

By Senator Dawson

30-1917-01

See HB 907

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A bill to be entitled

An act relating to Broward County; providing for extending the corporate limits of the Town of Pembroke Park; providing for annexation of unincorporated areas within Broward County; providing for revision of the Charter of the Town of Pembroke Park; providing for a referendum; providing an effective date.

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

Section 1. (1) South Central Broward as herein described shall include all unincorporated lands bounded on the south by the boundary of Broward County with Dade County, on the east by the right-of-way forming a part of I-95, on the north by the inclusion of all the rights-of-way of Pembroke Road, and on the west by the inclusion of all of the right-of-way of State Road 7.

(2) Carver Ranches as herein described shall include the unincorporated area bounded on the north by Pembroke Road starting at SW 40 Avenue going west to SW 58 Avenue, then south to SW 23 Street, then east to SW 56 Avenue; then south to Hallandale Beach Boulevard; then east to SW 38 Avenue; then north to SW 25 Street; then west to SW 40 Avenue and then north to Pembroke Road.

(3) Miami Gardens and Utopia as herein described shall include the unincorporated area bounded on the north by Pembroke Road starting at SW 58 Avenue; then west to State Road 7; then south to the Miami Dade County Line; then east to SW 56 Avenue; then north to SW 38 Court; then east, north, and west along the municipal boundary of Pembroke Park to SW 56

1 Avenue; then north to Hallandale Beach Boulevard; then east to  
2 SW 53 Avenue; then north to SW 25 Court; then west to SW 56  
3 Avenue; then north to SW 23 Street; then west to SW 58 Avenue;  
4 then north to Pembroke Road.

5 (4) Lake Forest as herein described shall include the  
6 unincorporated area within and adjacent to the following  
7 boundaries: on the north by Hallandale Beach Boulevard; on the  
8 west by 48th Avenue; on the South by County Line Road; and on  
9 the east by 32nd Avenue.

10 Section 2. A special election shall be scheduled by  
11 the Board of County Commissioners of Broward County in  
12 accordance with the provisions of law relating to elections  
13 currently in force in Broward County on November 6, 2001. Only  
14 registered voters residing in the unincorporated area within  
15 South Central Broward County as described in this act may vote  
16 in said election. A mail ballot shall not be used in said  
17 election. The item that shall appear on the ballot of the  
18 special election of November 6, 2001, shall be as follows:

19  
20 Shall all of South Central Broward be annexed  
21 into Pembroke Park in 2002 or in phases

22  
23 Select one below:

24  
25 All of the unincorporated areas of South  
26 Central Broward shall be annexed into Pembroke  
27 Park effective September 15, 2002.

28  
29 The unincorporated areas of South Central  
30 Broward shall become a part of Pembroke Park as  
31 follows:

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(a) Carver Ranches - September 15, 2002.

(b) Miami Gardens and Utopia - September 15, 2003.

(c) Lake Forest - September 15, 2004.

Section 3. If a majority of voters voting in the unincorporated area within South Central Broward, as described in this act, vote for annexation into Pembroke Park as of September 15, 2002, the area described in this act shall be deemed a part of the City of Pembroke Park and shall be subject to the Charter as provided for in section 5 of this act, which shall be the Charter of the City of Pembroke Park effective September 15, 2002.

Section 4. If a majority of voters voting in the unincorporated areas within South Central Broward, as described in this act, vote for annexation into Pembroke Park in phases, the various subdivisions of South Central Broward as described in section 1 of this act shall be annexed into Pembroke Park as follows:

(1) Carver Ranches shall be deemed a part of Pembroke Park on September 15, 2002.

(2) Miami Gardens and Utopia shall be deemed a part of Pembroke Park on September 15, 2003.

(3) Lake Forest shall be deemed a part of Pembroke Park on September 15, 2004.

