

CHARTER OF THE CITY OF FRUITLAND PARK, FLORIDA

ARTICLE I. - CREATION AND POWERS

Sec. 1.01. - Creation and powers.

The City of Fruitland Park (hereinafter referred to as "City") is hereby created which shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, exercise all powers provided by law, and perform all proprietary functions incidental to the exercise of municipal functions and rendition of municipal services.

(Adopted by the electors 11-6-84)

Sec. 1.02. - Construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution, general law and specific limitations contained herein. Future special acts pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to this charter and, pursuant to the provisions adopted for incorporation of other charter amendments, shall be incorporated as official amendments to the charter.

(Adopted by the electors 11-6-84)

ARTICLE II. - CORPORATE LIMITS

Sec. 2.01. - Description of corporate limits.

The corporate limits of the City of Fruitland Park, Florida are fixed and defined as those existing and in effect upon the date of the passage of this charter and such expansion of the corporate limits as may be made from time to time through annexations. A description of the lands within the city limits as of the date of this amendment is attached hereto as Exhibit "A." An official map of the City of Fruitland Park denoting the official boundaries at present and as amended from time to time through annexations shall be maintained by the city clerk.

(Adopted by the electors 11-6-84) (Am. Ord. 85-008, passed 12-12-85)

Sec. 2.02. - Annexation.

The corporate limits of the city may be extended or contracted as provided in Chapter 171, Florida Statutes, as same may be amended, supplemented, or transferred from time to time.

(Adopted by the electors 11-6-84)

ARTICLE III. - LEGISLATIVE

Sec. 3.01. - City commission: powers and composition.

There shall be a city commission with all legislative powers of the city vested therein consisting of five (5) members. There shall be five (5) city commission districts with one commission member elected by district by the voters in that district. Not more than one commission member shall reside in each district.

(Adopted by the electors 11-6-84; Am. Ord. 2014-017, § 1, passed 7-31-14; and adopted by the electors 11-18-14)

Sec. 3.02. - Qualifications.

Each member of the city commission shall have been a resident of his or her respective district and a qualified elector of the city for a period of one year next preceding date of qualification. Each member of the city commission shall continue to be a resident of the respective district and an elector of the city during the term of office.

(Adopted by the electors 11-6-84; Am. Ord. 2014-017, § 1, passed 7-31-14)

Sec. 3.03. - Election and terms.

Each city commissioner and the mayor shall be elected for a term of four years.

(Adopted by the electors 11-6-84; Am. Ord. 2002-015, passed 6-27-02; Am. Ord. 2006-006, passed 5-25-06; Am. Ord. 2014-017, § 1, passed 7-31-14)

Sec. 3.04. - Oath of office.

The oath of office shall be as follows:

"I do solemnly swear that I will support and uphold the Constitution and Laws of the United States and of the State of Florida; that I am qualified under the law to hold the office which I am about to assume and that I will fully discharge the duties of said office to the best of my ability, so help me God."

(Adopted by the electors 11-6-84)

Sec. 3.05. - Vacancies; forfeiture of office; filling of vacancies.

- (a) Vacancies. The office of a mayor or commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the commission.
- (b) Forfeiture of Office. A mayor or commissioner shall forfeit his office if he;
 - (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law,
 - (2) violates any express prohibition of this charter.A mayor or commissioner may forfeit his office if he;
 - (1) is convicted of or is found guilty by a jury or judge or enters a plea of guilty or nolo contendere to a crime excluding traffic offenses and second degree misdemeanors, or
 - (2) fails to attend three (3) consecutive regular meetings of the city commission without being duly excused by the commission.
- (c) Filling of Vacancies. A vacancy in the city commission shall be filled for the remainder of the unexpired term at a regular election if one shall occur within sixty (60) days of the occurrence of a vacancy. If there shall be no regular election within sixty (60) days of the occurrence of a vacancy, then and in that event, the city commission shall either appoint an individual to fill the vacancy until the next city election or hold a special election to fill the vacancy for the remainder of the unexpired term no less than sixty (60) days and not more than ninety (90) days following the occurrence of a vacancy.
- (d) Extraordinary Vacancies. In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that shall call a special election as provided in (c) above and such election shall be held in the same manner as the first (1st) election under this charter.

(Adopted by the electors 11-6-84)(Am. Ord. 2009-018, passed 1-14-10)

Sec. 3.06. - Compensation.

