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2015 Legislature

1
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 in, and transfer of appropriations;

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

48 |
 49 | Be It Enacted by the Legislature of the State of Florida:
 50 |

51 | Section 1. Charter; creation; form of government;
 52 | boundaries and powers.-

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53 (1) CHARTER; CREATION.—
 54 (a) This act, together with any future amendments thereto,
 55 may be known as the "Charter of the City of Panacea" (the
 56 "charter"), and the City of Panacea (the "city") is created.
 57 (b) The Panacea area in Wakulla County includes a compact
 58 and contiguous coastal community of approximately 850 persons
 59 who seek to preserve their coastal community and environment.
 60 The residents within the proposed city seek to control the
 61 future development of the area and preserve the historic coastal
 62 community.
 63 (c) It is in the best interests of the public health,
 64 safety, and welfare of the residents of the Panacea area to form
 65 a separate municipality for the Panacea area with all the powers
 66 and authority necessary to provide adequate and efficient
 67 municipal services to its residents.
 68 (d) It is the intent of this charter and the incorporation
 69 of the city to secure the benefits of self-determination and
 70 affirm the values of representative democracy, citizen
 71 participation, strong community leadership, professional
 72 management, and regional cooperation.
 73 (2) FORM OF GOVERNMENT.—The city shall have a council-
 74 manager form of government.
 75 (3) CORPORATE BOUNDARIES.—The corporate boundaries of the
 76 city shall be as described as follows:
 77
 78 Begin at the Northwest corner of the Northeast Quarter

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79 of Section 23, Township 5 South, Range 2 West, also
80 being the Northwest corner of Lot 42, Block "A", Twin
81 Lakes Estates Unit No. 1, a subdivision as per map or
82 plat thereof recorded in Plat Book 2, Page 16, of the
83 Public Records of Wakulla County, Florida, and thence
84 run Easterly along the North line of said Section 23
85 to the Northeast corner of said Section 23 (also being
86 the Northeast corner of Lot 26, Block "A", of said
87 Twin Lakes Estates Unit No. 1 and the Southeast corner
88 of Section 14, Township 5 South, Range 2 West), thence
89 run East along the North boundary of said Section 24
90 to the Westerly right-of-way boundary of Coastal
91 Highway (U.S. Highway No. 98), thence run Northerly
92 along the Westerly right-of-way boundary of said
93 Coastal Highway to a distance 0.5 miles North thence
94 following the Easterly right-of-way boundary of said
95 Coastal Highway South to the intersection with the
96 Northerly right-of-way boundary of Bottoms Road and
97 the South boundary of the St. Marks National Wildlife
98 Refuge being in Section 13, Township 5 South, Range 2
99 West, thence run Easterly and Southeasterly said
100 Northerly right-of-way boundary and along said South
101 boundary of said St. Marks National Wildlife Refuge to
102 a point on the East boundary line of said Section 13,
103 Township 5 South, Range 2 West (also the West boundary
104 line of Range 1 West in an unnumbered lot in the

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

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

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

152 (4) MUNICIPAL POWERS.—The city shall be a body corporate
 153 and politic and shall have all available governmental,
 154 corporate, and proprietary powers of a municipality under the
 155 State Constitution and laws of the state, as fully and
 156 completely as though such powers were specifically enumerated in

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

167 | Section 2. Council; mayor and vice mayor.-

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

174 | (2) THE MAYOR; POWERS AND DUTIES.-

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

180 | (b) In addition to carrying out the regular duties of a
181 | council member, the mayor shall preside at the meetings of the
182 | council and shall be recognized as the head of city government

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

192 (3) THE VICE MAYOR.—

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

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

202 Section 3. Election and terms of office.—

203 (1) TERM OF OFFICE.—Except as detailed in subsection (3)
 204 of section 7 for the initial election, each council member shall
 205 be elected at large for a 4-year term by the electors of the
 206 city in the manner provided in section 9. Except for the initial
 207 election, council members shall be sworn into office at the
 208 first regularly scheduled meeting after the fourth Tuesday of

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209 November after the election. Each council member shall remain in
 210 office until his or her successor is elected and assumes the
 211 duties of the position.

