

City Clerk's Office

# City of Palm Coast

## Candidate Handbook



## *Contact Information*

EMAIL

[cityclerk@palmcoastgov.com](mailto:cityclerk@palmcoastgov.com)

PHONE

386-986-3713

ADDRESS

160 Lake Avenue,  
Palm Coast, FL 32164

# *MEMORANDUM*

Dear Candidate,

The Candidate Handbook is being provided to help you meet the many requirements and deadlines in the campaign process. Inside this book, you will find information you need to get started with your campaign. It is important to familiarize yourself with Florida Statutes, Florida Election Laws, and the City Charter, some of which are contained in this handbook.

The following is a **summary** of pertinent information:

- The City Clerk serves as the Filing Officer for City of Palm Coast Municipal Elections. All forms are to be filed with the City Clerk at City Hall, 160 Lake Avenue, Palm Coast, FL, 32164.
- **OFFICES UP FOR ELECTION IN 2024:**  
Mayor, District 1, and District 3
- **ELECTION DATES**  
Primary Election 2024  
Early voting period: August 10 – 17, 2024  
Election Day: August 20, 2024  
  
General Election 2024  
Early voting period: October 26 – November 2, 2024  
Election Day: November 5, 2024

If you have any questions, please do not hesitate to contact the City Clerk's Office.

The information contained in this handbook is not all inclusive. It is the responsibility of the candidate to become acquainted with relevant Florida election laws and local charter, which may have a bearing on campaign or qualifications to run for office.

# ***BECOMING A CANDIDATE***

## **What is a Candidate?**

A candidate is defined in 97.021(7), Florida Statutes, as any person to whom any one or more of the following applies:

- Any person who seeks to qualify for nomination or election by means of a petitioning process.
- Any person who seeks to qualify for election as a write-in candidate.
- Any person who receives contributions or makes expenditures or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.
- Any person who appoints a treasurer and designates a primary depository.
- Any person who files qualification papers and subscribes to a candidate's oath as required by law.

## **Who can be a Candidate?**

- Each candidate for office shall be a qualified elector of the City of Palm Coast
- At the time of qualification, each candidate for a Seat on the Council shall reside within the boundaries of the district that he/she seeks to run from. For the length of their term, Council members shall maintain residency within the boundaries of the district from which he/she ran. In addition, candidates, and Council members, shall reside at least 45 weeks in each year in the district in which they live.
- Candidates for Mayor shall live within the City boundaries. The Mayor shall run at-large, and be elected at-large.

## **Announcing Candidacy and Required Forms**

- Candidacy may be announced at any time.
- You MUST file an Appointment of Campaign Treasurer and Designation of Campaign Depository ([Form DS-DE 9](#)) with the City Clerk's Office before any contributions are accepted, before opening a campaign account, and before expenditures are made (106.021, Florida Statutes).
- You MUST file a Statement of Candidate ([Form DS-DE 84](#)) within ten (10) days of filing the Appointment of Campaign Treasurer and Designation of Campaign Depository (106.023, Florida Statutes).

It is highly recommended that all candidates and campaign treasurers download and read the Candidate and Campaign Treasurer Handbook, published by the Division of Elections:

<https://dos.myflorida.com/elections/forms-publications/publications/>



# ***BECOMING A CANDIDATE***

## **Candidate Qualifying**

Qualifying is the final step that allows a candidate to have their name on the ballot. Qualifying must be finalized during the assigned dates.

**2024 Qualifying Time Period**  
**City of Palm Coast Mayor, Districts 1 & 3**

**Opens: Noon, Monday, June 10, 2024**

**Closes: Noon, Friday, June 14, 2024**

**Please Note:** Qualifying office may accept and hold qualifying papers 14 days prior to the beginning of the qualifying period to be processed and filed during the qualifying period.

## **Forms Required for Candidate Qualifying**

1. [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository
2. Statement of Candidate ([Form DS-DE 84](#))
3. Loyalty Oath ([Form DS-DE 302NP](#)) for Candidates running in a Non-Partisan election.
4. [Form 6 Full and Public Disclosure of Financial Interests for 2023](#) (and any other forms applicable as identified on Form 6) for all elected constitutional officers and candidates for such office. A public officer who has filed the full and public disclosure or statement of financial interests for the year 2023 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

# ***BECOMING A CANDIDATE***

## [Qualifying Methods \(Qualifying Fee or Petition Process\)](#)

### [Qualifying Fee](#)

Pursuant to the City Charter and 99.092, Florida Statutes, qualifying fees for City of Palm Coast candidates are as follows:

- Qualifying Fee equal to 10% of the salary of the office sought.
- Election Assessment Fee equal to 1% of the salary of the office sought.

