

1 A bill to be entitled

2 An act relating to Wakulla County; creating the City
3 of Panacea; providing a charter; providing legislative
4 intent; providing a council-manager form of
5 government; providing boundaries; providing municipal
6 powers; providing for a city council, mayor, and vice
7 mayor; providing for membership, qualifications,
8 terms, powers, duties, circumstances resulting in
9 vacancy in office, grounds for forfeiture and
10 suspension, filling of vacancies, and compensation and
11 expenses of council members and the mayor and vice
12 mayor; providing for appointment of charter officers,
13 including a city manager, city attorney, and city
14 clerk; providing for removal, compensation, filling of
15 vacancies, qualifications, powers, and duties of
16 charter officers; providing for the expenditure of
17 city funds; providing for city council meetings and
18 specifying requirements relating thereto; providing
19 for adoption, distribution, and recording of technical
20 codes; providing for emergency ordinances and
21 appropriations; providing for recordkeeping;
22 prohibiting dual office holding; prohibiting certain
23 interference with city employees; establishing the
24 fiscal year; providing for adoption of an annual
25 budget and appropriations; providing for supplemental,
26 reduction, and transfer of appropriations; providing

27 for limitations; providing for an annual financial
 28 audit; providing for nonpartisan elections and matters
 29 relating thereto; providing for recall; providing for
 30 charter amendments; providing for standards of conduct
 31 in office; providing for severability; providing for a
 32 city personnel system; prohibiting charitable
 33 contributions unless authorized by the council;
 34 providing for land use changes; providing the city a
 35 transitional schedule and procedures for its first
 36 election; providing for first-year expenses; providing
 37 for adoption of transitional ordinances, resolutions,
 38 a comprehensive plan, and local development
 39 regulations; providing for sharing of revenues from
 40 the communications services tax; providing for
 41 accelerated entitlement to state-shared revenues;
 42 providing for receipt and distribution of gas tax
 43 revenues; providing for continuation of the Wakulla
 44 County Fire Rescue Municipal Service Taxing Unit;
 45 providing for law enforcement; providing for waivers;
 46 requiring a referendum; providing an effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Charter; creation; form of government;
 51 boundaries and powers.-

52 (1) CHARTER; CREATION.-

53 (a) This act, together with any future amendments thereto,
 54 may be known as the "Charter of the City of Panacea" (the
 55 "charter"), and the City of Panacea (the "city") is created.

56 (b) The Panacea area in Wakulla County includes a compact
 57 and contiguous coastal community of approximately 850 persons
 58 who seek to preserve their coastal community and environment.
 59 The residents within the proposed city seek to control the
 60 future development of the area and preserve the historic coastal
 61 community.

62 (c) It is in the best interests of the public health,
 63 safety, and welfare of the residents of the Panacea area to form
 64 a separate municipality for the Panacea area with all the powers
 65 and authority necessary to provide adequate and efficient
 66 municipal services to its residents.

67 (d) It is the intent of this charter and the incorporation
 68 of the city to secure the benefits of self-determination and
 69 affirm the values of representative democracy, citizen
 70 participation, strong community leadership, professional
 71 management, and regional cooperation.

72 (2) FORM OF GOVERNMENT.—The city shall have a council-
 73 manager form of government.

74 (3) CORPORATE BOUNDARIES.—The corporate boundaries of the
 75 city shall be as described as follows:

76 Begin at the Northwest corner of the Northeast Quarter
 77 of Section 23, Township 5 South, Range 2 West, (also
 78 being the Northwest corner of Lot 42, Block "A", Twin

79 Lakes Estates Unit No. 1, a subdivision as per map or
80 plat thereof recorded in Plat Book 2, Page 16, of the
81 Public Records of Wakulla County, Florida, and thence
82 run Easterly along the North line of said Section 23
83 to the Northeast corner of said Section 23 (also
84 being the Northeast corner of Lot 26, Block "A", of
85 said Twin Lakes Estates Unit No. 1 and the Southeast
86 corner of Section 14, Township 5 South, Range 2 West),
87 thence run East along the North boundary of said
88 Section 24 to the Westerly right-of-way boundary of
89 Coastal Highway (U.S. Highway No. 98), thence run
90 Northerly along the Westerly right-of-way boundary of
91 said Coastal Highway to a distance 0.5 miles North
92 thence following the Easterly right-of-way boundary of
93 said Coastal Highway South to the intersection with
94 the Northerly right-of-way boundary of Bottoms Road
95 and the South boundary of the St. Marks National
96 Wildlife Refuge being in Section 13, Township 5 South,
97 Range 2 West, thence run Easterly and Southeasterly
98 said Northerly right-of-way boundary and along said
99 South boundary of said St. Marks National Wildlife
100 Refuge to a point on the East boundary line of said
101 Section 13, Township 5 South, Range 2 West (also the
102 West boundary line of Range 1 West in an unnumbered
103 lot in the Hartsfield Survey of Lands in Wakulla
104 County, Florida) also being the Southwest corner of

105 the property described in Official Records Book 829,
106 Page 235 of said County, thence run North along said
107 Section line and along the West boundary of said
108 property described in Official Records Book 829, Page
109 235 to the Northwest corner of said property and also
110 on the boundary of said St. Marks National Wildlife
111 Refuge lying in said Range 1 West of an unnumbered
112 lot, thence run Southeasterly along the boundary of
113 said Refuge to a point marking the Southeast corner
114 (also the most Easterly corner) of property described
115 in Official Records Book 265, Page 284, of the Public
116 Records of said County, thence continue Southeasterly
117 along said line to a point lying on the Southerly
118 right-of-way boundary of said Bottoms Road, thence run
119 Southeasterly along said Southerly right-of-way
120 boundary to the Northeast corner of the property
121 described in Official Records Book 434, Page 351 of
122 the Public Records of Wakulla County, Florida, thence
123 run Southwesterly along the Southeasterly boundary of
124 said property described in Official Records Book 434,
125 Page 351 to the approximate mean high water line of
126 Dickerson Bay, thence run Southeasterly along said
127 mean high water line to the Northern boundary of the
128 inlet to Dickerson Bay thence crossing the inlet to
129 the Southern boundary and running Southwesterly along
130 said mean high water line to the Southeast corner of

131 Section 36, Township 5 South, Range 2 West, thence run
 132 West along the South boundary of Township 5 South to
 133 the Southeast corner of the said St. Marks National
 134 Wildlife Refuge lying in Section 35, Township 5 South,
 135 Range 2 West, thence run North along the East boundary
 136 of said Refuge to the Northeast corner of said Refuge
 137 lying in Section 26, Township 5 South, Range 2 West
 138 (also on the South boundary of Panacea Park, a
 139 subdivision as per map or plat thereof recorded in
 140 said county), thence run West along the North boundary
 141 of said Refuge to the intersection with the East
 142 boundary of said Refuge being in Section 23, Township
 143 5 South, Range 2 West (also being the Southwest corner
 144 of said Panacea Park), thence run North along the East
 145 boundary of said Refuge to the POINT OF BEGINNING
 146 containing 2743 acres, more or less.