The city commission shall determine the annual salary of the mayor and city commissioners by resolution, but no resolution increasing such salaries shall become effective until the date of commencement of the terms of the mayor and city commissioners elected at the first regular election following the adoption and passage of said resolution.

(Adopted by the electors 11-6-84)

Sec. 3.07. - Mayor.

Beginning with the first (1st) regular city commission meeting after the November 2016 regular city election or as soon as possible thereafter, and continuing annually thereafter, the city commission shall elect from among its members a mayor. Election of the mayor shall be done at the first (1st) regular city commission meeting after each regular city election or as soon thereafter as can be accomplished. At the first commission meeting after each regular city election, the commission shall elect one (1) of its members as vice mayor. The mayor shall preside at meetings of the commission and shall be considered a member of the commission, he shall have voice in and a vote in the proceedings of the commission, but no veto power, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents and as the city official designated to represent the city in agreements with other governmental entities or certificates to other governmental entities. The mayor shall set forth the agenda for all meetings of the commission, name committees of the commission and appoint members of the city boards with approval of the commission. The mayor shall have no other administrative duties except as required to carry out the responsibilities herein. The vice mayor shall act as mayor during the absence or disability of the mayor.

(Adopted by the electors 11-6-84; Am. Ord. 2014-017, § 1, passed 7-31-14)

Sec. 3.08. - Prohibitions.

- (a) Appointment and Removals. Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the commission may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (b) Interference With Administration. Except for the purpose of inquiries and investigations, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the commission from closely scrutinizing by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the commission. It is the express intent of this charter, however, that recommendations for improvements in city government operations by individual commissioners be made to and through the city manager, so that the manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.

(Adopted by the electors 11-6-84)

Sec. 3.09. - Judge of qualification.

The city commission shall be the judge of the election and qualification of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on request and notice of such hearing shall be published in one or more newspapers of general circulation at least ten (10) days in advance of the hearing. Decisions made by the commission under this section shall be subject to review by a court of competent jurisdiction.

(Adopted by the electors 11-6-84)

Sec. 3.10. - Independent audit.

The commission shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The commission may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made not later than ninety (90) days after the beginning of such fiscal year. If the State makes such an audit, the commission may accept it as satisfying the requirements of this section.

(Adopted by the electors 11-6-84)

Sec. 3.11. - Procedure.

- (a) Meetings. The commission shall meet regularly at least once in every month at such time and places as the commission may prescribe by resolution. Special meetings may be held on the call of the mayor or a majority of the members and, whenever practicable, upon no less than twelve (12) hours notice to each member and the public.
- (b) Rules and Minutes. The commission shall determine its own rules and order of business for its proceedings and shall provide for keeping written minutes of its proceedings. The minutes shall be a public record.
- (c) Voting. Voting, on ordinances and resolutions, shall be by roll call on final action and shall be recorded in the minutes. A majority of the commission shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission. No action of the commission, except as otherwise provided in the preceding sentence, and in Section 3.05, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

(Adopted by the electors 11-6-84)

Sec. 3.12. - Action requiring an ordinance.

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city commission shall be by ordinance which:

- (1) Adopt or amend an administrative code;
- (2) Establish a rule or regulation the violation of which carries a penalty;
- (3) Grant, renew, or extend a franchise;
- (4) Set service or user charges for municipal services or granting administrative authority for such charges;
- (5) Authorize the borrowing of money not inconsistent with the limitations established in the Constitution and general law of the state;
- (6) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the city;
- (7) Amend or repeal any ordinance previously adopted, except as otherwise provided herein.

Acts other than those referred to in the preceding sentences may be done either by ordinance or by resolution.

(Adopted by the electors 11-6-84)

Sec. 3.13. - Ordinances and resolutions.

All proposed ordinances and resolutions shall conform to form, procedure of adoption and ratification as provided by State law.

(Adopted by the electors 11-6-84)

Sec. 3.14. - Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the commission may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this charter if applicable.

- (a) Form. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (b) Procedure. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds (2/3) of all the commission shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances.
- (c) Effective Date. Emergency ordinances shall become effective upon adoption or at such date as may be specified in the ordinance.
- (d) Repeal. Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
- (e) Emergency Appropriations. The commission may make emergency appropriations in the manner provided in this section. To the extent that there are not available unappropriated revenues to meet such appropriations, the commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(Adopted by the electors 11-6-84)

Sec. 3.15. - Codes of technical regulations.

