service Commissioners.

(a) Continuation of present board. The Board of Civil Service Commissioners for the City, established by Section 12 of Chapter 70-874, Special Laws of Florida, shall continue as presently constituted. The members of the Board of Civil Service Commissioners shall continue to hold office as provided in said Act until their successors have been selected and have taken office pursuant to this section.

(b) Composition; qualifications and selection of members. The Board of Civil Service Commissioners shall be composed of not less than three (3) and no more than five (5) members who shall be qualified electors of the City of Panama City Beach and who shall be selected as follows: one member shall be named and designated by the City Council during the first fifteen (15) days of September of each year; one member shall be named and designated by the employees affected by the provisions of this article during the first fifteen (15) days of September of each year; and one member shall be named and designated during the last fifteen (15) days of September of each even-numbered year by the four (4) members then serving.

(c) Terms. The term of office for each member of the Board of Civil Service Commissioners, elected to office as prescribed herein, shall be for two years beginning the first Wednesday in October of the year in which he/she was elected and terminating at midnight or the day preceding the first Wednesday of October of the second year.

***Editor's note**—Ord. No. 1277, § 6(Exh. A), adopted 11-14-2013, passed at Referendum 4-22-2014, amended Article 6 in its entirety to read as herein set out.

(d) Vacancies. Whenever vacancies occur in the office of Civil Service Commissioners by death, resignation or otherwise, a successor shall be elected in the same manner as that in which the position was filled originally. Such successor shall be elected to serve for the unexpired term of his/her predecessor in office.

(e) Ineligible persons. No person who has been convicted of a felony or who is an officer or employee of the City shall be eligible to hold office as a Commissioner of Civil Service.

( ) Reserved.

(f) Staff. The City shall secure such legal counselors, clerks, and stenographers, including a full-time secretary, as may be required to assist the Board of Civil Service Commissioners.

(g) Funding. The City Council shall budget and appropriate a sum sufficient to properly organize and maintain the Civil Service Department as herein delineated and shall appropriate a sum of money each year sufficient to carry out the purposes of this article.

(h) Chairperson. Immediately after the election of the Board of Civil Service Commissioners as prescribed in this section, the Board shall organize itself by electing one of its members chairperson, to hold such office at the pleasure of the majority of the Board membership.

(i) Meetings. The Board of Civil Service Commissioners shall meet monthly to conduct such business as may properly be brought before the Board, and shall be subject to call by the chairperson for such additional meetings as circumstances require. All hearings on all charges under Section 6-12 of this article shall be open, unless the employee against whom the charges are pending submits in advance of that hearing a written petition to the Board of Civil Service Commissioners for a private hearing and the legal basis therefor, and the Board finds good cause established under Florida law to permit the private hearing and grants such request.

(j) Record. A record of all business conducted by the Board of Civil Service Commissioners shall be maintained by the secretary of the Civil Service Board. This record shall be available, upon request, to the members of the City Council and otherwise as required by law.

(e) Investigatory powers. When inquiring into charges and hearing appeal by and before the Board of Civil Service Commissioners, each member thereof shall have the power to administer oaths, and the Board is authorized to compel by subpoena the attendance and testimony of witnesses and the production of books, papers and other data relevant to such inquiry or hearing. The Commission may delegate to its Secretary the authority to administer oaths.
(Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Sec. 6-2. Membership.

All employees on the payrolls of the City in authorized, permanent positions shall be members of the Civil Service, except the City Manager, the City Clerk and the City Attorney, and such assistant positions as each may establish. All authorized, permanent positions requiring full-time or part-time employees, excluding the City Manager, the City Clerk and the City Attorney, and their assistants, shall be filled from among applicants who have been examined by the Civil Service Secretary to have satisfactorily completed the prescribed examination and are eligible for employment or promotion in accordance to rules adopted by the aforementioned Board.

Except as otherwise prescribed herein, all persons regularly employed in a position permanently authorized by the City on the effective date of this Section or any amendment to this Section are confirmed in office, rank or employment as members of the Civil Service. (Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Sec. 6-3. Promulgation of rules and regulations; investigations.