147
 148 The city shall have the power to change its boundaries as
 149 authorized by general law.

150 (4) MUNICIPAL POWERS.—The city shall be a body corporate
 151 and politic and shall have all available governmental,
 152 corporate, and proprietary powers of a municipality under the
 153 State Constitution and laws of the state, as fully and
 154 completely as though such powers were specifically enumerated in
 155 this charter, and may exercise them, except when prohibited by
 156 law. Through the adoption of this charter, it is the intent of

157 the electors of the city that the municipal government
158 established by this charter have the broadest exercise of home
159 rule powers permitted under the State Constitution and laws of
160 the state. This charter and the powers of the city shall be
161 construed liberally in favor of the city. It is recognized that
162 certain services within the municipal boundaries are provided by
163 independent special districts created by special acts of the
164 Legislature and by Wakulla County.

165 Section 2. Council; mayor and vice mayor.-

166 (1) CITY COUNCIL.-There shall be a five-member city
167 council ("council") vested with all legislative powers of the
168 city, consisting of five members ("council members"), each
169 elected from and representing the city at large. Unless
170 otherwise stated in this charter, all charter powers shall be
171 exercised by the council.

172 (2) THE MAYOR; POWERS AND DUTIES.-

173 (a) The council, at its first regular meeting after each
174 election, shall elect from its members a mayor who shall serve
175 for a period of 2 years and who shall have the same legislative
176 powers and duties as any other council member, except as
177 provided in this charter.

178 (b) In addition to carrying out the regular duties of a
179 council member, the mayor shall preside at the meetings of the
180 council and shall be recognized as the head of city government
181 for service of process, ceremonial matters, and the signature or
182 execution of ordinances, contracts, deeds, bonds, and other

183 instruments and documents and for purposes of military law. The
184 mayor shall also serve as the ceremonial head of the city and
185 the city official designated to represent the city when dealing
186 with other entities. The mayor shall have no administrative
187 duties other than those necessary to accomplish these actions,
188 or such other actions as may be authorized by the city council,
189 consistent with general or special law.

190 (3) THE VICE MAYOR.—

191 (a) The council, at its first regular meeting after each
192 election, shall elect from its members a vice mayor who shall
193 serve for a period of 2 years and who shall have the same
194 legislative powers and duties while serving as any other council
195 member.

196 (b) The vice mayor shall serve as acting mayor during the
197 absence or disability of the mayor. In the absence of the mayor
198 and the vice mayor, the remaining council members shall select a
199 council member to serve as acting mayor.

200 Section 3. Election and terms of office.—

201 (1) TERM OF OFFICE.—Except as detailed in subsection (3)
202 of section 7 for the initial election, each council member shall
203 be elected at large for a 4-year term by the electors of the
204 city in the manner provided in section 9. Council members shall
205 be sworn into office at the first regularly scheduled meeting
206 after the fourth Tuesday of November after the election. Each
207 council member shall remain in office until his or her successor
208 is elected and assumes the duties of the position.

209 (2) SEATS.—The city council shall be divided into five
 210 separate council seats to be designated as seats 1, 2, 3, 4, and
 211 5, to be voted on citywide, with each qualified elector entitled
 212 to vote for one candidate for each seat.

213 (3) QUALIFICATION.—Candidates for each council seat must
 214 qualify for council elections by seat in accordance with
 215 applicable general law, and the council members elected to those
 216 seats shall hold seats 1 through 5, respectively. To qualify for
 217 office:

218 (a) Filing.—Each candidate for council member shall file a
 219 written notice of candidacy with the city clerk at such time and
 220 in such manner as may be prescribed by this charter and shall
 221 make payment to the city of qualifying fees that may be required
 222 by general law.

223 (b) Registered elector.—Each candidate for council member
 224 shall be a registered elector in the state.

225 (c) Residency.—Each candidate for council member shall
 226 have maintained his or her domicile within the boundaries of the
 227 city for a period of 1 year before qualifying for election and,
 228 if elected, shall maintain such residency throughout his or her
 229 term of office.

230 (d) Deadline.—A resident of the city who wishes to become
 231 a candidate for a council member seat shall qualify with the
 232 city clerk no sooner than noon on the last Tuesday in July, nor
 233 later than noon on the last Tuesday in August, of the year in
 234 which the election is to be held.

235 (4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING
 236 OF VACANCIES.—

237 (a) Vacancies.—A vacancy in the office of mayor, vice
 238 mayor, or council member shall occur upon the death of the
 239 incumbent, removal from office as authorized by law,
 240 resignation, appointment to other public office which creates
 241 dual office holding, judicially determined incompetence, or
 242 forfeiture of office as described in paragraph (b).

243 (b) Forfeiture of office.—A council member shall forfeit
 244 his or her office upon determination by the council, acting as a
 245 body, at a duly noticed public meeting that he or she:

246 1. Lacks at any time, or fails to maintain during his or
 247 her term of office, any qualification for the office prescribed
 248 by this charter or otherwise required by law;

249 2. Is convicted of a felony or enters a plea of guilty or
 250 nolo contendere to a crime punishable as a felony, even if
 251 adjudication is withheld;

252 3. Is convicted of a misdemeanor of the first degree
 253 arising directly out of his or her official conduct or duties,
 254 or enters a plea of guilty or nolo contendere thereto, even if
 255 adjudication of guilt has been withheld;

256 4. Is found to have violated any standard of conduct or
 257 code of ethics established by law for public officials and has
 258 been suspended from office by the Governor, unless subsequently
 259 reinstated as provided by law; or

260 5. Is absent from three consecutive regular council

261 meetings without good cause, or for any other reason established
262 in this charter.