The commission may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance; and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to Section 3.16(a). Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

(Adopted by the electors 11-6-84)

Sec. 3.16. - Certification and recording: codification; printing.

- (a) Certification and Recording. The city clerk shall certify the signatures upon and record in full a properly indexed book kept for the purpose of recording all ordinances and resolutions adopted by the city commission.
- (b) Codification. Within three (3) years after adoption of this charter and at least every ten (10) years thereafter, the commission may provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the city commission by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Florida, and such codes of technical regulations and other rules and regulations as the commission may specify. This compilation shall be known and cited officially as the Fruitland Park City Code.

(Adopted by the electors 11-6-84)

Sec. 3.17. - City commission districts and redistricting.

- (a) There shall be five (5) city commission districts. Each city commission district shall be formed from compact contiguous territory with the boundary lines following the centers of streets to the extent practicable. Due consideration shall be given to maintaining the geographical integrity of neighborhoods and developments within the individual districts. City commission district lines shall be constructed so as to comply with the constitutional principles of equal and effective representation required by applicable State and Federal guidelines. The city commission shall give due consideration to the multiple constitutional principles involved in the electoral process and shall give due regard for the opportunity of minority representation on the city commission as a part of the redistricting process in compliance with applicable State and Federal constitutional standards.
- (b) An incumbent commissioner's seat number and/or group may change due to the realignment process occurring during districting. However, no incumbent commissioner shall have a term of office cut short by the adoption of a districting plan.
- (c) The city commission shall initially adopt and thereafter modify city commission districts by the enactment of an ordinance under such processes, procedures, and redistricting committees and/or consultants the city commission may deem to be desirable. The city commission shall begin the initiation of a redistricting process for city commission districts within thirty (30) days after the receipt of the official Decennial Census data every ten (10) years so as to finalize the redistricting process one hundred fifty (150) days in advance of the first date to qualify for the next regular City election. In the event the redistricting process is not completed prior to said one hundred fifty (150) day advance period, the city commission shall accomplish the redistricting process as soon as is reasonably possible thereafter. The official Decennial Census data shall be the authoritative source for demographical data used in reconstituting city commission districts in compliance with applicable State and Federal standards.

(Ord. 2014-017, § 1, passed 7-31-14)

ARTICLE IV. - ADMINISTRATIVE

Sec. 4.00. - City treasurer.

The commission shall appoint a city treasurer. The city treasurer shall be the chief financial officer of the city responsible to the city commission for the preparation and recordkeeping of all financial matters of the city and shall perform such other duties as may be assigned by this charter, ordinance or the city commission.

(Adopted by the electors 9-6-88)

Sec. 4.01. - City clerk.

The commission shall appoint a city clerk. The city clerk shall give notice of commission meetings to its members and the public and shall keep the minutes of its proceedings which shall be a public record, and perform such other duties as are assigned by this charter and by ordinance.

(Adopted by the electors 11-6-84)

Sec. 4.02. - City attorney.

There shall be a city attorney of the city who shall serve as chief advisor to the city commission, the city manager and all city departments, all officers of the city, and who shall represent the city in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance. The city attorney shall be a member in good standing of the Florida Bar Association and have been admitted to practice in the State of Florida for at least five (5) years prior to appointment. The city commission may also appoint such assistant city attorneys from time to time and for such periods as it may deem necessary to assist the city attorney or to perform services on specific or special matters.

(Adopted by the electors 11-6-84)

Sec. 4.03. - Appointment and term of office of city treasurer, city clerk and city attorney.

The city commission by majority vote shall annually appoint the city treasurer, city attorney and city clerk, and any other city officer created under this section at such compensation as is deemed necessary and proper, for terms of twelve (12) months to run concurrent with the fiscal year or until such time as its successors in office are duly appointed and qualified. Said officers may be discharged for cause during their term of office by a three-fifths (3/5) majority vote of the city commission. A motion to discharge shall contain the grounds upon which the motion is based. The date of the vote thereupon shall not occur at the same commission meeting at which the motion is made and duly seconded. Said officer affected shall be entitled to a public hearing upon request prior to the taking of the vote upon any motion to discharge.

(Adopted by the electors 11-6-84; amended by the electors 9-6-88)

Sec. 4.04. - City manager.

There shall be a city manager who shall be the chief administrative officer of the city. The manager shall be responsible to the commission for the administration of all city affairs placed in his charge by or under this charter.