Section 5. Effective September 15, 2002, the Charter of the City of Pembroke Park shall be as follows:

THE CHARTER OF THE CITY OF PEMBROKE PARK

ARTICLE I

ESTABLISHED PROVISIONS

1           Section 1.01. CONTINUATION AND POWERS.--The Town of  
2 Pembroke Park, created by chapter 59-1722, Laws of Florida,  
3 shall continue its corporate existence subject to the amended  
4 provisions of this act, and is vested with all the  
5 governmental, corporate, and proprietary powers required to  
6 enable it to conduct municipal government, perform municipal  
7 functions, and render municipal services, together with the  
8 implied powers necessary to carry into execution all the  
9 powers granted, and may exercise any power for municipal  
10 purposes not expressly prohibited by the Constitution of the  
11 State of Florida, general or special law, or the Broward  
12 County Charter.

13           Section 1.02. MUNICIPAL ESTABLISHMENT AND  
14 DESIGNATION.--The inhabitants of the Town of Pembroke Park and  
15 the inhabitants of the formerly unincorporated areas of  
16 Broward County known as Carver Ranches, Lake Forest, Miami  
17 Gardens, and Utopia shall merge and shall be a body politic  
18 and corporate, according to the boundaries herein established  
19 and designated, or as same may hereafter be established and  
20 designated, and shall be designated as the "City of Pembroke  
21 Park," and shall have perpetual existence, and shall have a  
22 common seal and may change the same at its pleasure from time  
23 to time.

24           Section 1.03. ORDINANCES REMAIN IN EFFECT.--All  
25 existing ordinances and resolutions of the municipality of the  
26 Town of Pembroke Park regularly passed, promulgated, and  
27 enrolled on the date of amendment of this Charter shall remain  
28 in effect and unimpaired until repealed, amended, or modified,  
29 provided such ordinances and resolutions are not inconsistent  
30 with the provisions of this Charter or special acts providing  
31 for same.

1           Section 1.04. OFFICERS HOLD RESPECTIVE OFFICES UNTIL  
2 SUCCESSORS ELECTED.--All officers heretofore elected or  
3 appointed and holding office of the Commission of the Town of  
4 Pembroke Park shall continue to hold their respective offices  
5 within the City of Pembroke Park and to discharge the duties  
6 thereof and receive the emoluments thereof until their  
7 successors are elected and qualified and take office according  
8 to the provisions of this Charter.

9           Section 1.05. TITLE OF PROPERTY RESERVED.--The title,  
10 rights, and ownership of all property, both real and personal,  
11 uncollected taxes, dues, claims, judgments, decrees, choses in  
12 action, and all property and property rights held or owned by  
13 the municipality named Town of Pembroke Park shall be retained  
14 and vested in the City of Pembroke Park.

15           Section 1.06. CONTRACTS REMAIN BINDING.--All valid and  
16 enforceable indebtedness, obligations, and contracts of the  
17 Town of Pembroke Park, including all bonds issued and  
18 outstanding, shall remain valid and enforceable,  
19 notwithstanding the amendment of this Charter, and such  
20 indebtedness, obligations, and contracts shall be imposed upon  
21 and shall be binding upon the City of Pembroke Park.

22           Section 1.07. BOUNDARIES.--The City of Pembroke Park  
23 shall include all formerly unincorporated lands bounded on the  
24 south by the boundary of Broward County with Miami-Dade  
25 County, on the east by the right-of-way forming a part of  
26 I-95, on the north by the inclusion of all the rights-of-way  
27 of Pembroke Road, and on the west by the inclusion of all of  
28 the right-of-way of State Road 7 and all lands formerly  
29 included within the Town of Pembroke Park.

30           Section 1.08. JURISDICTION.--The jurisdiction and  
31 powers of the City of Pembroke Park shall extend over all

1 streets, sewers, parks, and lands within the corporate limits,  
2 whether platted or unplatted, and in the airs above same; and  
3 to and over all waters, waterways, streams, submerged lands,  
4 and water bottoms; and to and over all persons, firms, and  
5 corporations, property and property rights, occupations,  
6 businesses, and professions whatsoever within said boundaries;  
7 and to and over all property owned, leased, or operated by the  
8 City of Pembroke Park outside the corporate limits.