263
264 The council shall be the sole judge of the qualifications of its
265 members and shall hear all questions relating to forfeiture of a
266 council member's office, including whether good cause for
267 absence has been or may be established. The burden of
268 establishing good cause shall be on the council member in
269 question; however, a council member may at any time during a
270 duly held meeting move to establish good cause for his or her
271 absence or the absence of any other commission member from a
272 past, present, or future meeting or meeting, which motion, if
273 carried, shall be conclusive. A council member whose
274 qualifications are in question or who is otherwise subject to
275 forfeiture of his or her office shall not vote on such matters.
276 The council member in question shall be entitled to a public
277 hearing on request regarding an alleged forfeiture of office. If
278 a public hearing is requested, notice thereof shall be published
279 in one or more newspapers of general circulation in the city at
280 least 1 week in advance of the hearing. A final determination by
281 the council that a council member has forfeited his or her
282 office shall be made by resolution. All votes and other acts of
283 the council member in question before the effective date of such
284 resolution shall be valid regardless of the grounds of
285 forfeiture.

286 (c) Suspension from office.—A council member shall be

287 suspended from office upon return of an indictment or issuance
288 of any information charging the council member with a crime that
289 is punishable as a felony or with a crime arising out of his or
290 her official duties which is punishable as a misdemeanor of the
291 first degree. Pursuant thereto:

292 1. During a period of suspension, a council member shall
293 not perform an official act, duty, or function or receive any
294 pay, allowance, emolument, or privilege of office.

295 2. If the council member is subsequently found not guilty
296 of the charge, or if the charge is otherwise dismissed, reduced,
297 or altered in such a manner that suspension would no longer be
298 required as provided in this section, the suspension shall be
299 lifted and the council member shall be entitled to receive full
300 back pay and such other emoluments or allowances as he or she
301 would have been entitled to had the suspension not occurred.

302 (d) Filling of vacancies.—

303 1. If a vacancy occurs in the office of a council member
304 and the remainder of the unexpired term is less than 1 year and
305 81 days, the remaining council members shall, within 30 days
306 after the occurrence of such vacancy, by majority vote, appoint
307 a person to fill the vacancy for the remainder of the unexpired
308 term.

309 2. If a vacancy occurs in the office of a council member
310 and the remainder of the unexpired term is equal to or exceeds 1
311 year and 81 days, the remaining council members shall, within 30
312 days after the occurrence of such vacancy, by majority vote,

313 appoint a person to fill the vacancy until the next regularly
314 scheduled city election, at which time an election shall be held
315 to fill the vacancy.

316 3. If a vacancy occurs in the office of mayor and fewer
317 than 120 days remain in the term of the council member who was
318 elected mayor, the vice mayor shall serve as mayor until a new
319 mayor is elected by the council and assumes the duties of his or
320 her office. If a vacancy occurs in the office of mayor and 120
321 days or more remain in the term of the mayor, the vice mayor
322 shall serve as mayor until a new council member is elected and
323 the council elects a new mayor and vice mayor as provided by
324 this charter.

325 4. A person appointed to fill a vacancy on the council
326 shall be required to meet the qualifications of the seat to
327 which he or she is appointed.

328 5. Notwithstanding the quorum requirements established in
329 section 5, if at any time the full membership of the council is
330 reduced to less than a quorum, the remaining members may, by
331 majority vote, appoint additional members to the extent
332 otherwise permitted or required under this subsection.

333 6. In the event that all the members of the council are
334 removed by death, disability, recall, forfeiture of office, or
335 resignation, the Governor shall appoint interim council members
336 who shall call a special election at least 30 days, but no more
337 than 60 days, after such appointment. Such election shall be
338 held in the same manner as the initial elections under this

339 charter. However, if there are fewer than 6 months remaining in
340 any unexpired terms, the interim council appointed by the
341 Governor shall serve out the unexpired terms. Appointees must
342 meet all requirements for candidates as provided in this
343 charter.

344 (e) Compensation and expenses.—

345 1. City council members shall be entitled to receive
346 reimbursement in accordance with general law for authorized
347 travel and per diem expenses incurred in the performance of
348 their official duties if such policy is approved by the city
349 council as an ordinance.

350 2. The city council, by at least four affirmative votes,
351 may elect to provide for compensation and any increase in such
352 compensation by ordinance. However, no such ordinance increasing
353 compensation shall take effect until the date of commencement of
354 the terms of council members elected at the next regular
355 election after the adoption of such ordinance.

356 Section 4. Administrative.—

357 (1) DESIGNATION OF CHARTER OFFICERS.—The city manager and
358 the city attorney are designated as charter officers, except
359 that the office of city attorney may be contracted to an
360 attorney or law firm.

361 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
362 VACANCIES.—

363 (a) The charter officers shall be appointed by a majority
364 vote of the full council and shall serve at the pleasure of the

365 council.

366 (b) The charter officers shall be removed from office only
 367 by a super majority vote of the full council. Upon demand by a
 368 charter officer, a public hearing shall be held before such
 369 removal.

370 (c) The compensation of the charter officers shall be
 371 fixed by the city council through the approval of an acceptable
 372 employment contract.

373 (d) The city council shall begin the process to fill a
 374 vacancy in a charter office within 90 days after the vacancy. An
 375 acting city manager or an acting city attorney may be appointed
 376 by the council during a vacancy in such charter office.

377 (e) A charter officer shall not be a member of the city
 378 council or a candidate for city council while holding a charter
 379 officer position.

380 (3) CITY MANAGER.—The city manager shall be the chief
 381 administrative officer of the city. The city manager may also
 382 serve as the city clerk.

383 (a) The city council shall appoint a city manager who
 384 shall be the administrative head of the municipal government
 385 under the direction and supervision of the city council. The
 386 city manager shall hold office at the pleasure of the city
 387 council. The city manager shall be appointed by resolution
 388 approving an employment contract between the city and the city
 389 manager. The city manager shall receive such compensation as
 390 determined by the city council through the adoption of an

391 appropriate resolution.

392 (b) During the absence or disability of the city manager,
393 the city council may by resolution designate some properly
394 qualified person to temporarily execute the functions of the
395 city manager. The person thus designated shall have the same
396 powers and duties as the city manager and shall be known while
397 serving as acting city manager. The city manager or acting city
398 manager may be removed by the city council at any time.