<b>By Payment</b>			
<b>Office</b>	<b>Amount (10% of current salary)</b>	<b>1% Assessment</b>	<b>Total</b>
Mayor	\$3,249.07	\$324.91	\$3,573.98
District 1	\$2,606.40	\$260.64	\$2,867.04
District 2	\$2,606.40	\$260.64	\$2,867.04
District 3	\$2,606.40	\$260.64	\$2,867.04
District 4	\$2,606.40	\$260.64	\$2,867.04

### **The qualifying fee must:**

- Be on a properly executed check; and drawn upon the candidate's campaign account;
- Be made payable to the City of Palm Coast;
- Be in an amount not less than the fee required.

### Qualifying by Petition Process

Pursuant to Florida Statute 99.095, a person seeking to qualify for nomination to any office may qualify to have their name placed on the ballot by means of the petitioning process.

Candidates must submit a petition supporting his/her candidacy to the Flagler County Supervisor of Elections Office containing the signatures of at least one percent of the electorate residing within the office sought, as identified in the most recent decennial census.

Office	Petitions Needed (1% of Electorate)
Mayor	699
District 1	162
District 2	175
District 3	197
District 4	165

### **Where to obtain petition cards:**

Candidates who have filed the Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE 9) and Statement of Candidate (Form DS-DE 84) may obtain petition cards ([Form DS-DE 104](#)) from the State of Florida Division of Elections.

Signed petitions must be submitted to the Supervisor of Elections Office for verification prior to May 13, 2024.

Candidates are encouraged to submit petitions periodically while they are being gathered. The Supervisor of Elections will notify you as to whether the required number of signatures has been obtained.

If you have submitted the required number of eligible signatures, you will not be required to pay the qualifying fee and will be entitled to have your name printed on the ballot.

## Section 3: Petition Process

### Partisan Petition Form Example:

CANDIDATE PETITION			
<b>Notes:</b> - All information on this form becomes a public record upon receipt by the Supervisor of Elections. - It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes] - If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.			
I, _____ the undersigned, a registered voter (print name as it appears on your voter information card)			
in said state and county, petition to have the name of <u>Candidate Name</u> placed on the Primary/General Election Ballot as a: [check/complete box, as applicable]			
<input type="checkbox"/> Nonpartisan <input type="checkbox"/> No party affiliation <input checked="" type="checkbox"/> <u>Your Party</u> Party candidate for the office of			
<u>Office Title and District, Group, Seat Number</u> (insert title of office and include district, circuit, group, seat number, if applicable)			
Date of Birth (MM/DD/YY) or Voter Registration Number _____	Address _____		
City _____	County <u>Flagler</u>	State <u>FL</u>	Zip Code _____
Signature of Voter _____		Date Signed (MM/DD/YY) [to be completed by Voter] _____	
Rule 1S-2.045, F.A.C.		DS-DE 104 (Eff. 09/11)	

### No Party Affiliation or Nonpartisan Office Petition Form Example:

Please check the appropriate box.

