

1  
2 An act relating to Brevard County; creating the  
3 "City of Suntree Charter"; providing for the  
4 corporate name and purpose of the charter;  
5 establishing territorial boundaries of the  
6 municipality and authorizing annexations;  
7 providing powers of the municipality and of  
8 certain officers; providing for election of a  
9 city council, including the mayor and vice  
10 mayor, and providing for qualifications,  
11 powers, and duties of its membership, and a  
12 procedure for establishing their compensation  
13 and expense reimbursement; establishing  
14 circumstances which create vacancies in office  
15 and providing for filling vacancies and for  
16 forfeiture and recall; requiring independent  
17 financial audit; providing for council  
18 meetings, rules, recordkeeping, and voting at  
19 meetings; providing for nominations, elections,  
20 and terms of office of the mayor and council;  
21 providing for a city manager, city clerk, and  
22 city attorney and powers and duties of each;  
23 authorizing establishment of administrative  
24 departments; providing definitions; providing  
25 procedures for adoption of ordinances and  
26 resolutions and for handling finances;  
27 establishing fiscal year and annual budgets;  
28 providing procedures for initiative and  
29 referendum; providing for charter amendments  
30 and review; providing for severability;  
31 providing for transition, including initial

1 election and terms, date of creation and  
2 establishment of the municipality, payment of  
3 certain revenues, and transitional  
4 comprehensive plan and land development  
5 regulations; entitling the city to state-shared  
6 and local option gas tax revenues; providing  
7 for contractual services and facilities;  
8 eliminating transition elements; providing a  
9 referendum.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. The "City of Suntree Charter" is created to  
14 read:

15 ARTICLE I: CORPORATE NAME; PURPOSE OF THE CHARTER

16 Section 1.01 City of Suntree.--The municipality hereby  
17 established shall be known as the City of Suntree, Florida.

18 Section 1.02 Purpose of the charter.--This charter is  
19 ordained and established by the people of the City of Suntree,  
20 Florida, to promote the general welfare and common good of the  
21 community by providing the framework for a municipal  
22 corporation to exercise municipal home rule powers under the  
23 Constitution and laws of the State of Florida.

24 ARTICLE II: TERRITORIAL BOUNDARIES

25 Section 2.01 Description:

26  
27 A parcel of land lying in Sections 11, 12, 13,  
28 14, 23 and 24 of Township 26 South, Range 36  
29 East, Brevard County, Florida, and being more  
30 fully described as follows:  
31

1        Begin at the northwest corner of said Section  
2        12; thence Easterly, along the north line of  
3        said Section 12, a distance of 1,600 feet, more  
4        or less, to the northeast corner of the plat of  
5        "The Villas at Suntree Unit Three" as recorded  
6        in Plat Book 37, Page 23 of the Brevard County  
7        Public Records; thence Southeasterly, along the  
8        easterly line of said plat and the easterly  
9        line of the plat of "Suntree Forest Homes Unit  
10       One" as recorded in Plat Book 41, Page 72 of  
11       said Public Records, a distance of 1,460 feet,  
12       more or less, to the south line of said plat of  
13       "Suntree Forest Homes Unit One"; thence  
14       Westerly, along said south line, a distance of  
15       730 feet, more or less, to the west line of the  
16       Southeast 1/4 of the Northwest 1/4 of said  
17       Section 12; thence Southerly, along said west  
18       line, a distance of 1,320 feet, more or less,  
19       to the south line of said Southeast 1/4 of the  
20       Northwest 1/4; thence Easterly, along said  
21       south line, a distance of 1,320 feet, more or  
22       less, to the northeast corner of the plat of  
23       "Lake Pointe Suntree Planned Unit Development  
24       Stage Ten, Tract Six, Unit Two and Tract Six A"  
25       as recorded in Plat Book 30, Page 52 of said  
26       Public Records; thence Southerly, along the  
27       east line of said plat and along the east lines  
28       of the plats of "Lake Pointe Suntree Planned  
29       Unit Development Stage Ten, Tract Six, Unit  
30       Three and Tract Six-A" and "Suntree Planned  
31       Unit Development Stage Ten, Tract Four," said

1        plats being recorded in Plat Book 31, Page 37  
2        and Plat Book 25, Page 1, respectively, of said  
3        Public Records, and the latter's southerly  
4        extension, a distance of 2,700 feet, more or  
5        less, to the southwesterly right-of-way line of  
6        Wickham Road in said Section 13; Thence  
7        Southeasterly, along said southwesterly  
8        right-of-way line, a distance of 1,225 feet,  
9        more or less, to a point which lies 204.90 feet  
10       northerly, as measured along said southwesterly  
11       right-of-way line, of the southeast corner of  
12       Lot 1 of the plat of "Suntree Planned Unit  
13       Development Stage One, Tract 72," said plat  
14       being recorded in Plat Book 30, Page 37 of said  
15       Public Records; thence departing said  
16       right-of-way line, S.74°21'24"E., a distance of  
17       217.42 feet; thence N.68°18'52"W., a distance  
18       of 16.28 feet to a point on the easterly  
19       right-of-way line of Suntree Place, a 50.00  
20       foot wide right-of-way per said plat of Stage  
21       One, Tract 72, said point also being on the arc  
22       of a 50.00 foot radius curve concave to the  
23       northeast which has a chord bearing of  
24       N.64°28'32"W; thence Southwesterly and  
25       Northwesterly, along an arc of said curve and  
26       said right-of-way line, through a central angle  
27       of 187°40'41", an arc distance of 163.78 feet  
28       to the point-of-reverse curvature of a 25.00  
29       foot radius curve concave to the west; thence  
30       Northerly, along an arc of said curve and along  
31       the westerly right-of-way line of Suntree