399 (c) As the chief administrative officer, the city manager
400 shall:

401 1. Direct and supervise the administration of all
402 departments, offices, and agencies of the city, except the
403 office of city attorney, and except as otherwise provided by
404 this charter or by law.

405 2. Appoint, suspend, or remove an employee of the city or
406 appointive administrative officer provided for, by, or under
407 this charter, except the office of city attorney, and except as
408 may otherwise be provided by law, this charter, or personnel
409 rules adopted pursuant to the charter. The city manager may
410 authorize an administrative officer who is subject to his or her
411 direction and supervision to exercise these powers with respect
412 to subordinates in that officer's department, office, or agency.

413 3. Ensure that all laws, provisions of this charter, and
414 acts of the council are faithfully executed.

415 4. Prepare and submit the annual budget and capital
416 improvement plan to the council in the form prescribed by

417 ordinance. The council shall consider the recommended budget and
 418 accept or modify the proposed budget. The city manager shall be
 419 responsible for implementing the budget as approved by the
 420 council.

421 5. Attend meetings of the city council.

422 6. Draw and sign vouchers upon depositories as provided by
 423 ordinance and keep, or cause to be kept, a true and accurate
 424 account of same.

425 7. Sign all licenses issued by the city, issue receipts
 426 for all moneys paid to the city, and deposit such moneys in the
 427 proper depositories on the first banking day after receipt. The
 428 city manager may delegate the responsibilities of this
 429 subparagraph to an appropriate city employee who shall be
 430 bonded.

431 8. Provide administrative services in support of the
 432 official duties of the mayor and the council.

433 9. Keep the council advised as to the financial condition
 434 and future needs of the city and make recommendations to the
 435 council concerning the affairs of the city.

436 10. Submit to the council, and make available to the
 437 public, a complete report on finances and administrative
 438 activities of the city as of the end of each fiscal year.

439 11. Sign contracts on behalf of the city to the extent
 440 authorized by ordinance.

441 12. Perform such other duties as are specified in this
 442 charter or as may be required by the council.

443 (4) CITY ATTORNEY.—

444 (a) The city attorney shall be employed under terms and
445 conditions deemed advisable by the city council, which may
446 include the appointment of a law firm.

447 (b) The city attorney shall be a member in good standing
448 with The Florida Bar, have been admitted to practice in the
449 state for at least 5 years, and have at least 2 years'
450 experience in the practice of local government or administrative
451 law.

452 (c) The city attorney has sole discretion to appoint,
453 promote, suspend, demote, remove, or terminate deputy and
454 assistant city attorneys, subject to the city's annual budget.

455 (d) The city attorney shall perform the following
456 functions in addition to other functions as designated by the
457 city council:

458 1. Serve as chief legal advisor to the city council, the
459 charter officers, and all city departments, offices, and
460 agencies.

461 2. Attend all regular and special city council meetings,
462 unless excused by the city council, and perform such
463 professional duties as may be required by law or by the council
464 in furtherance of the law.

465 3. Approve all contracts, bonds, and other instruments in
466 which the city is concerned and endorse on each his or her
467 approval of the form and correctness thereof. No contract with
468 the city shall take effect until his or her approval is so

469 endorsed thereon.

470 4. When requested to do so by the council, prosecute and
471 defend on behalf of the city all complaints, suits, and
472 controversies in which the city is a party.

473 5. Perform such other professional duties as required of
474 him or her by resolution of the council or as prescribed for
475 municipal attorneys in the general laws of the state which are
476 not inconsistent with this charter.

477 6. Prepare an annual budget for the operation of the
478 office of the city attorney and submit this budget to the city
479 manager for inclusion in the annual city budget, in accordance
480 with uniform city procedures.

481 (5) CITY CLERK.—The city manager may appoint a city clerk
482 or management firm to serve as city clerk (the "clerk") or may
483 also assume the role of city clerk. The clerk shall give notice
484 of council meetings to its members and the public, keep minutes
485 of its proceedings, and perform such other duties as the council
486 or city manager may prescribe from time to time. The clerk shall
487 report to the city manager or the council, as directed by the
488 council.

489 (6) EXPENDITURE OF CITY FUNDS.—No funds of the city shall
490 be expended except pursuant to duly approved appropriations or
491 for the payment of bonds, notes, or other indebtedness duly
492 authorized by the council and only from such funds so
493 authorized.

494 (7) CITY BOARDS AND AGENCIES.—Except as otherwise provided

495 by law, the council may establish or terminate such boards and
 496 agencies as it may deem advisable from time to time. The boards
 497 and agencies shall report to the council. Members of boards and
 498 agencies shall be appointed by the council by resolution. The
 499 council shall appoint at least three members to any board or
 500 agency it creates.

501 Section 5. Legislative.—

502 (1) REGULAR MEETINGS.—The council shall conduct regular
 503 meetings at such times and places as the council shall prescribe
 504 by resolution. Such meetings shall be public meetings within the
 505 meaning of state law and shall be subject to notice and other
 506 requirements of law applicable to public meetings.

507 (2) SPECIAL MEETINGS.—Special meetings may be held at the
 508 call of the mayor or, in his or her absence, at the call of the
 509 vice mayor. Special meetings may also be called upon the request
 510 of a majority of the council members. Unless the meeting is of
 511 an emergency nature, the person or persons calling such a
 512 meeting shall provide at least 72 hours' notice of the meeting
 513 to the public.

514 (3) COMMENCEMENT.—All meetings shall be scheduled to
 515 commence no earlier than 7 a.m. and no later than 10 p.m.

516 (4) RULES; ORDER OF BUSINESS.—The council shall determine
 517 its own rules and order of business.

518 (5) QUORUM.—A majority of the full council shall
 519 constitute a quorum.

520 (6) VALIDITY OF ACTION.—No action of the council shall be

521 valid unless adopted by an affirmative vote of the majority of
522 the full council, unless otherwise provided by law.

523 (7) LEGISLATIVE POWERS.—Except as otherwise prescribed by
524 this charter or as provided by law, the legislative powers of
525 the city shall be vested in the council. The council shall
526 provide for the exercise of its powers and for the performance
527 of all duties and obligations imposed on the city by law.

528 (8) DEPARTMENTS.—The council may establish such other
529 departments as it determines necessary for the efficient
530 administration and operation of the city. Such departments shall
531 be established by ordinance.