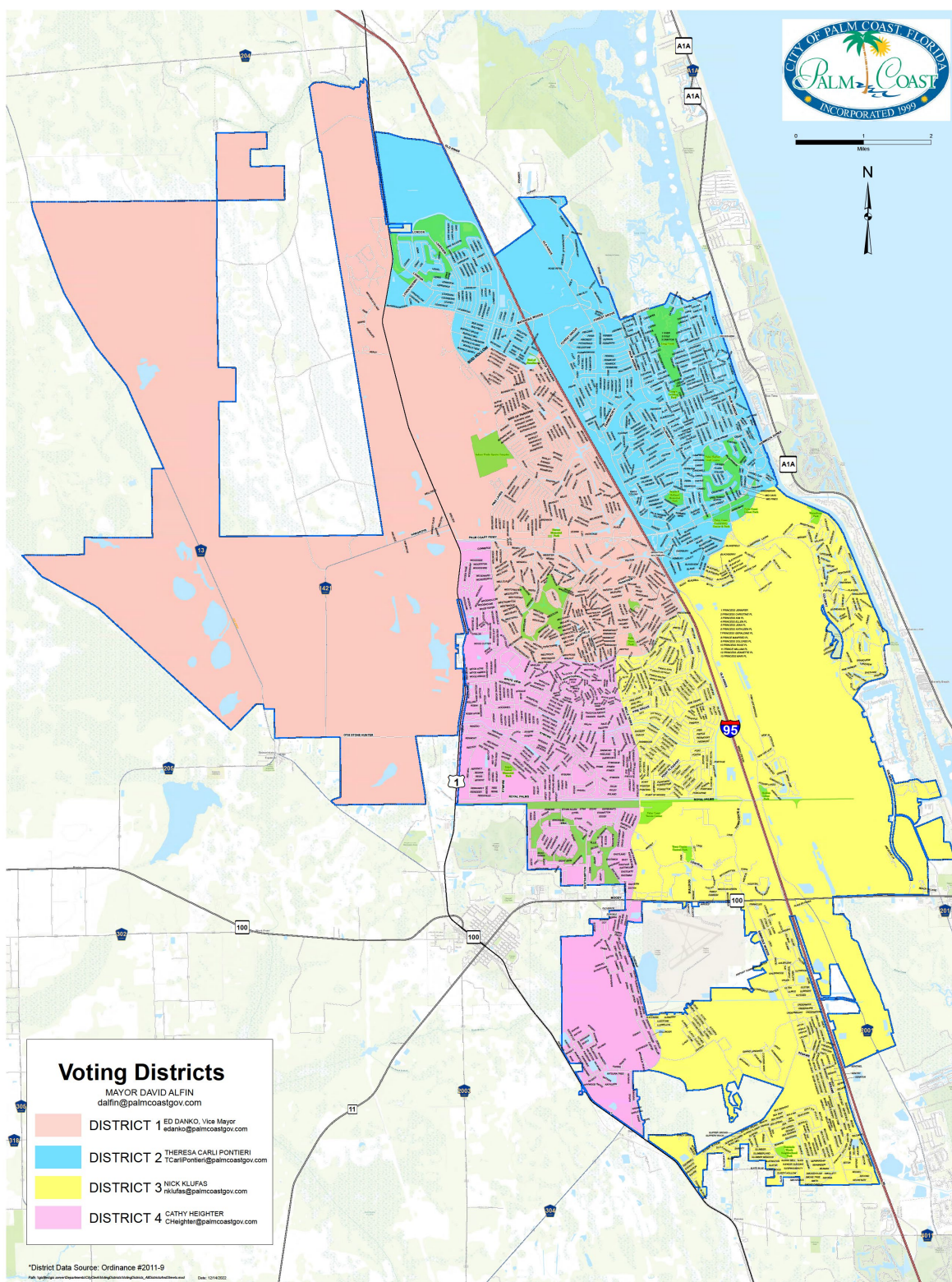


CANDIDATE PETITION			
<b>Notes:</b> - All information on this form becomes a public record upon receipt by the Supervisor of Elections. - It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes] - If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.			
I, _____ the undersigned, a registered voter (print name as it appears on your voter information card)			
in said state and county, petition to have the name of <u>Candidate Name</u> placed on the Primary/General Election Ballot as a: [check/complete box, as applicable]			
<input checked="" type="checkbox"/> Nonpartisan <input type="checkbox"/> No party affiliation <input type="checkbox"/> <u>XXXXXXXXXXXXXXXXXXXX</u> Party candidate for the office of			
<u>Office Title and District, Group, Seat Number</u> (insert title of office and include district, circuit, group, seat number, if applicable)			
Date of Birth (MM/DD/YY) or Voter Registration Number _____	Address _____		
City _____	County <u>Flagler</u>	State <u>FL</u>	Zip Code _____
Signature of Voter _____		Date Signed (MM/DD/YY) [to be completed by Voter] _____	
Rule 1S-2.045, F.A.C.		DS-DE 104 (Eff. 09/11)	

**Important:** The information listed on your petition form MUST match the Office Title, District, Group or Seat Number AND party affiliation (if applicable) that you designated on the DS-DE 9. If you choose to use a variation of your legal name (i.e. Tommy instead of Thomas) on the ballot and on your advertising, you can also use that same variation on your candidate petitions. A nickname affidavit may be required.