212 (2) SEATS.—The city council shall be divided into five
 213 separate council seats to be designated as seats 1, 2, 3, 4, and
 214 5, to be voted on citywide, with each qualified elector entitled
 215 to vote for one candidate for each seat.

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

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

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

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

233 (d) Deadline.—A resident of the city who wishes to become
 234 a candidate for a council member seat shall qualify with the

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235 city clerk no sooner than July 2, nor later than July 12, of the
 236 year in which the election is to be held.

237 (4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING
 238 OF VACANCIES.—

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

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

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

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

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

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

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261 reinstated as provided by law; or

262 5. Is absent from three consecutive regular council
263 meetings without good cause, or for any other reason established
264 in this charter.

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

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287 | the grounds of forfeiture.

288 | (c) Suspension from office.—A council member shall be
 289 | suspended from office upon return of an indictment or issuance
 290 | of any information charging the council member with a crime that
 291 | is punishable as a felony or with a crime arising out of his or
 292 | her official duties which is punishable as a misdemeanor of the
 293 | first degree.

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

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

304 | (d) Filling of vacancies.—

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

311 | 2. If a vacancy occurs in the office of a council member
 312 | and the remainder of the unexpired term is equal to or exceeds 1

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313 year and 81 days, the remaining council members shall, within 30
314 days after the occurrence of such vacancy, by majority vote,
315 appoint a person to fill the vacancy until the next regularly
316 scheduled city election, at which time an election shall be held
317 to fill the vacancy.

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

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

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

335 6. In the event that all of the council members are
336 removed by death, disability, recall, forfeiture of office, or
337 resignation, the Governor shall appoint interim council members
338 who shall call a special election at least 30 days, but no more

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339 than 60 days, after such appointment. Such election shall be
 340 held in the same manner as the initial elections under this
 341 charter. However, if there are fewer than 6 months remaining in
 342 any unexpired terms, the interim council appointed by the
 343 Governor shall serve out the unexpired terms. Appointees must
 344 meet all requirements for candidates as provided in this
 345 charter.

346 (e) Compensation and expenses.—

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

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

358 Section 4. Administrative.—

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

363 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
 364 VACANCIES.—

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365 (a) The charter officers shall be appointed by a majority
 366 vote of the full council and shall serve at the pleasure of the
 367 council.

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

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

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

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

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

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

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391 manager. The city manager shall receive such compensation as
 392 determined by the city council through the adoption of an
 393 appropriate resolution.

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

401 (c) As the chief administrative officer, the city manager
 402 shall:

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

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

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

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417 4. Prepare and submit the annual budget and capital
 418 improvement plan to the council in the form prescribed by
 419 ordinance. The council shall consider the recommended budget and
 420 accept or modify the proposed budget. The city manager shall be
 421 responsible for implementing the budget as approved by the
 422 council.

423 5. Attend meetings of the city council.

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

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

433 8. Provide administrative services in support of the
 434 official duties of the mayor and the council.

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

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

441 11. Sign contracts on behalf of the city to the extent
 442 authorized by ordinance.

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

445 (4) CITY ATTORNEY.—

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

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

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

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

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

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

467 3. Approve all contracts, bonds, and other instruments in
 468 which the city is concerned and endorse on each his or her

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469 approval of the form and correctness thereof. No contract with
 470 the city shall take effect until his or her approval is endorsed
 471 on the contract.

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

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

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

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

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

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495 authorized.

496 (7) CITY BOARDS AND AGENCIES.—Except as otherwise provided
 497 by law, the council may establish or terminate such boards and
 498 agencies as it may deem advisable from time to time. The boards
 499 and agencies shall report to the council. Members of boards and
 500 agencies shall be appointed by the council by resolution. The
 501 council shall appoint at least three members to any board or
 502 agency it creates.

503 Section 5. Legislative.—

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

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

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

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

520 (5) QUORUM.—A majority of the full council shall

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521 | constitute a quorum.

522 | (6) VALIDITY OF ACTION.—No action of the council shall be
 523 | valid unless adopted by an affirmative vote of the majority of
 524 | the full council, unless otherwise provided by law.