532 (9) CODE.—The council may adopt any standard code of
533 technical regulations by reference thereto in an adopting
534 ordinance and may amend the code in the adopting ordinance or
535 later amendatory ordinance. The procedures and requirements
536 governing such an adopting ordinance shall be as prescribed for
537 ordinances generally, except that:

538 (a) Requirements regarding distribution and filing of
539 copies of the ordinance shall not be construed to require
540 distribution and filing of copies of the adopted code of
541 technical regulations.

542 (b) A copy of each adopted code of technical regulations,
543 as well as of the adopting ordinance, shall be authenticated and
544 recorded by the city clerk.

545 (10) EMERGENCY ORDINANCES.—

546 (a) To meet a public emergency affecting life, health,

547 property, or the public peace, the council may adopt, in the
548 manner provided by general law, one or more emergency
549 ordinances, but such ordinances may not enact or amend a land
550 use plan or rezone private property; levy taxes; grant, renew,
551 or extend any municipal franchise; set service or user charges
552 for any municipal services; or authorize the borrowing of money,
553 except as provided under the emergency appropriations provisions
554 of this charter, if applicable. An emergency ordinance shall be
555 introduced in the form and manner prescribed for ordinances
556 generally, except that it shall be plainly designated in a
557 preamble as an emergency ordinance and shall contain, after the
558 enacting clause, a declaration stating that an emergency exists
559 and describing it in clear and specific terms.

560 (b) Upon the affirmative vote of four council members, an
561 emergency ordinance may be adopted with or without amendment or
562 rejected at the meeting at which it is introduced. After its
563 adoption, the ordinance shall be advertised and printed as
564 prescribed for other ordinances.

565 (c) Emergency ordinances shall become effective upon
566 adoption or at such other date as may be specified in the
567 ordinance.

568 (d) Every emergency ordinance, except emergency
569 appropriation ordinances, shall automatically be repealed as of
570 the 61st day after its effective date, but this shall not
571 prevent reenactment of the ordinance under regular procedures
572 or, if the emergency still exists, in the manner specified in

573 this section. An emergency ordinance may also be repealed by
574 adoption of a repealing ordinance in the same manner specified
575 in this section for adoption of emergency ordinances.

576 (11) EMERGENCY APPROPRIATIONS.—To meet a public emergency
577 affecting life, health, property, or the public peace, the
578 council, by resolution, may make emergency appropriations. To
579 the extent that there are no unappropriated revenues to meet
580 such appropriation, the council may by such emergency resolution
581 authorize the issuance of emergency notes, which may be renewed
582 from time to time, but the emergency notes and renewals in any
583 fiscal year shall be paid not later than the last day of the
584 fiscal year succeeding that in which the emergency
585 appropriations were made.

586 (12) RECORDKEEPING.—The council shall, in a properly
587 indexed book kept for the purpose, provide for the
588 authentication and recording in full of all minutes of meetings
589 and all ordinances and resolutions adopted by the council, and
590 the same shall at all times be a public record. The council
591 shall further maintain a current codification of all ordinances.
592 Such codification shall be printed and shall be made available
593 for distribution to the public on a continuing basis. All
594 ordinances or resolutions of the council shall be signed by all
595 council members and attested to by the city clerk.

596 (13) DUAL OFFICE HOLDING.—No present elected city official
597 shall hold any compensated appointed office or be employed by
598 the city while in office, nor shall any former council member be

599 employed by the city until 1 year after leaving office.

600 (14) NONINTERFERENCE BY CITY COUNCIL.—Except for the
 601 purposes of inquiry and information, council members are
 602 expressly prohibited from interfering with the performance of
 603 the duties of an employee of the city government who is under
 604 the direct or indirect supervision of the city manager or city
 605 attorney. Such action shall be malfeasance within the meaning of
 606 s. 112.51, Florida Statutes. Recommendations for improvements in
 607 the city government operations shall come through the city
 608 manager, but each member of the council shall be free to discuss
 609 or recommend improvements to the city manager, and the council
 610 is free to direct the city manager to implement specific
 611 recommendations for improvement in city government operations.

612 Section 6. Budget and appropriations.—

613 (1) FISCAL YEAR.—The city shall have a fiscal year that
 614 shall begin on the first day of October and shall end on the
 615 last day of September of the next calendar year, unless
 616 otherwise defined by general law. Such fiscal year shall also
 617 constitute the annual budget and accounting year.

618 (2) BUDGET ADOPTION.—The council shall adopt a budget in
 619 accordance with applicable general law, after a minimum of two
 620 public hearings on the proposed budget. A resolution adopting
 621 the annual budget shall constitute appropriation of the amounts
 622 specified therein as expenditures from funds indicated.

623 (3) EXPENDITURES.—The budget shall not provide for
 624 expenditures in an amount greater than the revenues budgeted.

625 (4) APPROPRIATIONS.—

626 (a) If, during the fiscal year, revenues in excess of
627 those estimated in the budget are available for appropriation,
628 the council by resolution may make supplemental appropriations
629 for the year in an amount not to exceed such excess.

630 (b) If, at any time during the fiscal year, it appears
631 probable to the city manager that the revenues available will be
632 insufficient to meet the amount appropriated, the city manager
633 shall report to the council without delay, indicating the
634 estimated amount of the deficit, any remedial action taken, and
635 recommendations as to any other steps that should be taken. The
636 council shall then take such further action as it deems
637 necessary to prevent or minimize any deficit and, for that
638 purpose, the council may by resolution reduce one or more
639 appropriations accordingly.

640 (c) No appropriation for debt service may be reduced or
641 transferred, and no appropriation may be reduced below any
642 amount required by law to be appropriated, or by more than the
643 unencumbered balance thereof. Notwithstanding any other
644 provision of law, the supplemental and emergency appropriations
645 and reduction or transfer of appropriations authorized by this
646 section may be made effective immediately upon adoption.

647 (5) BONDS; INDEBTEDNESS.—

648 (a) Subject to the referendum requirements of the State
649 Constitution, if applicable, the city may from time to time
650 borrow money and issue bonds or other obligations or evidence of

651 indebtedness (collectively, "bonds") of any type or character
652 for any of the purposes for which the city is now or hereafter
653 authorized by law to borrow money, including to finance the cost
654 of any capital or other project and to refund any and all
655 previous issues of bonds at or before maturity. Such bonds may
656 be issued pursuant to one or more resolutions adopted by a
657 majority of the council.