9 Section 1.09. TITLE TO PUBLIC PROPERTY.--The title to  
10 and jurisdiction over all streets, thoroughfares, parks,  
11 alleys, public lots, and sewers within the City, and all other  
12 property and municipal plants of the City now owned,  
13 possessed, or operated by it, and all property of every kind  
14 and character which the City may hereafter acquire within or  
15 outside the City, or which may vest in it, or be dedicated to  
16 it for its use or for the public use, shall be vested in the  
17 City of Pembroke Park. Title to all public streets and the  
18 public rights-of-way associated therewith, lying within the  
19 area of the previously unincorporated areas of Broward County  
20 which are now within the municipal boundaries of the City of  
21 Pembroke Park are transferred from Broward County to the City  
22 of Pembroke Park.

23 Section 1.10. FORM OF GOVERNMENT.--The municipal  
24 government provided by this Charter shall be known as  
25 "Commission-Manager Government." Pursuant to the provisions  
26 and subject only to the limitations imposed by the  
27 Constitution of the State of Florida and by this Charter, all  
28 powers of the City shall be vested in an elective commission,  
29 hereinafter referred to as "the Commission," which shall enact  
30 local legislation, adopt budgets, determine policies, and  
31 appoint a City Manager who shall execute the laws and

1 administer the government of the City. All powers of the City  
2 shall be exercised in the manner prescribed by the Charter, or  
3 if the manner is not prescribed, then in such manner as may be  
4 prescribed by ordinance.

5 Section 1.11. CONSTRUCTION.--The powers of the City  
6 shall be construed liberally in favor of the City, limited  
7 only by the Constitution of the State of Florida, general law,  
8 and specific limitations contained herein.

9 Section 1.12. FISCAL YEAR.--The fiscal year of the  
10 City shall begin on the 1st day of October of each year and  
11 shall end on the 30th day of September of the following year.  
12 Such fiscal year shall also constitute the budget and account  
13 year.

14 ARTICLE II

15 THE COMMISSION; MAYOR

16 Section 2.01. LEGISLATIVE POWERS.--The legislative  
17 powers of the City shall be vested in and exercised by the  
18 Commission, and the Commission shall have the power to pass  
19 ordinances, adopt resolutions, appoint by resolution all  
20 appointive officers and boards, and exercise all the powers  
21 granted by the Constitution of the State of Florida, general  
22 or special law, and as herein provided. The Commission shall  
23 consist of five members, one of whom shall be the Mayor.

24 Section 2.02. DISTRICTS.--For the purpose of  
25 representation upon and election of the Commissioners, the  
26 City of Pembroke Park Commission shall, by ordinance, prior to  
27 December 1, 2002, apportion the City in accordance with the  
28 Constitution of the State of Florida and the United States  
29 Constitution into four consecutively numbered districts.  
30 Thereafter, by subsequently enacted ordinances, the City of  
31 Pembroke Park Commission shall adjust the boundary lines of

1 said districts as may be required from time to time in order  
2 that the apportionment of the City shall continue to be in  
3 accordance with the Constitution of the State of Florida and  
4 the United States Constitution, but in any event not less  
5 frequently than within the first calendar year following each  
6 decennial census.

7 Section 2.03. NUMBER, SELECTION, AND TERMS OF  
8 COMMISSIONERS; INITIAL TERM OF COMMISSIONERS.--

9 (a) The Commission shall consist of four Commissioners  
10 and a Mayor, with one Commissioner elected for each of the  
11 four districts by vote of the electors residing and qualified  
12 within the City. The Commissioners shall be elected for a  
13 period of 4 years, or until their successors are elected and  
14 qualified. The terms of office of the Commissioners shall be  
15 staggered so that the terms of office of all Commissioners  
16 shall not expire in the same year.

17 (b) In order to provide for staggered terms of office  
18 for the Commissioners as provided in this section, at the  
19 initial municipal election to be held in March 2003, the  
20 Commissioners from Districts 1 and 3 shall be elected for a  
21 term of 4 years and the Commissioners from Districts 2 and 4  
22 shall be elected for a term of 2 years. In subsequent  
23 elections, all Commissioners shall be elected for 4-year terms  
24 to fill seats as terms expire in the respective districts.