1        Place, through a central angle of 48°11'23", an  
2        arc distance of 21.03 feet; thence continue  
3        along said westerly right-of-way line,  
4        N.18°49'34"W., a distance of 130.00 feet to the  
5        northeast corner of Lot 3 of said plat of Stage  
6        One, Tract 72; thence departing said westerly  
7        right-of-way line, S.71°10'26"W., along the  
8        north line of said Lot 3, a distance of 261.91  
9        feet to the west line of said plat of Stage  
10       One, Tract 72; thence S.00°53'06"E., along said  
11       west plat line, a distance of 248.04 feet to  
12       the southwest corner of said plat of Stage One,  
13       Tract 72; thence N.89°11'26"E., along the south  
14       line of said plat of Stage One, Tract 72, a  
15       distance of 339.95 feet; thence departing said  
16       south plat line, S.00°58'15"E., a distance of  
17       18.08 feet to a point on the northerly line of  
18       Parcel P-1, as recorded in O.R. Book 3116, Page  
19       2677 of said Public Records; thence  
20       N.89°12'00"E., along the north line of said  
21       Parcel P-1, a distance of 133.47 feet to the  
22       northeast corner of said Parcel P-1; thence  
23       along the easterly line of said Parcel P-1, the  
24       following four (4) courses to wit:  
25       S.01°00'00"E., a distance of 266.29 feet;  
26       S.46°00'00"E, a distance of 16.65 feet;  
27       S.01°00'00"E., a distance of 101.13 feet;  
28       S.44°00'00"W., a distance of 29.34 feet; thence  
29       continue along said easterly line of Parcel  
30       P-1, and along the westerly line of Parcel Q-2  
31       as recorded in O.R. Book 3116, Page 2679, a

1        total distance of 193.44 feet to a point on the  
2        northerly right-of-way line of St. Andrews  
3        Boulevard, an existing 100.00 foot wide  
4        right-of-way; thence Northeasterly, along said  
5        northerly right-of-way line, a distance of 365  
6        feet, more or less, to a point on said  
7        southwesterly right-of-way line of Wickham  
8        Road; thence Southeasterly, along said  
9        southwesterly right-of-way line, a distance of  
10       2,700 feet, more or less, to an intersection  
11       with the north line of the Southeast 1/4 of the  
12       Southeast 1/4 of said Section 13; thence  
13       Westerly, along said north of the Southeast 1/4  
14       of the Southeast 1/4, a distance of 100 feet,  
15       more or less, to the east line of the Southwest  
16       1/4 of said Southeast 1/4 of Section 13; thence  
17       Southerly, along said east line, a distance of  
18       1,320 feet, more or less, to the northeast  
19       corner of the Northwest 1/4 of the Northeast  
20       1/4 of said Section 24; thence Southerly, along  
21       the east line of said Northwest 1/4 of the  
22       Northeast 1/4, a distance of 1,320 feet, more  
23       or less, to the southeast corner of said  
24       Northwest 1/4 of the Northeast 1/4; thence  
25       Westerly, along the south line of said  
26       Northwest 1/4 of the Northeast 1/4, a distance  
27       of 1,320 feet, more or less, to the east line  
28       of the Northwest 1/4 of said Section 24; thence  
29       Southerly, along said east line and along the  
30       east line of the Southwest 1/4 of said Section  
31       24, a distance of 3,800 feet, more or less, to

1        the south line of said Southwest 1/4 of Section  
2        24; thence Westerly, along said south line, a  
3        distance of 2,640 feet, more or less, to the  
4        southeast corner of the Southeast 1/4 of said  
5        Section 23; thence continue Westerly, along the  
6        south line of said Southeast 1/4 of Section 23,  
7        a distance of 2,640 feet, more or less, to the  
8        southeast corner of the Southwest 1/4 of said  
9        Section 23; thence continue Westerly, along the  
10       south line of said Southwest 1/4, a distance of  
11       1,320 feet, more or less, to the southwest  
12       corner of the East 1/2 of said Southwest 1/4 of  
13       Section 23; thence Northerly, along the west  
14       line of said East 1/2 and along the west line  
15       of the East 1/2 of the Northwest 1/4 of said  
16       Section 23, a distance of 5,450 feet, more or  
17       less, to the north line of said Northwest 1/4  
18       of Section 23 and to the southwest corner of  
19       the East 3/4 of said Section 14; thence  
20       continue Northerly, along the west line of said  
21       East 3/4, a distance of 5,350 feet, more or  
22       less, to the southerly right-of-way line of  
23       said Wickham Road; thence Easterly, along said  
24       southerly right-of-way line, a distance of  
25       1,320 feet, more or less, to a point on the  
26       west line of the Northeast 1/4 of said Section  
27       14; thence continue Easterly, along said  
28       southerly right-of-way line, a distance of  
29       1,400 feet, more or less, to an intersection  
30       with the southerly extension of the west line  
31       of the Southeast 1/4 of the Southeast 1/4 of

1        said Section 11; thence Northerly, along said  
2        southerly extension and said west line, a  
3        distance of 1,370 feet, more or less, to the  
4        southwest corner of the Northeast 1/4 of said  
5        Southeast 1/4 of Section 11; thence Easterly,  
6        along the south line of said Northeast 1/4 of  
7        the Southeast 1/4, a distance of 3.84 feet to a  
8        point on the westerly right-of-way line of  
9        Forest Lake Avenue; thence Northerly, along  
10       said westerly right-of-way line and its  
11       northerly extension, a distance of 1,640 feet,  
12       more or less, to an intersection with the  
13       northerly right-of-way line of Spyglass Hill  
14       Road; thence Westerly, along said northerly  
15       right-of-way line, a distance of 2,500 feet,  
16       more or less, to the southwest corner of the  
17       plat of "Devon's Glen, Unit One," as recorded  
18       in Plat Book 41, Page 39 of said Public  
19       Records; thence departing said northerly  
20       right-of-way line and along the westerly line  
21       of said Unit One, the following five (5)  
22       courses to wit: N.13°58'20"W., a distance of  
23       135.00 feet; S.76°01'40"W., a distance of  
24       100.00 feet; N.13°58'20"W., a distance of  
25       334.18 feet; N.25°04'35"W., a distance of  
26       507.60 feet; N.13°22'56"E., a distance of  
27       118.06 feet to the northwest corner of said  
28       plat of Unit One and the southwest corner of  
29       the proposed plat of "Devon's Glen, Unit Two";  
30       thence continue N.13°22'56"E., along the  
31       westerly line of said Unit Two, a distance of