(Adopted by the electors 11-6-84)

Sec. 4.05. - Appointment and removal of city manager.

- (a) Appointment. The commission shall appoint a city manager for an indefinite term by a majority vote of all the commissioners.
- (b) Removal. The commission may remove a manager in accordance with the following procedures:
 - (1) The commission shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.
 - (2) Within five (5) days after a copy of the resolution is delivered to the manager, he may file with the commission a written request for a public hearing. This hearing shall be held at a commission meeting not earlier than fifteen (15) days nor more than thirty (30) days after the request is filed. The manager may file with the commission a written reply not later than five (5) days before the hearing.
 - (3) The commission may adopt a final resolution of removal which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days

from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

(Adopted by the electors 11-6-84)

Sec. 4.05.1. - Acting city manager.

The city commission may appoint a qualified acting city manager to exercise the powers and perform the duties of the manager during his temporary absence or disability. The phrase "temporary absence from the city" shall not be deemed to include those absences which occur on a day to day basis in the conduct of the business of the city or absence from the city for the purpose of attending meetings, seminars, conferences, or similar functions, unless said attendance shall require the absence of the manager from the state for a period of more than forty-eight (48) hours.

(Adopted by the electors 11-6-84)

Editor's note—

With permission of the city, to avoid duplicate numbers, this section was renumbered from § 4.05 to § 4.05.1

Sec. 4.06. - Powers and duties of the city manager.

The city manager shall:

- (a) Appoint, and when he deems it necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (b) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
- (c) Attend all commission meetings and shall have the right to take part in discussion but may not vote;
- (d) See that all laws, provisions of this charter and acts of the commission, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- (e) Prepare and submit the annual budget, budget message, and capital program to the commission in a form provided by ordinance.
- (f) Submit to the commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (g) Make such other reports as the commission may require concerning the operations of city departments, offices and agencies, subject to his direction and supervision;
- (h) Keep the commission fully advised as to the financial condition and future needs of the city and make such recommendations to the commission concerning the affairs of the city as he deems desirable;
- (i) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances;
- (j) Perform such other duties as are specified in this charter or may be required by the commission.

(Adopted by the electors 11-6-84)

Sec. 4.07. - Supervision of departments.

Except as otherwise provided in this charter or by general law, the city manager will be responsible for the supervision and direction of all departments, agencies or offices of the city. All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the commission, the manager may serve as the head of one (1) or more such departments, offices or agencies or may appoint one (1) person as the head of two (2) or more of them.

(Adopted by the electors 11-6-84)

Sec. 4.08. - Personnel system.

All appointments and promotions of city officials and employees except those specifically exempted by ordinance, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and to this end, the commission shall, by ordinance, establish personnel procedures and rules.

(Adopted by the electors 11-6-84)

ARTICLE V. - CREATION OF DEPARTMENTS

Sec. 5.01. - General provisions.

The city commission may by resolution establish city departments in addition to those created by this charter and may prescribe the functions of all departments except that no function assigned by this charter, to a particular department or office may be discontinued or, unless this charter specifically so provides, assigned to any other office or department.

(Adopted by the electors 11-6-84)

ARTICLE VI. - FINANCIAL PROCEDURES

Sec. 6.01. - Fiscal year.

The fiscal year of the city shall begin on the first day of October and end on the last day of September.

(Adopted by the electors 11-6-84)

Sec. 6.02. - Submission of budget and budget message.

The city manager shall submit to the city commission a budget for the ensuing year and an accompanying message.

(Adopted by the electors 11-6-84)

Sec. 6.03. - Budget message.

The city manager's message shall explain the proposed budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the proposed budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the city manager deems desirable.

(Adopted by the electors 11-6-84)

Sec. 6.04. - Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, and except as required by law or this charter, shall be in such form as the city manager deems desirable or the commission may require.

The total of proposed expenditures shall not exceed the total of estimated income.

(Adopted by the electors 11-6-84)

Sec. 6.05. - Capital program.

- (a) Submission to Commission. The city manager shall prepare and submit to the commission a five-year capital program with the budget.
- (b) Contents. The capital program shall include:
 - (1) A clear general summary of its contents.
 - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The capital program may be revised from time to time by resolution of the city commission and as the needs of the city change.

(Adopted by the electors 11-6-84)

Sec. 6.06. - Commission action on budget.

- (a) The budget. The commission shall by resolution adopt the budget and levy ad valorem taxes in the manner prescribed by the laws of the State of Florida.