25 (c) No individual shall serve as Commissioner for more  
26 than two consecutive 4-year terms in office. This provision  
27 shall be prospective and not retroactive, and shall not take  
28 into account the present or past terms of elected  
29 Commissioners from the Town of Pembroke Park.

30 Section 2.04. QUALIFICATIONS AND DISQUALIFICATIONS OF  
31 COMMISSIONERS.--



1           (a) Commissioners shall have the following  
2 qualifications:

3           1. They shall have been residents of the election  
4 district from which they are elected for at least 6 months  
5 immediately preceding taking office. Time of residency within  
6 the unincorporated portion of South Central Broward County  
7 prior to its incorporation into Pembroke Park shall be treated  
8 as residency within a City district for the preceding  
9 residency requirement, as long as an individual is a resident  
10 of Pembroke Park at the time of qualification for office.

11           2. They shall have the qualifications of electors in  
12 the City and shall be registered to vote in the City.

13           3. They must continue to reside during their term of  
14 office in the respective election district from which they  
15 were elected or appointed.

16           (b) Commissioners shall be disqualified to continue in  
17 office in any of the following instances:

18           1. If a Commissioner ceases to possess any of the  
19 qualifications set forth in paragraph (a) and if, after formal  
20 notification thereof in writing by the commission, such member  
21 fails or refuses to purge himself or herself of the  
22 disqualification within 1 week after having received such  
23 notification.

24           2. If a Commissioner is elected or appointed to and  
25 assumes any other elected public office.

26           3. If a Commissioner has been convicted of a crime  
27 involving moral turpitude, except such disqualification shall  
28 not become effective until all appeals from such conviction  
29 have been finally adjudicated, or the time for such appeal has  
30 expired, or the member indicates in writing that he or she  
31 does not intend to take such an appeal.

1           4. If a Commissioner is absent from four consecutive  
2 regular meetings of the Commission, unless such absences are  
3 excused by the Commission by resolution setting forth the fact  
4 of such excuse, such action to be duly entered upon the  
5 record.

6           (c) In the event of the disqualification of a  
7 Commissioner, the Commission shall forthwith, by proper  
8 resolution, declare the existence of a vacancy on the  
9 Commission and shall thereafter proceed to fill the vacancy on  
10 the Commission as provided for in this Charter.

11           Section 2.05. MAYOR.--The Mayor shall preside at the  
12 Commission meetings and shall maintain order and decorum,  
13 shall be recognized as the official head of the City  
14 government for all ceremonial purposes and by the Governor for  
15 the purpose of military law, and shall execute all instruments  
16 to which the City is a party when directed to do so by the  
17 Commission, unless otherwise provided by this Charter or by  
18 ordinance, but he or she shall have no regular administrative  
19 duties. The Mayor shall be a member of the Commission, shall  
20 vote, and shall have the right to debate on all issues coming  
21 before the Commission. The Mayor shall have all the duties,  
22 powers, privileges, and obligations possessed and imposed upon  
23 a Commission member.

24           Section 2.06. SELECTION AND TERM OF MAYOR.--The Mayor  
25 shall be permitted to reside anywhere within the City and  
26 shall be elected at large in accordance with the provisions of  
27 this Charter. The term of office for the Mayor shall be for 2  
28 years and until his or her successor is elected and qualified.  
29 No individual shall serve more than four consecutive 2-year  
30 terms as the Mayor.

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1           Section 2.07. QUALIFICATIONS AND DISQUALIFICATIONS OF  
2 MAYOR.--

3           (a) The individual holding the office of Mayor shall  
4 have the following qualifications:

5           1. He or she shall have been a resident of the City  
6 for at least 6 months immediately preceding taking the office.  
7 Time of residency within the unincorporated portion of South  
8 Central Broward County prior to its incorporation into  
9 Pembroke Park shall be treated as residency within a City  
10 district for the preceding residency requirement, as long as  
11 he or she is a resident of Pembroke Park at the time of  
12 qualification for office.