1        418.32 feet to the southwest corner of the  
2        Northeast 1/4 of the Northwest 1/4 of said  
3        Section 11; thence Northerly, along the west  
4        line of said Northeast 1/4 of the Northwest  
5        1/4, a distance of 200 feet, more or less, to  
6        the south line of the lands recorded in O.R.  
7        Book 3420, Page 620 of said Public Records;  
8        thence Easterly, along said south line, a  
9        distance of 1,003 feet, more or less, to the  
10       easterly line of said lands per O.R. Book 3420,  
11       Page 620, thence along said easterly line the  
12       following three (3) courses to wit: Northerly,  
13       a distance of 526 feet, more or less;  
14       Northeasterly, a distance of 292 feet, more or  
15       less; Northerly, a distance of 511 feet, more  
16       or less, to the north line of the Northeast 1/4  
17       of said Section 11; thence Easterly, along said  
18       north line of the Northeast 1/4, a distance of  
19       2,520 feet, more or less, to the  
20       Point-of-Beginning.

21  
22       Section 2.02 Extension of corporate limits;  
23       annexation.--The corporate limits of the City of Suntimee may  
24       be revised as provided by general law.

25       ARTICLE III: GENERAL POWERS OF THE MUNICIPALITY

26       Section 3.01 All powers possible.--The City of Suntimee  
27       shall have all governmental, corporate, and proprietary powers  
28       to enable it to conduct municipal government, perform  
29       municipal functions, and render municipal services, and may  
30       exercise any power for municipal purposes except as otherwise  
31       provided by law. The powers of the City of Suntimee shall be

1 construed liberally in favor of the municipality, limited only  
2 by the Constitution, general law, and specific limitations  
3 contained herein.

4 Section 3.02 Joint exercise of powers.--The city may  
5 exercise any of its powers or perform any of its functions and  
6 may participate in the financing thereof, jointly or in  
7 cooperation by contract or otherwise, with any one or more  
8 states, counties, municipalities, or any agencies thereof, or  
9 the United States or any agency thereof.

10 ARTICLE IV: CHARTER OFFICERS

11 Section 4.01 Council members; elections.--

12 (a) There shall be a city council, hereinafter  
13 referred to as the council, with all legislative powers of the  
14 city vested therein, consisting of five council members, all  
15 of whom shall be elected from the city at-large.

16 (b) Each member of the council shall be a registered  
17 elector of the city and shall have resided within the  
18 corporate limits of the municipality for a minimum of 1 year  
19 prior to qualifying for election.

20 (c) The council is constituted of elected officials  
21 who are accountable to the citizens of the city at regularly  
22 held elections, and who are subject to recall as provided by  
23 law. The citizens, through these processes, have the  
24 opportunity to elect, re-elect, or dismiss their elected  
25 officials whose promise of performance or actual performance  
26 in office best reflects the policies which the citizens desire  
27 to implement in the government of the city.

28 (d) Policymaking is the sole prerogative of the  
29 council. Administrative staff, whether hired or appointed,  
30 under terms of this charter, is subordinate to the elected  
31

1 officials, whose power derives from the consent of, and  
2 election by, the citizens of the city.

3 (e) Except as otherwise prescribed herein or provided  
4 by law, legislative and police powers of the city shall be  
5 vested in the council, including the establishment of boards,  
6 commissions, and committees. The council shall provide for the  
7 exercise of its powers and for the performance of all duties  
8 and obligations imposed on the municipality by law.

9 Section 4.02 Mayor.--Following the regular election  
10 each year in November, and prior to January 1, there shall be  
11 a special meeting of the council-elect to select, from their  
12 number, the new mayor, who shall serve for the following  
13 calendar year starting January 1. The mayor shall serve as  
14 chairperson during meetings of the council and shall serve as  
15 head of the municipal government for the purpose of execution  
16 of legal documents as required by ordinance. The mayor shall  
17 also serve as the ceremonial head of the city.

18 Section 4.03 Vice mayor.--At the specially convened  
19 meeting of the council-elect in November, and following the  
20 selection of the new mayor, the council, by a majority vote  
21 shall then elect from its membership a vice mayor who shall  
22 serve as mayor during the absence or disability of the mayor.  
23 If a vacancy occurs in the office of mayor, the vice mayor  
24 shall become interim mayor.

25 Section 4.04 Prohibitions.--

26 (a) Neither the council, nor any individual member of  
27 the council, shall in any manner dictate the employment or  
28 removal of any employee other than the city manager. No  
29 individual member of the council shall give orders to any  
30 officer or employee of the city. Recommendations for  
31 improvements in the city government operations shall come

1 through the city manager, but each member of the council shall  
2 be free to discuss or recommend improvements to the city  
3 manager. The council, by affirmative majority agreement, may  
4 direct the city manager to implement specific recommendations  
5 for improvement in city government operations.

6 (b) No present or former elected city official shall  
7 hold any compensated appointive office or employment with the  
8 city until 1 year after the expiration of the official's  
9 elected term.

10 Section 4.05 Compensation.--

11 (a) An ordinance establishing, increasing, or  
12 decreasing compensation of the council may be adopted at any  
13 time; however, in no event shall any establishment of  
14 compensation or any change in compensation become effective  
15 prior to January 1. For the first year of incorporation,  
16 salary compensation shall not exceed \$300 per month for  
17 council members and \$600 per month for mayor.

18 (b) The council shall provide for reimbursement of  
19 actual expenses incurred by its members while performing their  
20 official duties.