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

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

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

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

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

546 | (10) EMERGENCY ORDINANCES.—

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

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

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

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

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573 | or, if the emergency still exists, in the manner specified in
 574 | this section. An emergency ordinance may also be repealed by
 575 | adoption of a repealing ordinance in the same manner specified
 576 | in this section for adoption of emergency ordinances.

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

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

597 | (13) DUAL OFFICE HOLDING.—No presently elected city
 598 | official shall hold any compensated appointed office or be

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599 employed by the city while in office, nor shall any former
 600 council member be employed by the city until 1 year after
 601 leaving office.

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

614 Section 6. Budget and appropriations.—

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

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

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

627 (4) APPROPRIATIONS.—

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

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

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

650 (5) BONDS; INDEBTEDNESS.—

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

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

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

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

675 Section 7. Elections.—

676 (1) ELECTORS.—A person who is a resident of the city, who

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677 has qualified as an elector of this state, and who registers in
 678 the manner prescribed by law shall be an elector of the city.

679 (2) NONPARTISAN ELECTIONS.—All elections for the city
 680 council members shall be conducted on a nonpartisan basis
 681 without any designation of political party affiliation.

682 (3) ELECTION DATES.—An initial special election shall be
 683 held on August 18, 2015, and after the initial special election,
 684 regular elections shall be held on the second Tuesday in
 685 November of each even-numbered election year, provided as
 686 follows:

687 (a) The initial special election held on August 18, 2015,
 688 shall fill all five seats. Council members elected to seats 1,
 689 3, and 5 shall initially serve the remainder of 2-year terms and
 690 council members elected to seats 2 and 4 shall initially serve
 691 the remainder of 4-year terms.

692 (b) After the initial special election, seats 1, 3, and 5
 693 shall next be filled in November 2016 and council members
 694 elected to those seats shall serve 4-year terms, and those seats
 695 shall be filled by election every 4 years thereafter.

696 (c) Seats 2 and 4 shall be filled in November 2018 and
 697 council members elected to those seats shall serve 4-year terms,
 698 and those seats shall be filled by election every 4 years
 699 thereafter.

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

701 (4) ELECTIONS.—In the event no candidate for an office
 702 receives a majority of the votes cast for such office, the

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703 person receiving the largest number of votes cast shall be
704 elected. In the event two candidates receive an equal number of
705 votes, a coin toss shall be used to break the tie and determine
706 the winner.

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

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

724 (7) GENERAL ELECTION.—

725 (a) The ballot for the general election shall contain the
726 names of all qualified candidates for each respective council
727 member seat and shall instruct electors to cast one vote for
728 each council member seat, with a maximum of one vote per

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729 candidate. The candidate for each council member seat receiving
 730 the most votes shall be the duly elected council member for that
 731 designated council member seat.

732 (b) No election for a council member seat shall be
 733 required in an election if there is only one duly qualified
 734 candidate for the council member seat.

735 (c) If more than one candidate for a designated council
 736 member seat receives an equal and highest number of votes, the
 737 candidates for the office receiving the highest vote in the
 738 general election shall determine the winner by coin toss.

739 (d) The candidate receiving the highest number of votes
 740 cast for the designated council member seat in the runoff
 741 election shall be elected to the designated council member seat.

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

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

753 (g) The election laws of the state shall apply to all
 754 elections.

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

758 Section 8. General provisions.-

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

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

771 (3) CHARITABLE CONTRIBUTIONS.-The city shall not make a
 772 charitable contribution to a person or entity unless authorized
 773 by the council.

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

780 (5) CALENDAR DAY.-For the purpose of this charter, a day

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781 shall mean a calendar day.

782 (6) CHARTER AMENDMENTS.—This charter may be amended in
 783 accordance with the provisions for charter amendments as
 784 specified in general law or as may otherwise be provided by
 785 general law. The form, content, and certification of a petition
 786 to amend shall be established by ordinance.

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

791 (8) 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 June 30, 2015, at which time the following question shall be
 800 placed upon the ballot:

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

803 Yes

804 No

805

806 For the purpose of compliance with general law, the city is

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807 created and established on July 1, 2015, if approved at the June
 808 30, 2015, election and upon the filing of the election results
 809 with the Secretary of State in the manner prescribed by law.