## *District Map*



# *Filing Campaign Treasurer Reports*

By Florida Statutes, campaigns, committees, and electioneering communications organizations are required to disclose detailed financial records of campaign contributions and expenditures, also known as Campaign Finance Reports.

Campaign Finance Reports are required even if there has been no activity during the reporting period. In those cases, you are required to file a Waiver of Report. Reports must be filed on, or before, the due date. Fines for late filing of reports are automatic and must be paid from personal rather than campaign funds. It is your responsibility to ensure that campaign reports are accurate, complete and comply with all laws and regulations regarding campaign finance.

For more detail, please refer to Chapter 106, Florida Statutes, and the State of Florida Candidate and Committee handbooks.

## **Calendar of Reporting Dates** for 2024 Candidates registered with the Division of Elections

<b><u>Cover Period</u></b>	<b><u>Report Code</u></b>	<b><u>Due Date</u></b>
10/1/23 – 12/31/23	2023 Q4	1/10/2024
1/1/24 – 3/31/24	2024 Q1	4/10/2024
4/1/24 – 5/31/24	2024 Q2	6/10/2024

6/1/24 – 6/14/24	2024 P1	6/21/2024
6/15/24 – 6/28/24	2024 P2	7/5/2024
6/29/24 – 7/12/24	2024 P3	7/19/2024
7/13/24 – 7/19/24	2024 P4	7/26/2024
7/20/24 – 7/26/24	2024 P5	8/2/2024
7/27/24 – 8/02/24	2024 P6	8/9/2024
8/03/24 – 8/15/24	2024 P7	8/16/2024

8/16/24 – 8/23/24	2024 G1	8/30/2024
8/24/24 – 9/06/24	2024 G2	9/13/2024
9/07/24 – 9/20/24	2024 G3	9/27/2024
9/21/24 – 10/04/24	2024 G4	10/11/2024
10/05/24 – 10/18/24	2024 G5	10/25/2024
10/19/24 – 10/31/24	2024 G6	11/01/2024

## **Termination Reports**

<b><u>Cover Period</u></b>	<b><u>Report Code</u></b>	<b><u>Due Date</u></b>
After April Qualifying	TR	7/25/2024
After June Qualifying	TR	9/12/2024
Primary Election	TR	11/18/2024
General Election	TR	2/3/2025

# *Political Signs*

Candidates should read Florida Statutes 106.143 and 106.1435, Flagler County's Political Sign Ordinance, City of Palm Coast's Sign Ordinance, and the Department of Transportation Guidelines.



## **Political Sign Information & Fact Sheet**

This form advises candidates as to rules and regulations regarding the use of political signs within the City of Palm Coast. A permit for the placing of political signs in the City is not required. The placement of political signs, within Palm Coast, are regulated by City ordinance and rules as follows:

*The use of the City of Palm Coast logo is strictly prohibited.*

### **Land Development Code Section 12.06.03. Political Signs**

- Political campaign signs or posters are permitted in all zoning districts and shall comply with the following:

#### **A. Posting of Political Signs**

- 1. Placement of political signs on private property may occur only with the expressed consent of the property owner.
- 2. It is prohibited and unlawful to place a political sign on or within public rights-of-way or public property.
- 3. Setback shall be two (2) feet from public rights-of-way and fifteen (15) feet from side property lines and shall not be located within any sight triangle.
- 4. Political signs placed in residential districts shall not exceed six (6) square feet in size and shall not exceed five (5) feet in height.
- 5. Political signs placed in non-residential districts shall not exceed sixteen (16) square feet in size and shall not exceed ten (10) feet in height.

#### **B. Removal of Political Signs**

- 1. Signs shall be removed within fifteen (15) calendar days after the election or referendum to which it pertains.
- 2. The removal of all political signs shall be the joint and several responsibility of the owner of the property upon which the sign is placed and the candidate for whom such sign was placed.