21 Section 4.06 Vacancies.--The office of a member of the  
22 council shall become vacant upon the member's inability to  
23 fulfill the duties of the office, resignation, forfeiture, or  
24 removal from office as authorized by law or this charter.

25 Section 4.07 Forfeiture of office.--A member of the  
26 council, including the council person selected as mayor, may  
27 forfeit the office, if the member:

28 (a) Lacks at any time during the term of office any  
29 qualification for the office prescribed by this charter or by  
30 law;

31 (b) Violates any express prohibition of this charter;

1       (c) Is convicted of a felony or criminal misdemeanor  
2 even if adjudication is withheld;

3       (d) Misses four regularly scheduled council meetings  
4 in any fiscal year without adequate reason, or misses four  
5 consecutive council meetings; or

6       (e) Commits any action of gross ethical or moral  
7 misconduct according to Florida State Ethics Law.

8  
9 If any of these events should occur, a hearing shall  
10 automatically be conducted at the next regularly scheduled  
11 council meeting, and the member may be declared to have  
12 forfeited office by majority vote of the council. Any member  
13 so removed from office shall not be eligible for re-election  
14 or reassumption of any city position for a period of 5 years.

15       Section 4.08 Filling of vacancies.--A vacancy on the  
16 council, except for the position of mayor, shall be filled by  
17 appointment by majority vote of the council members remaining,  
18 and said appointment shall be effective until a successor is  
19 elected and installed by process at the next regular election.  
20 In the event that all members of the council are removed by  
21 death, disability, law, or forfeiture of office, the Governor  
22 shall appoint an interim council that shall call a special  
23 election to be held within 45 days following the occurrence of  
24 the vacancies. Council members so elected in said special  
25 election shall be sworn in and installed as soon as possible  
26 following the special election, the two members with the  
27 highest number of votes for 3 years, the next two members with  
28 the next highest vote tally for 2 years, and the fifth member  
29 with the next highest vote tally for 1 year.

30       Section 4.09 Qualifications.--The council shall be the  
31 judge of the election and qualifications of its members and of

1 the grounds for forfeiture of their office and for that  
2 purpose shall have power to subpoena witnesses, administer  
3 oaths, and require the production of evidence. A council  
4 member charged with conduct constituting grounds for  
5 forfeiture of this office shall be given 15 days prior notice  
6 by the city clerk by certified mail and shall be entitled to a  
7 public hearing at the next regularly scheduled meeting of the  
8 council as outlined in section 4.07. Notice of such hearing  
9 shall be published in one or more newspapers of general  
10 circulation in the city at least 1 week in advance of the  
11 hearing.

12 Section 4.10 Independent financial audit.--The council  
13 shall provide for an independent annual financial audit of all  
14 city accounts and may provide for more frequent audits as it  
15 deems necessary. Such audits shall be made by a certified  
16 public accountant or a firm of such accountants who have no  
17 personal interest, direct or indirect, in the fiscal affairs  
18 of the city government or in any of its officers. Residency in  
19 the city shall not be construed as a prohibited interest.

20 Section 4.11 Meetings.--The council shall meet  
21 regularly at least once every month at such times and  
22 locations within the boundaries of Brevard County as the  
23 council may prescribe. Special council meetings may be held by  
24 either the call of the mayor or by council majority, and,  
25 whenever practical, upon no less than a 24-hour notice to each  
26 member and the public. Action taken at a special meeting shall  
27 be limited to the purpose for which the special meeting is  
28 called. A special meeting may be held outside the city within  
29 the boundaries of Brevard County in an area that may be  
30 subject to annexation, if such meeting is called relative to  
31 the annexation of such area. All meetings shall be public and

1 shall be scheduled to commence no earlier than 7 a.m. nor  
2 later than 10 p.m.

3 Section 4.12 Rules and journal.--The council shall  
4 determine its own rules and order of business and shall  
5 provide for keeping a journal and minutes of its proceedings.  
6 Meetings will be conducted according to Robert's Rule of  
7 Order. The journal and minutes shall be public records.

8 Section 4.13 Voting; quorum.--Roll call vote shall be  
9 required for ordinances, or upon the specific request of a  
10 council member, and shall be recorded in the minutes.  
11 Otherwise, voting shall be by ayes and nays. Three members of  
12 the council shall constitute a quorum. No action of the  
13 council shall be valid or binding unless adopted by the  
14 affirmative vote of a majority of the council. All council  
15 members, including the council member selected as mayor, in  
16 attendance shall vote on all council actions, except when,  
17 with respect to any such member, there is, or appears to be, a  
18 possible conflict of interest as defined under general law.  
19 Disputed conflict status must be ruled by the city legal  
20 counsel.

21 ARTICLE V: NOMINATIONS AND ELECTIONS; TERMS OF OFFICE

22 Section 5.01 Elections.--The regular election of the  
23 members of the council shall be held on the first Tuesday  
24 after the first Monday in November.

25 Section 5.02 Commencement of term.--The terms of  
26 members of the council shall begin on January 1 of the year  
27 following the election.

28 Section 5.03 Terms of office.--The terms for all  
29 council seats shall be for 3 years, except during the  
30 transition period as outlined in section 15.02(e). No member  
31 of the council shall serve for more than two consecutive

1 3-year terms. After 1 year out of office, a candidate not in  
2 violation of section 4.07 may requalify for a council seat.  
3 Terms shall be staggered so that at least one council member  
4 is elected each year, this to be effected by the initial term  
5 assignment as covered in section 15.02.

6 Section 5.04 Qualified electors.--Any person who is a  
7 resident of the city, who has qualified as an elector of the  
8 state, and who registers in the manner prescribed by law shall  
9 be an elector of this city.

10 Section 5.05 Adoption of election procedures.--The  
11 council, by ordinance, shall adopt such election procedures as  
12 are necessary.

13 Section 5.06 Nonpartisan elections.--All elections for  
14 officers of the city shall be conducted on a nonpartisan basis  
15 without any designation of political party affiliation. There  
16 shall be no designation or reference of political party  
17 affiliation in any campaign posters or literature by any  
18 candidate for any city office.