810 (2) Until otherwise modified or replaced by this charter
 811 or the city commission, all codes, ordinances, and resolutions
 812 of Wakulla County in effect on the day of adoption of this
 813 charter shall, to the extent applicable to the city, remain in
 814 force and effect as municipal codes, ordinances, and resolutions
 815 of the city. Until otherwise determined by the city commission,
 816 such codes, ordinances, and resolutions shall be applied,
 817 interpreted, and implemented by the city in a manner consistent
 818 with established policies of Wakulla County on the date of the
 819 adoption of this charter.

820 (3) INITIAL ELECTION OF COUNCIL MEMBERS; DATES.—

821 (a) After the adoption of this charter, the Supervisor of
 822 Elections of Wakulla County shall call a special election to be
 823 held on August 18, 2015. Candidates for the election shall
 824 qualify for seat 1, seat 2, seat 3, seat 4, and seat 5. The
 825 candidate receiving the highest number of votes for each seat
 826 shall be elected. If more than one candidate for a designated
 827 council member seat receives an equal and highest number of
 828 votes, the candidates receiving the highest votes shall
 829 determine the winner by coin toss.

830 (b) An individual who wishes to run for one of the five
 831 initial council seats on the council shall qualify as a
 832 candidate with the Supervisor of Elections of Wakulla County in

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833 accordance with the provisions of this charter and general law.

834 (c) The Board of County Commissioners of Wakulla County
 835 shall appoint a canvassing board that shall certify the results
 836 of the election.

837 (d) Those candidates who are elected on August 18, 2015,
 838 shall be sworn in and take office at the initial city council
 839 meeting, which shall be held at 7 p.m. on September 15, 2015.

840 (4) CREATION AND ESTABLISHMENT OF THE CITY.—For the
 841 purpose of compliance with s. 200.066, Florida Statutes, the
 842 city is created and established effective July 1, 2015.

843 (5) FIRST YEAR EXPENSES.—The council, in order to provide
 844 moneys for the expenses and support of the city, shall have the
 845 power to borrow money necessary for the operation of city
 846 government until such time as a budget is adopted and revenues
 847 are raised in accordance with the provisions of this charter.

848 (6) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—All
 849 applicable county ordinances currently in place at the time of
 850 passage of the referendum, unless specifically referenced in
 851 this charter, shall remain in place unless and until rescinded
 852 by action of the city council, except that a county ordinance,
 853 rule, or regulation that is in conflict with an ordinance, rule,
 854 or regulation of the city shall not be effective to the extent
 855 of such conflict.

856
 857 Any existing Wakulla County ordinances, rules, and regulations
 858 as of September 1, 2015, shall not be altered, changed,

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859 rescinded, or added to, nor shall any variance be granted
 860 thereto insofar as such action would affect the city without the
 861 approval of the city council.

862 (7) TEMPORARY EMERGENCY ORDINANCES.--The city council may
 863 adopt ordinances and resolutions required to effect the
 864 transition. Ordinances adopted within 60 days after the first
 865 council meeting may be passed as emergency ordinances. These
 866 transitional ordinances, passed as emergency ordinances, shall
 867 be effective for no longer than 90 days after adoption and
 868 thereafter may be readopted, renewed, or otherwise continued
 869 only in the manner normally prescribed for ordinances.

870 (8) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
 871 REGULATIONS.--

872 (a) Until such time as the city adopts a comprehensive
 873 plan , the Wakulla County Future Land Use Map, the Wakulla
 874 County Zoning Map, and all other provisions applicable to the
 875 city, of the Comprehensive Plan and Land Development Regulations
 876 of Wakulla County, as they exist on the day that the city
 877 commences corporate existence, shall remain in effect as the
 878 city's transitional comprehensive plan and land development
 879 regulations. However, all planning functions, duties, and
 880 authority may, upon a vote of four members of the city council,
 881 be vested in the Panacea City Council, which shall also be
 882 deemed the local planning agency until the council establishes a
 883 separate local planning agency.

884 (b) Upon this act becoming a law, no changes in the future

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885 land use map or the zoning districts within the boundaries of
 886 the city shall be considered for alteration, amendment, or other
 887 modification in any way until such time as the city adopts
 888 appropriate procedures as referenced in this act.