**\*THE USE OF THE CITY LOGO IS NOT PERMISSIBLE ON ELECTION CAMPAIGN MATERIALS\***

## CITY OF PALM COAST - CHARTER

Footnotes:

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**Editor's note**— Ord. No. 2018-9, § 1, adopted April 3, 2018, approved proposed amendments to the Charter, which, in effect, replaced the Charter in its entirety. The former Charter had been amended by H.B. No. 527, §§ 1—2, 4—6, adopted on 5-1-02; Ord. No. 03-08, § 1, adopted on 4-15-03; Ord. No. 03-09, § 2, adopted on 5-20-03; Ord. No. 07-07, § 1, adopted on 4-3-07; Ord. No. 07-27, Exh. A, adopted on 12-18-07; Ord. No. 09-13, § 3, adopted on 6-2-09; Ord. No. 2011-9, § 2(Exh. A), adopted on 6-21-11; Ord. No. 2011-15, § 3, adopted on 8-16-11; Ord. No. 2011-03, § 2, adopted on 9-13-11; Ord. No. 2011-21, § 2, adopted on 9-13-11; Ord. No. 2013-07, § 3(Exh. A), adopted on 10-1-13; Ord. No. 2014-4, §§ 1—3, adopted on 2-4-14; Ord. No. 2014-12, § 3(Exh. A), adopted on 6-17-14; Ord. No. 2014-13, § 3(Exh. A), adopted on 6-17-14; Ord. No. 2015-01, § 2(Exhs. A1—4), adopted on 2-17-15; Ord. No. 2015-11, § 3(Exhs. A—D), adopted on 10-6-15; Ord. No. 2017-1, § 1(Exh. A), adopted on 1-17-17, and has been renumbered from §§ 1—12 to Arts. I—X, as set out herein.

### Art. I. - Municipal powers.

The City of Palm Coast, hereinafter "City," shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this Article.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

### Art. II. - Form of government.

The City of Palm Coast shall operate under a Council-Manager form of government. The general duties of the Council (described in Art. IV) shall be to set policy; the general duties of the Manager (described in Art. V) shall be to carry out those policies.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

### Art. III. - Corporate limits.

The corporate limits of the City shall consist of the boundaries in the initial Charter of Palm Coast filed December 31, 1999, in the Secretary of State's office, State of Florida, and, in addition thereto, all lands annexed by the City of Palm Coast, Florida, subsequent to December 31, 1999 and prior to the effective date of this Charter. All Ordinances of annexation of the City of Palm Coast heretofore adopted and as may be

adopted subsequent to the effective date of this Charter are hereby incorporated herein and the lands described in such Ordinances, together with the boundaries of the City as previously described, are hereby extended to the corporate limits of the City of Palm Coast, Florida.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Art. IV. - City council.

(1) City Council: composition; qualifications for office.

(a) Composition.

1. There shall be a five member City Council consisting of four District members and a Mayor.
2. There shall be four districts within the City, the boundaries of which are as outlined in Article VIII. These districts shall be designated as District One, District Two, District Three, and District Four. Each of the four Council members shall run from the district in which they live, but be elected at-large; and, the Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four.
3. The Mayor shall live within the City boundaries. The Mayor shall run at-large, and be elected at-large.

(b) Qualifications for office:

1. Each candidate for office shall be a qualified elector of the City.
2. Each individual seeking to qualify as a candidate for one of the four seats on the Council shall:
  - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electorate residing within the district (as identified in the most recent decennial census) which he/she seeks to run no later than noon on the 28th day preceding the first day of the qualifying period for the office sought or, Pay to the City Clerk a qualifying fee of ten percent of the salary of the office he/she seeks to run for.
  - b. At the time of qualification, each candidate for a Seat on the Council shall reside within the boundaries of the district that he/she seeks to run from. For the length of their term, Council members shall maintain residency within the boundaries of the district from which he/she ran. In addition, candidates, and Council members, shall reside at least 45 weeks in each year in the district in which they live.
3. Each individual seeking to qualify as a candidate for Mayor shall:
  - a.



Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electors residing within City limits (as identified in the most recent decennial census) no later than noon on the 28th day preceding the first day of the qualifying period for the office sought; or, pay to the City Clerk a qualifying fee of ten percent of the Mayoral salary.

- b. At the time of qualification, each candidate for Mayor shall reside within the City limits. For the length of the Mayor's, the Mayor shall maintain residency within the City limits. In addition, Mayoral candidates, and the elected Mayor, shall reside at least 45 weeks in each year within the City limits.

(2) *Terms of office.*

- (a) The term of office for each District Member shall be four years.
- (b) No Council member or Mayor may serve more than two successive four-year terms in the same seat.
- (c) Each Council member shall remain in office until his/her successor is elected and assumes the duties of the position at the first meeting of the new Council, which shall be held in accordance with City ordinance.