19 Section 5.07 Multiple candidates.--In the event that  
20 there are more candidates than there are offices vacant, those  
21 candidates receiving the largest number of votes cast shall be  
22 elected.

23 Section 5.08 Recall.--The qualified electors of the  
24 municipality shall have the power to recall and to remove any  
25 elected official of the city as prescribed by general law.

26 ARTICLE VI: CITY MANAGER

27 Section 6.01 Appointment and qualifications.--The  
28 council shall appoint a city manager for an indefinite term  
29 and fix compensation. The city manager shall be appointed on  
30 the basis of executive and administrative qualifications.

1        Section 6.02 Removal.--The council may remove the city  
2 manager for any reason by affirmative vote of the council. If  
3 the vote among council members is less than unanimous, the  
4 city manager may, within 7 days of the dismissal motion by  
5 council, submit to the mayor a written request for  
6 reconsideration. The reconsideration hearing shall be held  
7 within 30 days of receipt of the written request, and any  
8 action then taken by the council at the reconsideration  
9 hearing shall be final, requiring majority affirmative vote.

10       Section 6.03 Powers and duties.--The city manager  
11 shall be the chief administrative officer of the city and  
12 shall implement and administer all ordinances, resolutions,  
13 and policies adopted by the council and shall perform such  
14 other duties as may be required by the council or law. The  
15 city manager shall be responsible to the council and shall  
16 have the following powers and duties:

17       (a) To hire or fill existing positions and, when the  
18 city manager deems it necessary for the good of the city  
19 service, suspend or remove city employees, except as otherwise  
20 provided by law or this charter.

21       (b) To direct and supervise the administration of all  
22 employees, departments, agencies, and contractors of the city,  
23 except as otherwise provided by this charter or by law.

24       (c) To attend all council meetings, be prepared to  
25 submit pertinent data regarding any agenda item of the  
26 meeting, and have the right to take part in discussion. The  
27 city manager may not vote.

28       (d) To ensure that all laws, provisions of this  
29 charter, and acts of the council, subject to enforcement by  
30 the city manager or by officers subject to the city manager's  
31 direction and supervision, are faithfully executed.

1       (e) To submit to the council and make available to the  
2 public a complete report on the administrative activities of  
3 the city as of the end of each fiscal year.

4       (f) To make such other reports as the council may  
5 require concerning the operation of city departments, offices,  
6 and agencies subject to the city manager's direction and  
7 supervision.

8       (g) To keep the council fully advised as to the  
9 condition and future needs of the city and to make written  
10 recommendations to the council concerning the affairs of the  
11 city.

12       (h) To perform the duties of city clerk in addition to  
13 the duties of city manager during any period of time so  
14 appointed by the council.

15       (i) To perform such other duties as are specified in  
16 this charter or as may from time to time be assigned by the  
17 council.

18                   ARTICLE VII: CITY CLERK

19       Section 7.01 Appointment; duties.--The city clerk  
20 shall be appointed by the city manager with the consent of the  
21 council. The city clerk shall serve at the pleasure of the  
22 city manager and shall:

23       (a) Give notice of council meetings to its members and  
24 the public.

25       (b) Keep the journal and minutes of the proceedings of  
26 the council and its committees, which shall be public records.

27       (c) Authenticate by signature and record in full in  
28 books kept for that purpose all ordinances and resolutions  
29 passed by the council.

30       (d) Be the custodian of the city seal.

31       (e) Have the power to administer oaths.

1       (f) Perform other duties as may be assigned by the  
2 city manager.

3       (g) Be a notary public.

4               ARTICLE VIII: CITY ATTORNEY

5       Section 8.01 Duties; removal.--There shall be a city  
6 attorney contracted by the city manager, supported with three  
7 affirmative votes of the city council. He or she will  
8 represent the city in all legal proceedings and shall perform  
9 all other duties assigned by the city manager and/or city  
10 council. The city manager may remove the city attorney for any  
11 reason, if supported with three affirmative votes of the city  
12 council.

13               ARTICLE IX: ADMINISTRATIVE DEPARTMENTS

14       Section 9.01 Establishment of additional  
15 departments.--The council may establish such other departments  
16 as it determines necessary for the efficient administration  
17 and operation of the city; such departments, offices or  
18 agencies shall be established by ordinance.

19               ARTICLE X: ORDINANCES AND RESOLUTIONS

20       Section 10.01 Definition of ordinances and  
21 resolutions.--As used in this charter, the following words and  
22 terms shall have the following meanings unless some other  
23 meaning is plainly indicated:

24       (a) "Ordinance" means an official legislative action  
25 of the council, which action is a regulation of a general and  
26 permanent nature and enforceable as a local law.

27       (b) "Resolution" means an expression of the council  
28 concerning matters of administration, an expression of a  
29 temporary character, or a provision for the disposition of a  
30 particular item of the administrative business of the city.

1        Section 10.02 Adoption of ordinances.--Every proposed  
2 ordinance shall be introduced in writing and in the form  
3 required for final adoption. No ordinance shall contain more  
4 than one subject and matters properly connected therewith,  
5 which shall be clearly expressed in its title. The enacting  
6 clause for an ordinance shall be:

7 "IT IS HEREBY ORDAINED BY THE CITY OF SUNTREE AS FOLLOWS..."

8        (a) An ordinance may be introduced by any council  
9 member at any regular or special meeting of the council. A  
10 proposed ordinance may be read by title, or in full, on at  
11 least two separate council meeting days and shall, at least 10  
12 days prior to adoption, be noticed once in a newspaper of  
13 general circulation in the city. The notice of proposed  
14 enactment shall state the date, time, and place of the  
15 meeting; the title of the proposed ordinance; and the place or  
16 places within the city where such proposed ordinance may be  
17 inspected by the public. Failure to observe these notices will  
18 delay enactment approval or final consideration until all  
19 notices are made, except for emergency ordinances, covered in  
20 subsection (b).