(Adopted by the electors 11-6-84)

Sec. 6.07. - Amendments after adoption.

- (a) Supplemental Appropriations. If during the fiscal year the city manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the city commission by resolution may make supplemental appropriations for the year up to the amount of 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 to the city commission without delay indicating the estimated amount of the deficit, any remedial action taken by the city manager to eliminate said deficit, and the recommendations of the city manager as to any other steps to be taken. The city commission shall then take such further action as it deems necessary to prevent any deficit and for that purpose it may by resolution reduce one or more appropriations.
- (c) Transfer of Appropriations. At any time during the fiscal year the city commission by resolution may transfer part or all of any unencumbered appropriation balance among programs within a department and transfer part or all of any unencumbered appropriation balance from one department or office to another.
- (d) Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations

and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(Adopted by the electors 11-6-84)

Sec. 6.08. - Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. In the event an appropriation for a capital expenditure is abandoned, the accumulated funds for that capital expenditure shall be added to such other appropriation for a capital expenditure or expenditures as the city commission may deem desirable.

(Adopted by the electors 11-6-84)

Sec. 6.09. - Administration of budget.

- (a) Payment and Obligations Prohibited. No payments shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made. Any officer or employee of the city who knowingly authorized or makes a payment or incurs an obligation for which no appropriation has been made shall be liable to the city for any amount so paid or obligation incurred. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making of contracts for capital improvements to be financed solely or partially by the issuance of bonds or to prevent the making of any contracts or lease providing for payments beyond the end of a fiscal year, provided that such action is made or approved by ordinance.

(Adopted by the electors 11-6-84)

ARTICLE VII. - PLANNING AND ZONING BOARD

Sec. 7.01. - Planning and zoning board.

There shall be a city planning and zoning board consisting of five (5) members appointed by the city commission for terms of three (3) years from among the qualified voters of the city. Members of the planning and zoning board shall hold no other city office or employment. The planning and zoning board may make recommendations to the city manager and the city commission on all matters affecting the physical development of the city and shall be consulted on the comprehensive land plan, the same may or shall be authorized or required to be enacted by the city commission by the laws of the State of Florida, and the planning and zoning board shall exercise any and all other duties and responsibilities as from time to time may be provided by law, this charter, or ordinances of the city.

(Adopted by the electors 11-6-84)

ARTICLE VIII. - NOMINATIONS AND ELECTIONS

Sec. 8.01. - City elections.

- (a) Regular Elections. The regular city election shall be held on the first Tuesday following the first Monday of November of each year.
- (b) Qualified Voters. All citizens qualified by the Constitution and the laws of the State of Florida to vote in the city and who satisfy the requirements for registration prescribed by the laws of the State of Florida and this charter, shall be qualified voters of the city within the meaning of this charter.

- (c) Non-partisan Elections. All nominations and elections for the offices of commissioners shall be conducted on a non-partisan basis without regard for or designation of political party affiliation of any nominee or any nomination, petition or ballot.
- (d) Conduct of Elections. Except as otherwise provided by this charter, all regular and special elections of the city shall be conducted in accordance with an ordinance establishing such procedure.

(Adopted by the electors 11-6-84; Am. Ord. 2014-017, § 1, passed 7-31-14)

Sec. 8.02. - Nominations.

Candidates for the office of city commissioner or mayor shall qualify for such office by the filing of a written notice of candidacy with the city clerk at such time and in such manner as may be prescribed by ordinance.

(Adopted by the electors 11-6-84)

Sec. 8.03. - Form of ballots.

The commission by resolution shall prescribe the form of the ballot including the method for listing candidates for city commissioner and mayor elections and any other city election. A charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described amendment be adopted?" Immediately below such question shall appear, in the following order, the words "for approval" and also the words "against approval" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice or with a lever opposite "for approval" or "against approval" if voting machines are used.

(Adopted by the electors 11-6-84)

Sec. 8.04. - Elections.

- (a) Multiple Candidates. If no candidate receives a majority of the votes cast for the office to be filled, at a regular city election, then the two (2) candidates receiving the highest number of votes for such office shall be voted upon in an election designated as a "run-off election" to be held on the second Tuesday following the date of the regular city election. The candidate receiving the highest number of votes in such "run-off election" shall be declared to have been elected to the office to be filled.
- (b) Single Candidates. In the event not more than one (1) person qualifies as a candidate, either for ballot listing or write-in, for a designated seat on the city commission or mayor to be filled at an election, that seat shall not be listed on the regular city election ballot. Each unopposed candidate shall be deemed to have voted for himself.