(3) *Powers and duties of Council.* Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Council. The Council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.

(4) *Powers and duties of the Mayor.*

- (a) Powers. In addition to the regular powers invested in any other Council member, the Mayor shall: be recognized by the governor for purposes of military law; have the power to declare an emergency situation; have the power for service of process, and execution of contracts, deeds and other documents; have the power to represent the City in all agreements with other governmental entities or certifications to other governmental entities that the Council has approved.
- (b) Duties. In addition to the Mayor's regular duties, the Mayor shall: preside at meetings of the Council and be recognized as the head of City government for all ceremonial occasions. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the City Council, consistent with general or special law.

(5) *The Vice-Mayor: election and duties.*

- (a) Election. There shall be a Vice-Mayor elected annually by the Council from among the Council members. Such election shall take place at the first meeting after the general election, or at the organizational meeting during years when there is no election.
- (b)



Duties. The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in Art. IV. In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.

(6) *Compensation and expenses.*

- (a) Compensation. The Council members and Mayor shall receive compensation as established by ordinance. Such compensation shall not take effect until the date of commencement of the terms of Council members elected at the next regularly scheduled election that follows the adoption of said ordinance by at least six months.
- (b) Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

(7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*

- (a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.
- (b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:
  - 1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
  - 2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
  - 3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
  - 4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
  - 5. Is absent from three consecutive regular Council meetings without being excused by the Council.
- (c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:

1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
  2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
- (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.
- (e) Filling of vacancies.
1. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
  2. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
  3. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in Art. VII.
  4. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:
- (a) Organizational meeting. The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.

- (b) Quorum. A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.
  - (c) Special meetings. Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours' prior notice of the meeting to the public, unless a declared emergency situation exists.
- (9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public on a continuing basis. All ordinances or resolutions of the Council shall be signed by the Mayor or in the Mayor's absence, by the Vice-Mayor, or in the absence of both, by the Acting Mayor, and attested to by the City Clerk.
- (10) *Limit of employment of Council members.* Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City until after the expiration of one (1) year from the time of leaving office.
- (11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

#### Art. V. - Charter officers.

The designated Charter Officers shall be the City Manager and the City Attorney.

- (1) Designated Charter Officers: appointment; removal; compensation; filling of vacancies; candidate for City office.
  - (a) Appointment. The Charter Officers shall be appointed by a majority vote of the full Council and shall serve at the pleasure of the Council.
  - (b) Removal. The Charter Officers shall be removed from office only by a majority vote of the full Council. If the vote is less than unanimous, the Charter Officer may, within seven days of the dismissal motion by the Council, submit to the Mayor a written request for

reconsideration. Any action taken by the Council at the reconsideration hearing shall be final.

- (c) Compensation. The compensation of the Charter Officers shall be fixed by the City Council.
  - (d) Filling of Vacancy. The City Council shall begin the process to fill a vacancy in the Charter Office of the City Manager or City Attorney within 90 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Council during a vacancy in office.
  - (e) Candidate for City Office. No Charter Officer shall be a candidate for any elected office while holding his/her Charter Office position.
- (2) City Manager: qualifications; residency; powers and duties. The City Manager shall be the chief Administrative Officer of the City.
- (a) Qualifications. The City Manager shall be selected on the basis of experience, expertise, and management ability as it pertains to running municipal government.
  - (b) Residency. Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months of such appointment, he/she shall establish and maintain residency within the corporate limits of the City. Upon request of the City Manager, this 6-month period may be extended by the City Council for an additional 6-month period.
  - (c) Power and Duties. The City Manager shall:
    - 1. Attend all meetings of the City Council.
    - 2. Draw and sign vouchers upon depositories, and keep, or cause to be kept, a true and accurate account of same. Such vouchers shall be counter signed by the Mayor or by the Vice-Mayor in the event the office of Mayor is vacant. If both the Mayor and Vice Mayor offices are vacant, the Acting Mayor shall countersign such vouchers.
    - 3. Be responsible for: signature and issuance of all licenses issued by the City; issuance of receipts for all moneys paid to the City; and deposit of said moneys in the proper depositories on the first banking day after receipt.
    - 4. Provide administrative services as required by the Mayor and the Council.
    - 5. Appoint a City Clerk to serve at his/her pleasure.
    - 6. Appoint and suspend or remove any employee of the City. The City Manager may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency within the guidelines of stated personnel policies and procedures.
    - 7. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.