13           2. He or she shall have the qualifications of an  
14 elector in the City and shall be registered to vote in the  
15 City.

16           3. He or she must continue to reside in the City  
17 during the term of his or her office.

18           (b) An individual serving as Mayor shall be  
19 disqualified to continue in the office in any of the following  
20 instances:

21           1. If he or she ceases to possess any of the  
22 qualifications set forth in paragraph (a) and, after normal  
23 notification in writing by the Commission, fails to purge  
24 himself or herself of disqualification within 1 week after  
25 having received such notification.

26           2. If he or she is elected or appointed to and assumes  
27 any other elected office.

28           3. If he or she has been convicted of a crime  
29 involving moral turpitude, except such forfeiture shall not  
30 become effective until any appeals from such conviction have  
31 been fully adjudicated, or the time for such appeals has

1 expired, or he or she indicates in writing that he or she does  
2 not intend to take such an appeal.

3 4. If he or she is absent from four consecutive  
4 regular meetings of the Commission, unless such absences are  
5 excused by the Commission, by resolution setting forth the  
6 facts of such excuse, such action to be duly entered upon the  
7 record.

8 (c) In the event of the disqualification of the Mayor,  
9 the Commission shall, forthwith by proper resolution, declare  
10 the existence of a vacancy in the office of Mayor and shall  
11 thereafter proceed to fill the vacancy as provided in this  
12 Charter.

13 Section 2.08. VICE MAYOR.--The Commission, at the  
14 regularly scheduled meeting in March of each year, shall elect  
15 the Vice Mayor by majority vote. The Vice Mayor shall have  
16 the privileges, powers, and duties of the Mayor in the Mayor's  
17 absence or disability.

18 In the event of the death, resignation, or removal of  
19 the Mayor, the Vice Mayor shall vacate the office of the  
20 Commissioner and shall serve as the interim Mayor until a  
21 successor is determined in accordance with the provisions of  
22 this Charter.

23 Section 2.09. COMPENSATION AND EXPENSES.--The  
24 Commission may determine the annual salary of the Commission  
25 members by ordinance. Nothing in this paragraph shall limit  
26 the right of any Commissioner to be reimbursed for expenses  
27 actually incurred by him or her, with Commission approval,  
28 while performing duties on behalf of the City.

29 Section 2.10. OATH OF OFFICE.--The Mayor and each  
30 Commissioner, before entering upon the discharge of the duties  
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1 of his or her office, shall take and subscribe of the  
2 following oath before some judicial officer of the state:

3 "I do solemnly swear or affirm that I will  
4 support, protect, and defend the Constitution  
5 and Government of the United States and of the  
6 State of Florida and I will bear true faith,  
7 loyalty, and allegiance to the same, and that I  
8 am entitled to hold office under the  
9 Constitution of the United States, the  
10 Constitution of the State of Florida, and the  
11 Charter and the ordinances of the City of  
12 Pembroke Park, and that I will faithfully  
13 perform the duties of the office of which I am  
14 about to enter. So help me God."

15 Section 2.11. PROCEDURE FOR FILLING VACANCIES.--

16 (a) In the event a vacancy occurs on the Commission  
17 and no more than 6 months remain in the unexpired term, the  
18 vacancy shall be filled by appointment of an individual by a  
19 majority vote of the Commission.

20 (b) In the event a vacancy in the position of Mayor  
21 occurs and no more than 6 months remain in the unexpired term  
22 of the Mayor, the Vice Mayor shall complete the term of the  
23 Mayor. The vacancy thus created on the Commission shall be  
24 filled in the manner that the vacancy of a Commissioner is  
25 generally filled under the terms of this Charter. The  
26 Commission shall then appoint a new Vice Mayor by resolution.

27 (c) If more than 6 months remain in an unexpired term  
28 of the Mayor or a Commissioner, the vacancy shall be filled by  
29 special election to be held not sooner than 45 days or more  
30 than 90 days following the occurrence of the vacancy, unless  
31 there is a city, county, state, or national election scheduled

1 to take place on any date within 60 days beyond such 90-day  
2 period, in which case the vacancy shall be filled by special  
3 election on the first such election date.