The Board of Civil Service Commissioners shall adopt, amend and enforce a code of rules and regulations providing for initial employment in and promotion to all authorized, permanent positions filled by the City, based on merit, efficiency, character and industry, and regulat-

ing the process by which the Board discharges its duties under Sections 6-11 through 6-13 of this Article, inclusive, which shall have the force and effect of law; and shall make investigations, both as to the individuals and as to the departments, in carrying out the enforcement of this article and the rules adopted hereunder. The exceptions set forth in Section 6-2 of this Article shall apply with equal force to this section.

Sec. 6-4. Reserved.

Sec. 6-5. Examination; eligibility lists.

The Board of Civil Service Commissioners shall prescribe examination in accordance with the rules and regulations adopted and shall maintain a list of those who meet the requirements of such regulations, and who are thus eligible for such positions.

Sec. 6-6. Reserved.

Editor's note—Ord. No. 1576, § 10, adopted Jan. 13, 2022, repealed § 6-6, which pertained to job improvement.

Sec. 6-7. Reserved.

Editor's note—Ord. No. 1576, § 10, adopted Jan. 13, 2022, repealed § 6-7, which pertained to filling of vacancies.

Sec. 6-8. Reserved.

Sec. 6-9. Probationary periods.

Neither initial appointment nor promotion to an authorized, permanent position shall be deemed complete until a probationary period of one year has elapsed. A probationer may be reclassified or discharged at any time within the same period of one year by the City Manager. If the employee is not discharged during the probationary period of one year, then his/her employment or promotion shall be deemed complete and the employee shall become a regular employee. However, if an employee is in the process of completing the educational minimum for his/her position, the period of probation may be extended until the employee fulfills this requirement. In the event an employee promoted to a higher classification fails to become a regular employee at the termination of the probationary period, the probationer shall have the option to revert to the position held by him/her prior to such promotion.

Sec. 6-10. Terms of office; reduction in grade, rank or pay.

Members of the Civil Service shall hold office or employment during good behavior. No member of the Civil Service shall be reduced in grade or rank, nor suffer any loss in pay, except as provided in Sections 6-11 through 6-13, inclusive, of this article.

Sec. 6-11. Reductions in force; preferred listing for re-employment.

When the number of employees in any department becomes excessive through either reorganization or modification of the work load, the City Manager shall certify this fact to the City Council, who shall cause an investigation to be made. If such investigation confirms the statement of the City Manager, then the City Council shall have the right to terminate the employment of the excess personnel; provided, that the person who stands lowest in rank or classification, shall be the first discharged, and this system of discharge shall continue until the necessary reduction in the number of personnel has been accomplished; and provided, that persons so discharged shall be placed upon a preferred list by the Civil Service Secretary, and shall be given priority for re-employment. When a vacancy occurs in any department it will, if practicable, be filled by the re-employment of a person whose name is carried on the preferred list, beginning with that individual whose priority is established by rank or classification and seniority. The City Manager shall fill all vacancies from the preferred list, so far as practicable. Position on the preferred list shall be determined first by rank or classification and then by seniority within that rank. (Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Sec. 6-12. Removals, suspensions, fines and discharges.

No member of Civil Service shall be removed, suspended, fined, discharged or caused to suffer

any other prejudicial action, except for cause shown upon written charges of misconduct or violation of law, ordinances, rules of Civil Service or personnel policies of the City. Charges shall be in letter form and shall state concisely the specific charges against the member. Such punitive action shall be reported to the Board of Civil Service Commissioners as soon as practical after such charge is issued, but not later than seventy-two hours after issuance. As provided below, the member shall be afforded an opportunity to appeal the suspension or other punitive action in writing to the Board of Civil Service Commissioners and to be heard in his/her own defense. Such charges shall be inquired into by and before said Board and a determination will be made as to whether the action of the City Manager was warranted or unwarranted. These requirements do not apply when action set forth in Sections 6-9 (probationary period) or 6-11 (reduction in force) of this article is being followed.