(Adopted by the electors 11-6-84)

Sec. 8.05. - Recall.

The qualified voters of the city shall have the power to recall and to remove from office any elected official of the city as provided by general law.

(Adopted by the electors 11-6-84)

ARTICLE IX. - INITIATIVE AND REFERENDUM

Sec. 9.01. - Initiative.

The qualified voters of the city shall have power to propose ordinances to the commission. The commission may adopt, reject or amend the proposed ordinances without any change in substance; provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of city officers or employees.

(Adopted by the electors 11-6-84)

Sec. 9.02. - Referendum.

The qualified voters of the city shall have power to require reconsideration by the commission of any adopted ordinance and to approve or reject it at a city election if the commission fails to repeal an ordinance so reconsidered, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes, or salaries of city officers or employees.

(Adopted by the electors 11-6-84)

Sec. 9.03. - Commencement of proceedings.

Any five (5) qualified voters may commence initiative and referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Within the first working day after the affidavit of the petitioners' committee is filed, the clerk shall, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

(Adopted by the electors 11-6-84)

Sec. 9.04. - Petitions.

- (a) Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least fifteen percent (15%) of the total number of qualified voters registered to vote.
- (b) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing and numbered consecutively from the first to the last page, identifying thereon the relationship of each page to the other. Each signature shall be executed in ink or indelible pencil and shall be followed by the residence address of the person signing. Petitions shall contain, or have attached thereto throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered.
- (c) Affidavit of Circulator. Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days after adoption by the commission of the ordinance sought to be reconsidered.

(Adopted by the electors 11-6-84)

Sec. 9.05. - Procedure for filing.

- (a) Certificate of Clerk; Amendment. Within twenty (20) days after the petition is filed or five (5) days after a referendum petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate

to the petitioners' committee by registered mail, return receipt requested. Grounds for insufficiency shall only be the absence of the requirements specified in Section 9.04 hereof. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the commission within the two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 9.04; and within five (5) days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and petitioners' committee does not elect to amend or request commission review under subsection (b) of this section within the time required, the clerk shall promptly present a clerk's certificate to the commission, and the certificate shall then be a final determination as to the sufficiency of the petition.

- (b) Commission Review. If a petition has been certified insufficient, and petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it and the commission's determination shall then be final determination as to the sufficiency of the petition.
- (c) Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(Adopted by the electors 11-6-84)

Sec. 9.06. - Referendum petitions: suspension of effect of ordinance.

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition; or
- (2) The petitioner's committee withdraws the petition; or
- (3) The commission repeals the ordinance; or
- (4) A vote of the electors of the city approving the ordinance has been certified by the city commission.

(Adopted by the electors 11-6-84)

Sec. 9.07. - Action on petition.

- (a) Action by Commission. When an initiative or referendum petition has been finally determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in Section 3.11, or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within thirty (30) days after the date the petition was finally determined sufficient, the commission shall submit the proposed or referred ordinance to the voters of the city.
- (b) Submission to Voters. The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than ninety (90) days from the date of the final commission vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the commission shall provide for a special election. Otherwise, the vote shall be held at the same time as such regular election, except that the commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

- (c) **Withdrawal of Petitions.** An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Adopted by the electors 11-6-84)

Sec. 9.08. - Results of election.

- (a) **Initiative.** If a city-wide majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, and if a majority of the qualified voters in four (4) out of five (5) districts voting on such proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) **Referendum.** If a majority of the qualified voters voting on a referred ordinance vote against it, and if a majority of the qualified voters in four (4) out of five (5) districts voting on such referred ordinance vote against it, the ordinance shall be considered repealed upon certification of the election results.

(Adopted by the electors 11-6-84; Am. Ord. 2014-017, § 3, passed 7-31-14), and adopted by the electors 11-18-14.)

Sec. 9.09. - Fee for validation.

The city commission of the city shall by resolution establish a reasonable fee to compensate the city for the expense to the city for validation of any petition required to be submitted hereby.

(Adopted by the electors 11-6-84)

ARTICLE X. - MISCELLANEOUS PROVISIONS

Sec. 10.01. - Charter amendments.