8. See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.
  9. Prepare and submit annually a balanced budget, budget message, and capital program to the Council.
  10. Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City.
  11. Submit to the Council, and make available to the public, a complete report on finances and administrative activities of the City as of the end of each fiscal year.
  12. Sign contracts on behalf of the City to the extent authorized by the Council.
  13. Perform other such duties as are specified in this Charter or as may be directed by the Council.
- (3) City Attorney: qualifications; residency; powers and duties. The City Attorney shall be the chief legal officer of the City. The City Attorney may either be retained in-house, or be retained part-time under contract.
- (a) Qualifications. The City Attorney shall be a member in good standing of the Florida Bar.
  - (b) Residency. If retained in-house, the City Attorney shall, within six (6) months of such appointment, establish and maintain residency within the corporate limits of the City. Upon request of the City Attorney, this 6-month period may be extended by the City Council for an additional 6-month period. If City Attorney services are contracted, such attorney need not be a resident of the City.
  - (c) Powers and Duties. The City Attorney shall:
    1. Serve as chief legal advisor to the City Council, the City Manager, and all City departments, offices, City advisory boards, and agencies.
    2. If in-house; appoint, suspend or remove such assistant attorneys as may be required. If City Attorney services are contracted, the City Manager shall appoint, suspend or remove any in-house assistant attorneys as may be required. The remainder of the staff of the Office of City Attorney shall be employees of the City, appointed, suspended, or removed under the regular personnel policies and procedures of the City.
    3. The City Attorney or designee shall attend all City Council meetings unless excused by the City Council, and shall perform such professional duties as may be required by law or by the Council in furtherance of the law.
    4. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

Art. VI. - Budget and appropriations.

- (1) *Fiscal year.* The City fiscal year shall begin on October 1 of each year and end on September 30 of the succeeding year.
- (2) *Budget adoption.* The Council shall by resolution adopt a budget on or before the 30th day of September of each year. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.
- (3) *Appropriation amendments during the fiscal year:* Supplemental appropriations; reduction of appropriations; transfer of appropriations; limitations; effective date; limitations to Council's contracting authority.
  - (a) Supplemental appropriations. If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council may, by resolution, make supplemental appropriations for the year in an amount not to exceed such excess.
  - (b) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report same to the Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent any deficit and, for that purpose, the Council may by resolution reduce one or more appropriations accordingly.
  - (c) Transfer of appropriations. At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office or agency. And, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.
  - (d) Limitations: Effective date. No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
  - (e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds \$15,000,000.00.



Art. VII. - Elections.

- (1) *Electors.* Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.
- (2) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.
- (3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of Article IV.
- (4) *Schedule of regular elections and primaries:* The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.
  - (a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.
  - (b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of Article IV, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.
- (5) *Schedule for special elections.*
  - (a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of Article IV, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.
  - (b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.
- (6) *Determination of election to office.*
  - (a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.
  - (b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.
  - (c) If no single candidate for an office receives a majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:

1. In any primary election in which there is a tie for first place, the name of each such candidate shall be placed on the City's general election ballot.
  2. In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the City's general election ballot.
- (d) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:
1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.
  2. The candidate whose call matches the coin toss shall be declared the winner.
- (7) *City Canvassing Board.* For purposes of certifying absentee ballots and election results, the City Clerk and a representative from the City designated by the Council shall be known as the Canvassing Board. At the close of the polls of any City election, the Canvassing Board shall ensure that the absentee ballots are delivered to the Flagler County Supervisor of Elections, and shall meet at the County election headquarters and proceed to certify the ballots and open them in the presence of a representative of the Supervisor of Elections' office. In addition, after final election results are certified by the Flagler County Supervisor of Elections, the Canvassing Board shall immediately report the results back to a meeting of the City Council held for the purpose of final certification and filing with the City Clerk as required by law.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

**Editor's note—** Ordinance 2014-5, adopted February 4, 2014, added Section 2-37(e), Election Procedures; Canvass of Returns, to the Code of Ordinances, recognizing Division of Elections Opinion 95-05 and state law that where City and County elections appear on the same ballot, only the County Canvassing Board may canvass the election; providing therefore that the Flagler County Canvassing Board shall canvass the returns of all City elections held in conjunction with County elections.