Suspension: The City Manager or head of any department may immediately suspend a subordinate for a reasonable period of no more than thirty (30) days. The employee so suspended may appeal in writing to be heard in his/her own defense. The findings and decision of the Board shall be final and shall be certified to the City Manager. If the Board determines that the suspension was unwarranted and without just cause, the member concerned shall be restored to duty immediately and he/she shall be paid any salary and benefits lost as a result of the suspension.

Other Punitive Action. The City Manager may immediately remove, fine, discharge or otherwise discipline a member as permitted by applicable law. The member so disciplined may appeal in writing to be heard in his/her own defense. If the Board determines that the discipline was unwarranted and without just cause, the City Manager may impose within three (3) business days thereafter a lesser form of discipline which the member may also appeal to the Board. In the event that the City Manager has also suspended the member, that suspension shall extend until three (3) business days after the Board makes a final decision upon the first or any subsequent, lessor disciplinary action imposed by the City Manager or until the City Manager shall lift the extended suspension.

Sec. 6-13. Incompetence, neglect of duty, insubordination, etc.

Any member of the Civil Service who shall be incompetent, neglectful of his/her duty, guilty of insubordination, moral turpitudes or who fails to conduct himself/herself in such manner as to reflect discredit upon his/her fellow employees or the City shall be subject to suspension, demotion, or discharge as provided in Section 6-12.

Any employee affected by this article who shall, while on duty, engage in political activity either federal, state, county or city, shall be subject to demotion, suspension or discharge; provided, however, that nothing herein contained shall prevent any employee from voting in any election. (Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Secs. 6-14, 6-15. Reserved.

ARTICLE 7. ELECTIONS*

Sec. 7-1. Qualifications.

Any citizen of the United States who is a registered elector of Bay County, Florida, and who resides within the City of Panama City Beach shall qualify as an elector of the City of Panama City Beach.

State law reference—Qualifications of electors, f.s. §§ 97.041, 166.032.

Sec. 7-2. Qualifications of candidates.

In addition to all the requirements imposed by state law, candidates for the office of City Councilperson must be qualified electors of the City and must have resided within the wards for which they are candidates for twelve (12) months immediately preceding the election in which they are candidates and, as of the end of the current term of office, must not have served (or,

***State law reference**—Florida Election Code, F.S. Chs. 97-106.

but for resignation, would have served) in that office for two full terms. Candidates for the office of Mayor must be qualified electors of the City and must have resided within the City for twelve (12) months immediately preceding the election in which they are candidates and, as of the end of the current term of office, must not have served (or, but for resignation, would have served) in that office for two full terms.
(Ord. No. 671, § 1, adopted 7-27-00, passed by referendum of 5-7-02; Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014; Ord. No. 1576, adopted 1-13-2022, passed by Referendum of 4-19-2022)

Sec. 7-3. Conduct, generally.

(a) Except as otherwise specifically provided by this Charter, all elections held by the City shall be conducted in accordance with all applicable provisions of the Florida Election Code.

(b) Regular elections for the offices of Mayor and City Councilperson shall be held on the third Tuesday of April after the third Monday of April of each even-numbered year. Each candidate for City Councilperson shall run City-wide. Each candidate for Mayor shall run City-wide. Electors shall be entitled to vote for one candidate from each ward and for one candidate for Mayor. The candidate receiving the highest number of the votes cast for that particular office shall be elected. In the event two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office.
(Ord. No. 819, §1, 10-9-03; Ord. No. 820, §1, 714-05; Ord. No. 1025, §3, adopted 3-23-06, passed by referendum 4-18-06; Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

Sec. 7-4. Wards.

The City shall be divided into four (4) wards numbered 1, 2, 3 and 4. The boundaries of such wards, as defined by Ordinance No. 1225, adopted February 9, 2012, are as follows:

(a) *Ward 1.* Ward 1 shall consist of all the territory within the City lying east of the following described line, to-wit: Begin on the south boundary of the City along the Gulf of Mexico south of the intersection of Front Beach Road and Alf Coleman Road, thence continue northeasterly along the Right of Way of Alf Coleman Road to the intersection of Alf Coleman Road Right of Way with the north line of the southwest quarter of Section 29, Township 3 South, Range 16 West; continuing westerly along said north line to the intersection of Lyndell Lane (S.R. 30H); thence northerly along Lyndell Lane to the intersection with Panama City Beach Parkway (US Hwy 98); thence continue north along the east line of Section 22, Township 3 South, Range 16 West, to the City's northern boundary.