- (a) **Initiation by Ordinance.** The commission may, by ordinance, propose amendments to any part or all of this charter, except Section 2.01 prescribing boundaries, and, upon passage of the initiating ordinance, shall submit the proposed amendment to a vote of voters at the next general election held within the city or at a special election called for such purpose. Amendment of Section 2.01, resulting from annexation done in accordance with general law, shall be by ordinance of the commission and shall not be subject to a vote of the voters except as provided by general law.
- (b) **Initiation by Petition.** The voters of the city may propose amendments to this charter by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the city.
 - (1) **Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing and numbered consecutively from the first page to the last page, identifying thereon the relationship of each page to the other. Each signature shall be executed in ink or indelible pencil and shall be followed by the residence address and voting precinct of the person signing. Petitions shall contain, or have attached thereto throughout their circulation, the full text of the proposed charter amendment, and the full text of the existing charter provision that is to be revised or amended.
 - (2) **Affidavit of Circulator(s).** Each paper of a petition shall have attached to it, when filed, an affidavit executed by each circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to

be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the proposed charter amendment.

- (3) Certificate of Petition. Upon certification of the sufficiency of the petition by either the supervisor of elections of Lake County or the city clerk, such certification to include the validity of the names on the petition as qualified voters registered to vote in the city the commission shall place the proposed amendment to a vote of the voters at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose.

(Adopted by the electors 11-6-84)

Sec. 10.02. - Standard of ethics.

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 commission 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 an ordinance diminish the provisions of general law.

(Adopted by the electors 11-6-84)

Sec. 10.03. - Prohibitions.

(a) Activities Prohibited

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against, with respect to any city position or appointive city administrative office because of age, race or national origin, sex, or political or religious opinions or affiliations.
- (2) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the personnel provisions of this charter, civil service legislation, or the rules and regulations made pursuant to this charter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- (3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.
- (4) No person shall orally, by letter or otherwise, solicit or assist in soliciting any assessment, subscription, or contribution for any municipal political purpose whatever from any person holding any compensated appointive city position.

- (b) Penalties. Any person who, by himself or with others, willfully violates any of the provisions of paragraphs (1) through (4) shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punishable by a fine of not more than three hundred (\$300.00) or by imprisonment for not more than ninety (90) days or both. Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any city office or position and, if an officer or employee of the city, shall immediately forfeit his office or position.

(Adopted by the electors 11-6-84)

Sec. 10.04. - Severability.

The provisions of this charter are declared to be severable, and if any section, sentence, clause, or phrase of this charter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this charter, but they shall remain in effect; it being the legislative intent that this charter shall stand notwithstanding the invalidity of any part.

(Adopted by the electors 11-6-84)

ARTICLE XI. - TRANSITION SCHEDULE

Sec. 11.01. - Continuation of former charter provisions.

All provisions of Chapter 67-1401, Laws of Florida, (the former charter) as amended by special law or otherwise which are not embraced herein and which are not inconsistent with this charter, shall become ordinances of the city subject to modification or repeal in the same manner as other ordinances of the city.

(Adopted by the electors 11-6-84)

Sec. 11.02. - Ordinances and resolutions preserved.

All ordinances and resolutions in effect upon the adoption of this charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein. All ordinances, heretofore, passed by the city commission or the electorate, may be amended or abolished at some future date by ordinance adopted by the city commission. All existing resolutions may be amended or abolished at some future date by resolution.

(Adopted by the electors 11-6-84)

Sec. 11.03. - Rights of officers and employees.

Nothing in this charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption. Elected and qualified officers shall continue in office until their successors are elected.

(Adopted by the electors 11-6-84)

Sec. 11.04. - Pending matters.

All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this charter.

(Adopted by the electors 11-6-84)

Sec. 11.05. - Schedule.

- (a) **Effective Date.** This charter shall, upon ratification by a majority vote of the qualified voters voting thereon, be in full force and effect as of date of ratification.
- (b) **Transition Ordinances.** The commission shall adopt such ordinances and resolutions required to effect the transition. Ordinances adopted within sixty (60) days of the first commission meeting under this charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures in Section 3.14 hereof, except that transition ordinances shall only be effective for up to ninety (90) days after enactment. Thereafter, such ordinances may be adopted, renewed, or otherwise continued only in the manner prescribed and as provided by law.
- (c) **Initial Salary of the Mayor and Commission.** Members of the city commission and the mayor shall receive the annual salary as established by current budgetary legislation and continue until such is changed by the commission in accordance with the provisions of this charter.

(Adopted by the electors 11-6-84)