658 (b) The city may assume all outstanding indebtedness
659 related to facilities that it acquires from other units of local
660 government and be liable for payment thereon in accordance with
661 its terms.

662 (6) REVENUE BONDS.—Revenue bonds may be issued by the city
663 as authorized by law.

664 (7) ANNUAL AUDIT.—The council shall provide for an
665 independent annual financial audit of all city accounts and may
666 provide for more frequent audits as it deems necessary. Such
667 audits shall be made by a certified public accountant or a firm
668 of such accountants who have no personal interest, direct or
669 indirect, in the fiscal affairs of the city government or in any
670 of its officers. Residency in the city shall not be construed as
671 a prohibited interest.

672 Section 7. Elections.—

673 (1) ELECTORS.—A person who is a resident of the city, who
674 has qualified as an elector of this state, and who registers in
675 the manner prescribed by law shall be an elector of the city.

676 (2) NONPARTISAN ELECTIONS.—All elections for the city

677 council members shall be conducted on a nonpartisan basis
678 without any designation of political party affiliation.

679 (3) ELECTION DATES.—An initial election shall be held on
680 the second Tuesday in November 2014, and regular elections shall
681 be held on the second Tuesday in November of each even-numbered
682 election year, provided as follows:

683 (a) The special election held in November 2014 shall fill
684 all five seats. Council members elected to seats 1, 3, and 5
685 shall initially serve 2-year terms and seats 2 and 4 shall serve
686 4-year terms.

687 (b) After the special elections, seats 1, 3, and 5 shall
688 next be filled in November 2016 and council members elected to
689 those seats shall serve 4-year terms, and those seats shall be
690 filled by election every 4 years thereafter.

691 (c) Seats 2 and 4 shall be filled in November 2018 and
692 council members elected to those seats shall serve 4-year terms,
693 and those seats shall be filled by election every 4 years
694 thereafter.

695 (d) Such city elections shall be general city elections.

696 (4) ELECTIONS.—In the event no candidate for an office
697 receives a majority of the votes cast for such office, the
698 person receiving the largest number of votes cast shall be
699 elected. In the event two candidates receive an equal number of
700 votes, a coin toss shall be used to break the tie and determine
701 the winner.

702 (5) CITY CANVASSING BOARD.—The city canvassing board shall

703 be composed of those members of the city council who are not
704 candidates for reelection and the city clerk, who shall act as
705 chair. At the close of the polls of a city election, or as soon
706 thereafter as practicable, the canvassing board shall meet at a
707 time and place designated by the chair and shall proceed to
708 publicly canvass the vote as shown by the returns then on file
709 in the office of the city clerk, and then shall publicly canvass
710 the absentee elector ballots. The canvassing board shall prepare
711 and sign a certificate containing the total number of votes cast
712 for each candidate or other measure voted upon. The certificate
713 shall be placed on file with the city clerk.

714 (6) SPECIAL ELECTIONS.—Special municipal elections, when
715 required, shall be held in the same manner as regular elections,
716 except that the city council, by ordinance, shall fix the time
717 for holding such elections consistent with this charter and
718 state law.

719 (7) GENERAL ELECTION.—

720 (a) The ballot for the general election shall contain the
721 names of all qualified candidates for each respective council
722 member seat and shall instruct electors to cast one vote for
723 each council member seat, with a maximum of one vote per
724 candidate. The candidate for each council member seat receiving
725 the most votes shall be the duly elected council member for that
726 designated council member seat.

727 (b) No election for a council member seat shall be
728 required in an election if there is only one duly qualified

729 candidate for the council member seat.

730 (c) If more than one candidate for a designated council
731 member seat receives an equal and highest number of votes, the
732 candidates for the office receiving the highest vote in the
733 general election shall run again in the runoff election.

734 (d) The candidate receiving the highest number of votes
735 cast for the designated council member seat in the runoff
736 election shall be elected to the designated council member seat.
737 If the vote at the runoff election results in a tie, the outcome
738 shall be determined by lot.

739 (e) The term of office of an elected official shall
740 commence immediately after the election.

741 (f) All elected officers, before entering upon their
742 duties, shall take and subscribe to the following oath of
743 office: "I do solemnly swear (or affirm) that I will support,
744 protect, and defend the Constitution and Government of the
745 United States and of the state, and the charter of the City of
746 Panacea; that I am duly qualified to hold office under the
747 Constitution of the State and the charter of the City of
748 Panacea; and that I will well and faithfully perform the duties
749 of council member upon which I am now about to enter."

750 (g) The election laws of the state shall apply to all
751 elections.

752 (h) A member of the city council may be removed from
753 office by the electors of the city following the procedures for
754 recall established by general law.

755 Section 8. General provisions.—

756 (1) SEVERABILITY.—If a section or part of a section of
 757 this charter is held invalid by a court of competent
 758 jurisdiction, such holding shall not affect the remainder of
 759 this charter or the context in which such section or part of a
 760 section so held invalid may appear, except to the extent that an
 761 entire section or part of a section may be inseparably connected
 762 in meaning and effect with the section or part of a section to
 763 which such holding shall directly apply.

764 (2) CITY PERSONNEL SYSTEM.—All new employments,
 765 appointments, and promotions of city officers and employees
 766 shall be made pursuant to personnel procedures to be established
 767 by the city manager from time to time.

768 (3) CHARITABLE CONTRIBUTIONS.—The city shall not make a
 769 charitable contribution to a person or entity unless authorized
 770 by the council.

771 (4) VARIATION OF PRONOUNS.—All pronouns and any variations
 772 thereof used in this charter shall be deemed to refer to
 773 masculine, feminine, neutral, singular, or plural as the
 774 identity of the person or persons shall require and are not
 775 intended to describe, interpret, define, or limit the scope,
 776 extent, or intent of this charter.

777 (5) CALENDAR DAY.—For the purpose of this charter, a day
 778 shall mean a calendar day.

779 (6) CHARTER AMENDMENTS.—This charter may be amended in
 780 accordance with the provisions for charter amendments as

781 specified in general law or as may otherwise be provided by
 782 general law. The form, content, and certification of a petition
 783 to amend shall be established by ordinance.