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

895 (d) Upon the passage of this act, no subsequent amendment
 896 of the comprehensive plan or land development regulations
 897 enacted by the Board of County Commissioners of Wakulla County
 898 shall be deemed as an amendment of the city's transitional
 899 comprehensive plan or land development regulations or otherwise
 900 take effect within the city's corporate limits, except in
 901 accordance with the requirements and upon adoption of the
 902 procedures specified in this act.

903 (9) COMMUNICATIONS SERVICES TAX.—The communications
 904 services tax imposed under s. 202.19, Florida Statutes, by
 905 Wakulla County shall continue within the city boundaries during
 906 the period commencing with the date of incorporation. Revenues
 907 from the tax shall be shared by Wakulla County with the city in
 908 proportion to the projected city population estimate of the
 909 Wakulla County Planning Division compared with the
 910 unincorporated population of Wakulla County before the

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911 incorporation of the City of Panacea.

912 (10) STATE-SHARED REVENUES.—The City of Panacea shall be
 913 entitled to participate in all shared revenue programs of the
 914 state available to municipalities effective July 1, 2015. The
 915 provisions of s. 218.23(1), Florida Statutes, shall be waived
 916 for the purpose of eligibility to receive revenue-sharing funds
 917 from the date of incorporation through December 31, 2019.
 918 Initial population estimates for calculating eligibility for
 919 shared revenues shall be determined by the University of Florida
 920 Bureau of Economic and Business Research. If the bureau is
 921 unable to provide an appropriate population estimate, the
 922 Wakulla County Planning Division estimate shall be used. For the
 923 purposes of qualifying for municipal revenue sharing, the
 924 following revenue sources shall be considered: municipal service
 925 taxing units, water control district revenues, occupational
 926 license taxes, public utility service taxes, communications
 927 services tax, and franchise fees.

928 (11) GAS TAX REVENUES.—Notwithstanding the requirements of
 929 s. 336.025, Florida Statutes, the city shall be entitled to
 930 receive local option gas tax revenues beginning on October 1,
 931 2015. These revenues shall be distributed in accordance with
 932 general law or by any interlocal agreement negotiated with
 933 Wakulla County.

934 (12) WAIVER.—The provisions of s. 218.23(1), Florida
 935 Statutes, shall be waived for the purpose of conducting audits
 936 and financial reporting through fiscal year 2015-2016.

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937 Section 10. Continuation, merger, and dissolution of
 938 existing districts and service providers.-

939 (1) WAKULLA COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING
 940 UNIT; CONTINUATION.-Notwithstanding the incorporation of the
 941 City of Panacea, that portion of the Wakulla County Fire Rescue
 942 Municipal Service Taxing Unit, a special taxing district created
 943 by the Board of County Commissioners of Wakulla County that
 944 lies within the boundaries of the City of Panacea, is authorized
 945 to continue in existence until the city adopts an ordinance to
 946 the contrary. However, the city shall not establish a city fire
 947 department without a referendum.

948 (2) LAW ENFORCEMENT.-Law enforcement services shall be
 949 provided by the Wakulla County Sheriff's Office until the city
 950 adopts an ordinance to the contrary.

951 Section 11. Waivers.-The thresholds established by s.
 952 165.061, Florida Statutes, for incorporation have been met with
 953 the following exceptions:

954 (1) A waiver is granted to the provisions of s.
 955 165.061(1)(b), Florida Statutes, relating to requirements for a
 956 minimum population of 1,500, due to the historic coastal
 957 character of the city.

958 (2) A waiver is granted to the provisions of s.
 959 165.061(1)(c), Florida Statutes, relating to requirements for a
 960 minimum average population density of 1.5 persons per acre, to
 961 protect the historic, coastal character of the city.

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962 Section 12. This act shall take effect upon approval by a
963 majority of those qualified electors residing within the
964 proposed corporate limits of the proposed City of Panacea as
965 described in section 1 voting in a referendum election to be
966 called by the Supervisor of Elections of Wakulla County and to
967 be held on June 30, 2015, in accordance with the provisions
968 relating to elections currently in force, except that subsection
969 (1) of section 9 and this section shall take effect upon this
970 act becoming a law.