**Art. VIII. - City council district boundaries.**

The City shall be divided into four (4) Council Districts by an ordinance of the City. This ordinance shall comply with the general laws governing district boundaries. Following each decennial census, the City Council shall by ordinance adjust the boundaries of the City Council districts according to general law. In addition, the City Council may, at its discretion, adjust the districts provided that any such adjustment will not take place less than one year before an election. The Council may appoint a special commission to

develop district boundaries, use consulting firms specializing in the process and/or use such other public governmental resources as are available to develop a plan for districts and to adjust the district boundaries when required.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18; Ord. No. 2021-31, § 2, 12-7-21)

Art. IX. - General provisions.

- (1) *Charter amendment.* This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes (F.S. ch. 166), as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.
- (2) *Charter review; schedule, Charter Review Committee.*
  - (a) *Schedule.* The Charter shall be reviewed in accordance with the process outlined in Section 10(2)(b) no later than April 1, 2028 and, at a minimum, every 10 years thereafter.
  - (b) *Charter Review Committee.* For any Charter review, a five-member Charter Review Committee shall be appointed. The Mayor and each council member shall appoint one Committee member. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations to the City Council no later than the April 1 before that next general election. The Palm Coast City Council shall hold a minimum of two public hearings on any proposed changes by the City Council or the Charter Review Committee to the Charter prior to determining whether to place any changes on the scheduled general election ballot.
- (3) *Initiative and referendum.* At least 10 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. <sup>[2]</sup> If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election. This Procedure for such initiative or referendum shall be as established by ordinance.
- (4) *Adjustments of districts; number, commission, report, support, procedure, failure to enact, effect of enactment.*
  - (a) *Number of districts.* There shall be four City Council districts as described in subsection (2) of Art. VIII. These boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of

Art. VIII are accomplished and adequately monitored or until a redistricting commission is appointed. All Council district boundaries shall be based upon population data derived from the most recent decennial census.

- (b) *Districting commission.* By the first day of the month following official certification notification of the decennial census to the state, the City Council shall appoint five City electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed by the City in any other capacity.
- (c) *Commission report.* Within 120 days after appointment, or such earlier time as prescribed by the Council, the districting commission shall file with the official designated by the Council a report containing a recommended plan for adjustment of the council district boundaries to comply with the following specifications:
  - 1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and manmade separations, such as canals, streets, etc., where possible.
  - 2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a Council member.

- (d) *Support.* It shall be the responsibility of the City Manager to provide staff assistance and technical data to the districting commission.
- (e) *Procedure.* The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that any summary of the ordinance published pursuant to this Charter and general law must include both the map and a description of the recommended districts.
- (f) *Failure to enact ordinance.* After receipt of the commission report, the Council shall adopt a redistricting ordinance at least 90 days before the next regular City election. If the Council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.
- (g) *Effect of enactment.*
  - 1. The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular City election, including qualifications.

2. The new council districts and boundaries shall supersede previous council districts and boundaries for all other purposes as of the date all Council members take office who were elected subsequent to the effective date of the new districts.
  3. All district seats not up for election, but which as a result of the redistricting no longer have Council members who live within the district, shall be declared vacant for purposes of the next regularly scheduled election. Such election shall, in order to preserve the staggering of the terms, be for either four years or for the remaining two years of the term, depending on the district vacant.
- (5) *Standards of conduct.* All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the City Council may, by ordinance, establish a code of ethics for officials and employees of the City, which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

Art X. - Severability.

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Ord. No. 2018-9, § 1(Exh. A), 4-3-18)

# *Helpful Resources*

## **City Election Information:**

The Palm Coast City Clerk's Office: 386-986-3713, [cityclerk@palmcoastgov.com](mailto:cityclerk@palmcoastgov.com)

160 Lake Ave, Palm Coast, FL 32164

## **City Code requirements for political signage:**

Code Enforcement: 386-986-3764, [codeenforcementdivision@palmcoastgov.com](mailto:codeenforcementdivision@palmcoastgov.com)

## **Flagler County Supervisor of Elections Office:**

<https://www.flaglerelections.com/>

386-313-4170

1769 E Moody Blvd, #101, Bunnell, FL 32110

## **State of Florida Division of Elections:**

<https://dos.fl.gov/elections/>