21        (b) To meet a public emergency affecting life, health,  
22 property, or the public peace, the council, by a two-thirds  
23 vote of those present as required by general law, may adopt an  
24 emergency ordinance without complying with the requirements of  
25 notice expressed in the foregoing paragraph. An emergency  
26 ordinance may not levy taxes; grant, renew, or extend a  
27 franchise; set user or service charges for any municipal  
28 services; or authorize the borrowing of money. An emergency  
29 ordinance shall become effective upon adoption and  
30 automatically stand repealed as of the 61st day following the  
31

1 date on which it was adopted. This shall not prevent  
2 reenactment of such an ordinance under regular procedures.

3 (c) Ordinances which rezone specific parcels of  
4 private real estate or which substantially change permitted  
5 use shall be enacted pursuant to general law.

6 (d) An ordinance shall, upon its final passage, be  
7 recorded in a book kept for that purpose, and shall be signed  
8 by the mayor and city clerk. A copy of the ordinance shall be  
9 available in the city hall.

10 Section 10.03 Adoption of resolutions.--Every proposed  
11 resolution shall be introduced in writing and in the form  
12 required for final adoption. No resolution shall contain more  
13 than one subject, which shall be clearly expressed in its  
14 title. The clause which shall be used for all resolutions  
15 approved by the council shall be:

16 "IT IS HEREBY RESOLVED BY THE CITY OF SUNTREE AS FOLLOWS..."

17 A resolution may be introduced by any council member at  
18 any regular or special meeting of the council. A resolution  
19 shall, upon its final passage, be recorded in a book kept for  
20 that purpose and shall be signed by the mayor and the city  
21 clerk. A copy of the resolution shall be available in the city  
22 hall.

23 ARTICLE XI: FINANCIAL PROCEDURES

24 Section 11.01 Fiscal year.--The fiscal year of the  
25 city shall begin on October 1 and end on September 30.

26 Section 11.02 Submission of budget and budget  
27 message.--On or before July 15 of each year, the city manager  
28 shall submit to the council a budget in accordance with state  
29 law. It shall outline the financial policies of the city for  
30 the ensuing fiscal year, describe the important features of  
31 the budget, indicate any major changes from the current year

1 in financial policy, including any changes in budgetary  
2 accounting methods from the current year expenditures and  
3 revenues together with the reasons for such changes, summarize  
4 the city's debt position, and include such other material as  
5 the city manager deems necessary.

6 Section 11.03 Council action on the budget.--

7 (a) The council shall adopt the budget by resolution  
8 on or before September 30 of each year.

9 (b) Unless authorized by the electors of the city at a  
10 duly held referendum election, the council shall not authorize  
11 or allow to be authorized the issuance of revenue bonds or  
12 enter into lease/purchase contracts on any other unbudgeted  
13 multiyear contracts for the purchase of real property or the  
14 construction of any capital improvement, the repayment of  
15 which extends in excess of 36 months, unless mandated by state  
16 or federal governing agencies. Fragmentation of a proposed  
17 capital contract into multiple contracts to circumvent the  
18 time or cost limitations herein will not be allowed.  
19 Indebtedness of first year of incorporation cannot extend  
20 beyond 36 months without a referendum.

21 Section 11.04 Public records.--Copies of the budget  
22 and the capital program as adopted shall be public records and  
23 shall be made available to the public at suitable locations in  
24 the city.

25 Section 11.05 Budget amendments.--

26 (a) SUPPLEMENTAL APPROPRIATIONS.--If, during the  
27 fiscal year, the city manager certifies that there are  
28 available for appropriation revenues in excess of those  
29 estimated in the budget, the council, by resolution, may make  
30 supplemental appropriations for the year up to the amount of  
31

1 such excess, so long as a fiscally responsible reserve is  
2 maintained.

3 (b) EMERGENCY APPROPRIATIONS.--To meet a public  
4 emergency affecting life, health, property, or the public  
5 peace, the council, by resolution, may make emergency  
6 appropriations. To the extent that there are no unappropriated  
7 revenues to meet such appropriations, the council may by such  
8 emergency resolution authorize the issuance of emergency  
9 notes, which may be renewed from time to time, but the  
10 emergency notes and renewals in any fiscal year shall be paid  
11 not later than the last day of the fiscal year succeeding that  
12 in which the emergency appropriations were made.

13 (c) REDUCTION OF APPROPRIATIONS.--If, during the  
14 fiscal year, it appears probable to the city manager that the  
15 revenues available will be insufficient to meet the amount  
16 appropriated, the city manager shall report to the council  
17 without delay, indicating the estimated amount of the deficit,  
18 any remedial action taken, and recommendations as to any other  
19 steps to be taken. The council shall then take such further  
20 action as it deems necessary to prevent or minimize any  
21 deficit and for that purpose may, by resolution, reduce one or  
22 more appropriations, and authorize the reassignment of funds  
23 as necessary.

24 (d) TRANSFER OF APPROPRIATIONS.--At any time during  
25 the fiscal year, the city manager may transfer any  
26 unencumbered appropriations among programs within a  
27 department, office, agency, or a program provided by  
28 interlocal agreement, and, upon written request by the city  
29 manager, the council may by resolution transfer between funds  
30 any unencumbered appropriations from one department, office,  
31

1 agency, or program provided by interlocal agreement to  
2 another.

3 ARTICLE XII: INITIATIVE AND REFERENDUM

4 Section 12.01 Initiative and referendum.--A petition,  
5 with confirmed signatures of at least 10 percent of the  
6 qualified electorate of the city, may be presented to the  
7 council to mandate the council to propose an ordinance or to  
8 require reconsideration of an adopted ordinance. If the  
9 council fails to adopt such ordinance so proposed, or to  
10 repeal such adopted ordinance, without any change in  
11 substance, then the council shall place the proposed  
12 ordinance, or the repeal of the adopted ordinance, on the  
13 ballot at the next general election.