784 (7) INITIATION BY PETITION.—The electors of the city may
 785 propose amendments to this charter by petition to be submitted
 786 to the council to be placed before the electors, as provided by
 787 general law.

788 (8) AD VALOREM TAXES.—Ad valorem taxes shall not be
 789 imposed unless a referendum is held and the imposition of ad
 790 valorem taxes is approved at the referendum.

791 (9) EDUCATIONAL FACILITIES AND MUSEUMS.—The city values
 792 educational facilities and museums that are located in its
 793 jurisdiction and shall use its best efforts to protect and
 794 preserve such establishments when addressing issues that impact
 795 educational facilities and museums.

796 Section 9. Transition schedule.—

797 (1) REFERENDUM.—The Supervisor of Elections of Wakulla
 798 County shall hold the referendum election called for by this act
 799 on August 26, 2014, at which time the following question shall
 800 be placed upon the ballot:

801 "Shall the creation of the City of Panacea and its
 802 charter be approved?"

803 Yes

804 No

805 (a) This section is inserted solely for the purpose of
 806 effecting the incorporation of the city and the transition from

807 an unincorporated area of Wakulla County to a new incorporated
808 municipality. This section shall automatically, and without
809 further vote or act of the electors of the city, become
810 ineffective and no longer a part of this charter at such time as
811 the city implements this section.

812 (b) For the purpose of compliance with general law
813 relating to the assessment and collection of ad valorem taxes,
814 the city is hereby created and established effective when
815 approved by the electors at the November 4, 2014, election and
816 filed with the Secretary of State in the manner prescribed by
817 law.

818 (c)1. Since, upon approval of the charter, a governmental
819 unit equivalent to the city does not exist to provide people
820 with positions accredited to effect a transition, an interim
821 city commission committed to the charter and the transition to
822 city government is authorized. The interim city commission shall
823 transition from charter development and community organization
824 by providing an interim city government during the time period
825 between the approval of the charter and the first city
826 commission election.

827 2. Based on prior commitment to and involvement in the
828 incorporation process, the Panacea Waterfronts Florida
829 Partnership, Inc., (PWFP) is the appropriate body to select an
830 interim city commission. Upon the certification of acceptance of
831 the charter by the electors of the city, as reported by the
832 Supervisor of Elections of Wakulla County, the PWFP shall

833 convene and impanel five electors to act as interim city
834 commission members.

835 3. Dissolution of the interim city commission shall occur
836 at the beginning of the term of the first elected city
837 commission.

838 4. The positions of interim city commission members shall
839 be voluntary positions. Interim city commissioners shall receive
840 no compensation.

841 5. Powers of the interim city commission shall be in
842 accordance with this charter and shall include:

843 a. Preparing and adopting temporary regulations that are
844 applicable only to the first city commission election and
845 designed to ensure its proper conduct, prevent fraud, and
846 provide for recount of ballots in cases of doubt or fraud.

847 b. Providing a method for certification of candidates for
848 the first city commission election.

849 c. Coordinating with the Supervisor of Elections of
850 Wakulla County with regard to the first city commission election
851 and to effect the timely receipt by the interim city commission
852 of the official certification results for the city commission
853 election.

854 d. Scheduling the first city commission meeting.

855 e. Enacting emergency ordinances as may be warranted to
856 protect public safety.

857 f. Identifying and managing funds.

858 g. Filing applicable forms and requests for revenue

859 sharing and other funding sources.

860 h. Disbursing funds for the purpose of conducting city
861 business to include the funding of the first election of the
862 city commission. The moneys available for this purpose shall be
863 those identified within the feasibility study for municipal
864 incorporation of the City of Panacea as they accrue to the city
865 general fund and from those funds accruing from all applicable
866 state and county revenue sharing programs as calculated
867 effective from the first day of the month following the charter
868 referendum, being the first day of legal status of the City of
869 Panacea as a newly incorporated municipality within the state.

870 6. Until otherwise modified or replaced by this charter or
871 the city commission, all codes, ordinances, and resolutions of
872 Wakulla County in effect on the day of adoption of this charter
873 shall, to the extent applicable to the city, remain in force and
874 effect as municipal codes, ordinances, and resolutions of the
875 city. Until otherwise determined by the city commission, such
876 codes, ordinances, and resolutions shall be applied,
877 interpreted, and implemented by the city in a manner consistent
878 with established policies of Wakulla County on the date of the
879 adoption of this charter.

880 (2) INITIAL ELECTION OF COUNCIL MEMBERS; DATES.—

881 (a) After the adoption of this charter, the Supervisor of
882 Elections of Wakulla County shall call a special election for
883 the election of the five city council members to be held on
884 November 4, 2014. Candidates for the election shall qualify for

885 seat 1, seat 2, seat 3, seat 4, and seat 5. The candidate
886 receiving the highest number of votes for each seat shall be
887 elected. If more than one candidate for a designated council
888 member seat receives an equal and highest number of votes, the
889 candidates receiving the highest votes in the general election
890 shall run again in the runoff election, which shall be held on
891 November 25, 2014.

892 (b) An individual who wishes to run for one of the five
893 initial seats on the council shall qualify as a candidate with
894 the Supervisor of Elections of Wakulla County in accordance with
895 the provisions of this charter and general law.

896 (c) The Board of County Commissions of Wakulla County
897 shall appoint a canvassing board which shall certify the results
898 of the election.

899 (d) Those candidates who are elected on November 4, 2014,
900 and November 25, 2014, shall take office at the initial city
901 council meeting, which shall be held at 7 p.m. on December 2,
902 2014.

903 (3) CREATION AND ESTABLISHMENT OF THE CITY.—For the
904 purpose of compliance with s. 200.066, Florida Statutes,
905 relating to assessment and collection of ad valorem taxes, if
906 any, the city is created and established effective September 1,
907 2014.

908 (4) FIRST YEAR EXPENSES.—The city council, in order to
909 provide moneys for the expenses and support of the city, shall
910 have the power to borrow money necessary for the operation of

911 city government until such time as a budget is adopted and
 912 revenues are raised in accordance with the provisions of this
 913 charter.

914 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—All
 915 applicable county ordinances currently in place at the time of
 916 passage of the referendum, unless specifically referenced in
 917 this charter, shall remain in place unless and until rescinded
 918 by action of the city council, except that a county ordinance,
 919 rule, or regulation that is in conflict with an ordinance, rule,
 920 or regulation of the city shall not be effective to the extent
 921 of such conflict.