(b) *Ward 2.* Ward 2 shall consist of all the territory within the City lying between the line described in paragraph (a) of this section and the following described line, to-wit: south boundary of the City along the Gulf of Mexico south of the intersection of Front Beach Road and Nautilus Road; thence northeasterly along Nautilus Road to its intersection with Panama City Beach Parkway (US Hwy 98); thence westerly along the right of way of the Panama City Beach Parkway (US Hwy 98) to the intersection of Panama City Beach Parkway and Gulf Boulevard; thence northwesterly along Gulf Boulevard to the City's northern boundary.

(c) *Ward 3.* Ward 3 shall consist of all the territory within the City lying between the line described in paragraph (b) of this section and the following described line, to-wit: south boundary of the City along the Gulf of Mexico south of the intersection of Front Beach Road and SR 79; thence northerly along SR 79 to the intersection Panama City Beach Parkway (US Hwy 98); thence easterly along Panama City Beach Parkway to the intersection of Pier Park Drive; thence northerly along Pier Park Drive to the northwest corner of Palmetto Trace Phase Four according to the Plat thereof recorded

in Plat Book 21, Page 48 through 55 of the public records of Bay County, Florida; thence following easterly along the northern and easterly boundaries of Palmetto Trace Phase Three, according to the plat thereof recorded in Plat Book 20, Page 43 and 44 of the public records of Bay County, to the intersection of the eastern line of Section 17, Township 3 South, Range 16 West; thence northerly along said line to the City's northern City boundary.

(d) *Ward 4.* Ward 4 shall consist of all the territory within the City lying west of the line described in paragraph (c) of this section.

(Ord. No. 1225, § 1, 2-9-2012)

Editor's note—See Editor's note following Code Section 9-21.

Sec. 7-5. Amendment of ward boundaries.

The City Council shall be authorized to amend, by Ordinance, the ward boundaries of the City as needed to meet applicable standards of equal protection and voters' rights from time to time, but not during the six month period immediately preceding the election of a Council member from the amended ward.

(Ord. No. 1223, § 1, adopted 1-12-2012, passed by referendum on 11-29-2011)

ARTICLE 8. TRANSITION

Sec. 8-1. Continuation of Ordinances.

All Ordinances in effect upon adoption of this Charter or any amendment to it, to the extent that they are not inconsistent with this Charter, as amended, shall remain in full force and effect until amended or repealed.

(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

Sec. 8-2. Rights of officers and employees.

Nothing in this Charter, as amended, except as otherwise specifically provided, shall affect or impair the rights, privileges or immunities of those who are City officers or employees at the time of the adoption of this Charter or any amendment to it. Elected officers shall continue to hold their offices for the terms prescribed by the Charter of the City in effect on the date of their election.

(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

Sec. 8-3. Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue and remain in full force and effect except as modified pursuant to the provisions of this Charter, or any amendment to this Charter provided such amendment does not unconstitutionally impair rights legally vested.

(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

Sec. 8-4. Existing rights, obligations, duties, relationships and power.

All right, title and interest in property, uncollected taxes due, claims, judgments, decrees, liens, suits, actions and choses in action held or owned by the existing City shall pass to and are hereby vested in the City as continued under this Charter. All rights, obligations, duties and relationships now existing by law or agreements between the City and other governmental units shall be unaffected and shall remain in full force and effect. No debt or obligation of the City shall be impaired as a result of the adoption of this Charter or any amendment to it and all such debts and obligations shall pass to and be binding upon the City, re-organized and continued by this Charter. The powers and authority existing pursuant to any Charter Act of the Special Laws of Florida continue in effect.

(Ord. No. 1277, adopted 11-14-2013, passed by Referendum of 4-22-2014)

Sec. 8-5. Transition ordinances and resolutions.

The City Council shall adopt such ordinances and resolutions as are required to effect the transition necessitated by the adoption of this Charter.