14 ARTICLE XIII: CHARTER AMENDMENTS

15 Section 13.01 Initiation by ordinance.--The council  
16 may, by ordinance, propose amendments to any or all of this  
17 charter to be submitted to the electors as provided by general  
18 law.

19 Section 13.02 Initiation by petition.--The electors of  
20 the city may propose amendments to this charter by petition to  
21 be submitted to the council to be placed before the electors  
22 as provided by general law. This petition must be signed by at  
23 least 10 percent of the qualified eligible electors of the  
24 city, as of the most recent general election.

25 Section 13.03 Charter review.--The charter will be  
26 reviewed no later than 3 years after approval, then no later  
27 than 5 years after the initial charter review, and thereafter  
28 at least every 10 years. A five-member charter review  
29 commission shall be appointed and funded by the council. The  
30 charter review commission shall be appointed at least 6 months  
31 before the next scheduled election and complete its work and

1 present any recommendations for change no later than 60 days  
2 before the election. The council shall hold a minimum of two  
3 public hearings on the proposed changes to the charter prior  
4 to placing the proposed changes on the scheduled election  
5 ballot.

6 ARTICLE XIV: SEVERABILITY

7 Section 14.01 Invalidity of charter provision or  
8 application.--If any provision of this charter is held  
9 invalid, the other provisions of the charter shall not be  
10 affected thereby. If the application of this charter or any of  
11 its provisions to any person or circumstance is held invalid,  
12 the application of the charter and its provisions to other  
13 persons or circumstances shall not be affected thereby.

14 ARTICLE XV: TRANSITION

15 Section 15.01 Referendum election.--The referendum  
16 election called for by this act shall be held on July 15,  
17 1997, at which time the following question shall be placed  
18 upon the ballot:

19  
20 INCORPORATION REFERENDUM

21 "SHALL CHAPTER 97- , LAWS OF FLORIDA, CREATING THE CITY  
22 OF  
23 SUNTREE AND PROVIDING ITS CHARTER BE APPROVED?"

24  
25 [ ] YES

26  
27 [ ] NO

28 In the event this question is answered affirmatively by  
29 a majority of voters casting ballots in the referendum, the  
30 provisions of this charter shall take effect as provided  
31 herein.

1           Section 15.02 Initial election of council.--

2           (a) DATES.--Following the adoption of this charter, the  
3 Brevard County Commission shall call a special election to be  
4 held on October 21, 1997, for the election of the five council  
5 members.

6           (b) QUALIFYING PERIOD.--Between noon on September 13,  
7 1997, and noon on September 22, 1997, any individual who  
8 wishes to run for one of the initial five seats on the council  
9 may file and qualify as a candidate with the Brevard County  
10 Supervisor of Elections in accordance with the provisions of  
11 this charter and general law.

12           (c) CERTIFICATION OF ELECTION RESULTS.--For the  
13 initial election, the Brevard County Commission shall appoint  
14 a canvassing board which shall certify the results of the  
15 election.

16           (d) INDUCTION INTO OFFICE.--Those candidates who are  
17 elected on October 21, 1997, shall take office at the initial  
18 council meeting which shall be held at 7 p.m. on Wednesday,  
19 November 19, 1997, at the Suntree Master Homeowners Building,  
20 Spyglass Hill Park, Suntree, Florida.

21           (e) TRANSITIONAL TERMS OF OFFICE.--The two candidates  
22 receiving the largest number of votes shall be elected for a  
23 term of 3 years. The two candidates receiving the next largest  
24 number of votes shall be elected for a period of 2 years. The  
25 candidate receiving the fifth largest number of votes shall be  
26 elected for a period of 1 year. Thereafter, all terms shall  
27 be for 3 years on a staggered basis, except for replacement of  
28 the entire council body, as covered in section 4.08.

29           Section 15.03 Creation and establishment of the City  
30 of Suntree.--For the purpose of compliance with s. 200.066,  
31 Florida Statutes, relating to assessment and collection of ad

1 valorem taxes, the City of Suntree is hereby created and  
2 established effective January 1, 1998.

3 Section 15.04 Transitional team and chairman.--If the  
4 referendum to establish the city of Suntree, said referendum  
5 to be held on July 15, 1997, is affirmative, or as soon  
6 thereafter as may be legally verified, the Board of Directors  
7 of the Suntree Master Homeowners Association shall appoint a  
8 transition team, and a transition team chairman, from among  
9 qualified residents of the proposed city of Suntree. This team  
10 will be joined by the five newly elected members of the  
11 Suntree City Council following their election on October 21,  
12 1997. The purpose of this team is to prepare the new city for  
13 regular assumption of duties, and to have the necessary  
14 ordinances and resolutions ready for council action as soon as  
15 possible after the city is legally operational on January 1,  
16 1998. The transition team may be disbanded on November 19,  
17 1997, following the first regular council meeting.

18 Section 15.05 Early assumption of duties.--The initial  
19 council shall have the authority and power to enter into  
20 contracts, arrange for the hiring of interim legal counsel,  
21 begin recruiting applicants for the position of city manager,  
22 provide for necessary city offices and facilities, and do such  
23 other things it deems necessary and appropriate for the city  
24 to become operational on January 1, 1998.

25 Section 15.06 First year expenses.--The council, in  
26 order to provide moneys for the expenses and support of the  
27 city, shall have the power to borrow money necessary for the  
28 operation of municipal government until such time as a budget  
29 is adopted and revenues are raised and accrue in the city  
30 account in accordance with the provisions of this charter and  
31 general law.

1        Section 15.07 Remuneration of mayor and council  
2 members.--Each elected council member shall receive a stipend  
3 of \$50 per meeting, whether convened in regular or special  
4 session. The mayor will receive a stipend of \$100 per meeting,  
5 whether convened in regular or special session. Routine  
6 expenses incurred by needs of travel or lodging will be  
7 reimbursed.