922
 923 Any existing Wakulla County ordinances, rules, and regulations
 924 as of September 1, 2014, shall not be altered, changed,
 925 rescinded, or added to, nor shall any variance be granted
 926 thereto insofar as such action would affect the city without the
 927 approval of the city council.

928 (6) TEMPORARY EMERGENCY ORDINANCES.—The city council may
 929 adopt ordinances and resolutions required to effect the
 930 transition. Ordinances adopted within 60 days after the first
 931 council meeting may be passed as emergency ordinances. These
 932 transitional ordinances, passed as emergency ordinances, shall
 933 be effective for no longer than 90 days after adoption and
 934 thereafter may be readopted, renewed, or otherwise continued
 935 only in the manner normally prescribed for ordinances.

936 (7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT

937 REGULATIONS.—

938 (a) Until such time as the city adopts a comprehensive
 939 plan, the Wakulla County Future Land Use Map, the Wakulla County
 940 Zoning Map, and all other provisions applicable to the city, of
 941 the Comprehensive Plan and Land Development Regulations of
 942 Wakulla County, as they exist on the day that the city commences
 943 corporate existence, shall remain in effect as the city's
 944 transitional comprehensive plan and land development
 945 regulations. However, all planning functions, duties, and
 946 authority may, upon a vote of four members of the city council,
 947 be vested in the Panacea City Council, which shall also be
 948 deemed the local planning agency until the council establishes a
 949 separate local planning agency.

950 (b) Upon this act becoming a law, no changes in the future
 951 land use map or the zoning districts within the boundaries of
 952 the city shall be considered for alteration, amendment, or other
 953 modification in any way until such time as the city adopts
 954 appropriate procedures as referenced in this act.

955 (c) All powers and duties of the planning commission,
 956 zoning authority, any boards of adjustment, and the Board of
 957 County Commissioners of Wakulla County, as set forth in these
 958 transitional zoning and land use regulations, shall be vested in
 959 the Panacea City Council until such time as the city council
 960 delegates all or a portion thereof to another entity.

961 (d) Upon the passage of this act, no subsequent amendment
 962 of the comprehensive plan or land development regulations

963 enacted by the Board of County Commissioners of Wakulla County
 964 shall be deemed as an amendment of the city's transitional
 965 comprehensive plan or land development regulations or otherwise
 966 take effect within the city's corporate limits, except in
 967 accordance with the requirements and upon adoption of the
 968 procedures specified in this act.

969 (8) COMMUNICATIONS SERVICES TAX.—The communications
 970 services tax imposed under s. 202.19, Florida Statutes, by
 971 Wakulla County shall continue within the city boundaries during
 972 the period commencing with the date of incorporation. Revenues
 973 from the tax shall be shared by Wakulla County with the city in
 974 proportion to the projected city population estimate of the
 975 Wakulla County Planning Division compared with the
 976 unincorporated population of Wakulla County before the
 977 incorporation of the City of Panacea.

978 (9) STATE-SHARED REVENUES.—The City of Panacea shall be
 979 entitled to participate in all shared revenue programs of the
 980 state available to municipalities effective September 1, 2014.
 981 The provisions of s. 218.23(1), Florida Statutes, shall be
 982 waived for the purpose of eligibility to receive revenue sharing
 983 funds from the date of incorporation through December 31, 2017.
 984 Initial population estimates for calculating eligibility for
 985 shared revenues shall be determined by the University of Florida
 986 Bureau of Economic and Business Research. If the bureau is
 987 unable to provide an appropriate population estimate, the
 988 Wakulla County Planning Division estimate shall be used. For the

989 purposes of qualifying for municipal revenue sharing, the
 990 following revenue sources shall be considered: municipal service
 991 taxing units, water control district revenues, occupational
 992 license taxes, ad valorem taxes, public utility service taxes,
 993 communications services tax, and franchise fees.

994 (10) GAS TAX REVENUES.—Notwithstanding the requirements of
 995 s. 336.025, Florida Statutes, the city shall be entitled to
 996 receive local option gas tax revenues beginning September 1,
 997 2014. These revenues shall be distributed in accordance with
 998 general law or by any interlocal agreement negotiated with
 999 Wakulla County.

1000 (11) WAIVER.—The provisions of s. 218.23(1), Florida
 1001 Statutes, shall be waived for the purpose of conducting audits
 1002 and financial reporting through fiscal year 2013-2014.

1003 Section 10. Continuation, merger, and dissolution of
 1004 existing districts and service providers.—

1005 (1) WAKULLA COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING
 1006 UNIT; CONTINUATION.—Notwithstanding the incorporation of the
 1007 City of Panacea, that portion of the Wakulla County Fire Rescue
 1008 Municipal Service Taxing Unit, a special taxing district created
 1009 by the Board of County Commissioners of Wakulla County that lies
 1010 within the boundaries of the City of Panacea, is authorized to
 1011 continue in existence until the city adopts an ordinance to the
 1012 contrary. However, the city shall not establish a city fire
 1013 department without a referendum.

1014 (2) LAW ENFORCEMENT.—Law enforcement services shall be

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1015 provided by the Wakulla County Sheriff's Office until the city
1016 adopts an ordinance to the contrary, provided that the city
1017 shall not establish a city police department without a
1018 referendum.

1019 Section 11. Waivers.—The thresholds established by s.
1020 165.061, Florida Statutes, for incorporation have been met with
1021 the following exceptions:

1022 (1) A waiver is granted to the provisions of s.
1023 165.061(1)(b), Florida Statutes, relating to requirements for a
1024 minimum population of 1,500, due to the historic, coastal
1025 character of the city.

1026 (2) A waiver is granted to the provisions of s.
1027 165.061(1)(c), Florida Statutes, relating to requirements for a
1028 minimum average population density of 1.5 persons per acre, to
1029 protect the historic, coastal character of the city.

1030 Section 12. This act shall only take effect upon approval
1031 by a majority of those qualified electors residing within the
1032 proposed corporate limits of the proposed City of Panacea as
1033 described in section 1 voting in a referendum election to be
1034 called by the Supervisor of Elections of Wakulla County and to
1035 be held on August 26, 2014, in accordance with the provisions
1036 relating to elections currently in force, except that subsection
1037 (1) of section 9 and this section shall take effect upon this
1038 act becoming a law.