8        Section 15.08 Transitional ordinances and  
9 resolutions.--The council shall adopt ordinances and  
10 resolutions required to effect the transition. Ordinances  
11 adopted within 90 days after the first council meeting may be  
12 passed as emergency ordinances as provided in section 10.02,  
13 except these transitional ordinances shall be effective for no  
14 longer than 90 days after adoption, and thereafter may be  
15 readopted, renewed, or otherwise continued, but only in the  
16 manner normally prescribed for ordinances, as covered in  
17 sections 10.01 and 10.02.

18        Section 15.09 Transitional comprehensive plan.--Until  
19 such time as the city adopts a comprehensive plan, the  
20 Brevard County Comprehensive Plan shall remain in effect as  
21 the city transitional comprehensive plan. However, all  
22 planning functions, duties, and authority shall thereafter be  
23 vested in the council, which shall be deemed the local  
24 planning agency until the council establishes a separate local  
25 planning agency.

26        Section 15.10 Transitional land development  
27 regulations.--To implement the transitional comprehensive plan  
28 when adopted, the city shall, in accordance with the  
29 procedures required by Florida law, adopt ordinances providing  
30 for land development regulations within the corporate limits.  
31 Until the city adopts the ordinances:

1        (a) The land development regulations of the County of  
2 Brevard, the same as exists on the date the city commences  
3 corporate existence, shall remain in effect as the  
4 transitional land development regulations of the city.

5        (b) All powers and duties of the Brevard County  
6 Planning and Land Development Regulation Commission, Board of  
7 Adjustment and Appeals created pursuant to statutory Trade  
8 Codes, and County Commission of Brevard County, Florida, as  
9 set forth in these transitional land development regulations  
10 shall be vested in the city council until such time as the  
11 city council delegates all or a portion thereof to another  
12 entity.

13        (c) The council is fully empowered to amend,  
14 supersede, enforce, or repeal the transitional land  
15 development regulations, or any portion thereof, by ordinance.

16        (d) Subsequent to the commencement of the city's  
17 corporate existence, no amendment of the Comprehensive Plan or  
18 Land Development Regulations enacted by the Brevard County  
19 Commission shall be deemed an amendment of the city's  
20 transitional Comprehensive Plan or Land Development  
21 Regulations or otherwise take effect within the city's  
22 municipal boundaries.

23        Section 15.11 State shared revenues.--The City of  
24 Suntree shall be entitled to participate in all Shared Revenue  
25 Programs of the State of Florida effective January 1, 1998.  
26 The provisions of s. 218.23 , Florida Statutes, shall be  
27 waived for the purpose of eligibility to receive revenue  
28 sharing funds from the date of incorporation through the  
29 balance of the 1997-1998 fiscal year. The provisions of ss.  
30 186.901(1) and 218.26(3), Florida Statutes, shall be waived  
31 for the balance of the 1997-1998 fiscal year; and the

1 apportionment factors for the municipalities and counties  
2 shall be recalculated pursuant to s. 218.245, Florida  
3 Statutes, for the balance of the 1997-1998 fiscal year.  
4 Initial estimates for calculating eligibility for shared  
5 revenues shall be determined by the University of Florida  
6 Bureau of Economic and Business Research. If the bureau is  
7 unable to provide an appropriate population estimate, an  
8 estimate provided by the Brevard County Planning Department  
9 shall be used. Taxable values (all property) within the  
10 municipal boundaries of the City of Suntree as of January 1,  
11 1997, to be provided by the Brevard County Property Appraiser.  
12 For fiscal year 1998-1999 the property taxes, including  
13 benefit and maintenance taxes and assessments, and all utility  
14 and service taxes levied by the Brevard County Commission  
15 within the boundaries of the City of Suntree, shall be  
16 included in the calculations of the minimum amount of revenue  
17 to be raised for the City of Suntree to qualify for revenue  
18 sharing funds.

19 Section 15.12 Gas Tax Revenues.--Notwithstanding the  
20 requirements of s. 336.025, Florida Statutes, to the contrary,  
21 the City of Suntree shall be entitled to receive local option  
22 gas tax revenues beginning January 1, 1999. These revenues  
23 shall be distributed in accordance with an interlocal  
24 agreement between Brevard County and the municipalities within  
25 said county, that shall take effect prior to July 1, 1998. In  
26 the event that an interlocal agreement is not enacted by July  
27 1, 1998, the said revenues shall be distributed in accordance  
28 with s. 336.025, Florida Statutes.

29 Section 15.13 Contractual services and  
30 facilities.--Services for fire, police, public works, planning  
31 and zoning, building inspection, development reviews, and

1 solid waste collection may be supplied by contract between the  
2 city and county until such time as the city council  
3 establishes such independent services. Facilities for housing  
4 the newly formed municipal operations may be rented or leased  
5 until the city is in the position to obtain its own  
6 facilities.

7 Section 15.14 Elimination of transitional elements  
8 from the charter.--Upon completion of the transition phase as  
9 contained herein, as officially stated by city council, those  
10 sections of the charter relating to transition shall be  
11 eliminated from the charter.

12 ARTICLE XVI: REVENUE SHARING

13 Section 16.01 It is recognized that the services  
14 provided by the independent special districts within the  
15 municipal boundaries provide essential services which would  
16 customarily be provided by municipal government. It is  
17 therefore declared that the City of Suntree shall be eligible  
18 to participate in revenue-sharing beyond the minimum  
19 entitlement in any fiscal year, provided that the city and all  
20 special districts created under special law, combined, levy ad  
21 valorem taxes in amounts as required by s. 218.23, Florida  
22 Statutes.

23 Section 2. This act shall take effect only upon its  
24 approval by a majority of those qualified electors residing  
25 within the proposed corporate limits of the City of Suntree as  
26 described in section 2.01, voting in a referendum election to  
27 be called by the Brevard County Commission and to be held on  
28 July 15, 1997, in accordance with the provisions of law  
29 relating to elections currently in force, except that section  
30 15.01 of section 1 and section 2 shall take effect upon  
31 becoming a law.