4 (d) In the event that a majority of the members of the  
5 Commission are removed by death, disability, law, or  
6 forfeiture of office, the Governor shall make interim  
7 Commission appointments and the Commission shall call a  
8 special election as provided in paragraph (c) to fill the  
9 vacancies.

10 Section 2.12. COMMISSION TO BE THE JUDGE OF  
11 QUALIFICATIONS OF ITS MEMBERS.--The Commission shall be the  
12 judge of the election and qualification of its members and for  
13 such purpose shall have the power to subpoena witnesses and  
14 require the production of records, but the decision of the  
15 Commission in any such case shall be subject to review by the  
16 courts.

17 Section 2.13. MEETINGS OF COMMISSION.--The Commission  
18 shall meet at such times and places as may be prescribed by  
19 its rules, but not less than once each month, except that the  
20 Commission may designate 1 month each year during which no  
21 meetings of the Commission are required to be held. All  
22 official meetings of the Commission shall be public and all  
23 citizens shall have access to the minutes and records thereof  
24 at all reasonable times.

25 Section 2.14. SPECIAL MEETINGS.--The Mayor and any two  
26 members of the Commission or the City Manager may call special  
27 meetings of the Commission upon at least 24 hours' written  
28 notice to each member. The notice shall be served personally  
29 or left at the usual place of residence or place of business  
30 of the particular individual sought to be notified. It shall  
31 set forth specifically the matter to be considered at such

1 meetings and no official action may be taken on any matter not  
2 set forth in the notice.

3 Section 2.15. LEGISLATIVE PROCEDURE.--A majority of  
4 all members of the Commission shall constitute a quorum, but a  
5 lesser number may adjourn from day to day and compel the  
6 attendance of absent members in such a manner and under such  
7 penalties as may be prescribed by ordinance. The affirmative  
8 vote of three members shall be necessary to adopt any  
9 ordinance or resolution.

10 Section 2.16. ORDINANCES AND RESOLUTIONS.--A proposed  
11 ordinance or resolution shall be introduced in written or  
12 printed form at any regular or special meeting of the  
13 Commission and shall embrace but one subject and matters  
14 properly connected therewith. The enacting of all ordinances  
15 shall be "Be it Enacted by the City of Pembroke Park." A  
16 proposed ordinance may be read by title, or in full, on at  
17 least 2 separate days and shall, at least 10 days prior to  
18 adoption, be noticed once in a newspaper of general  
19 circulation in the City of Pembroke Park. The Commission may,  
20 by a majority vote, declare an emergency to dispense with the  
21 necessity for such readings, and an ordinance may be passed on  
22 both readings at the same meeting if, upon the second reading  
23 thereof, four affirmative votes are cast in favor of the  
24 passage thereof.

25 Every ordinance or resolution shall, upon its final  
26 passage, be recorded in a book kept for that purpose, and  
27 shall be signed by the Mayor and the City Clerk.

28 ARTICLE III

29 ADMINISTRATION

30 Section 3.01. CITY MANAGER.--The City Manager shall be  
31 the administrative head of municipal government under the

1 direction and supervision of the Commission. The City Manager  
2 shall be chosen solely on the basis of his or her executive  
3 and administrative qualifications, without regard to his or  
4 her political beliefs, and shall be over the age of 21 years.

5 Section 3.02. APPOINTMENT AND COMPENSATION OF CITY  
6 MANAGER.--The Commission shall appoint the City Manager by  
7 resolution approved by a majority of the Commission. No  
8 Commissioner shall receive such appointment during the term  
9 for which he or she shall have been elected, nor within 1 year  
10 after the expiration of his or her term. The City Manager  
11 shall receive compensation as the Commission may fix and  
12 determine.

13 Section 3.03. REMOVAL OF THE CITY MANAGER.--The  
14 Commission may remove the City Manager by a majority vote of  
15 its members. Any removal of the City Manager shall be by two  
16 separate votes of the Commission, both of which must receive a  
17 majority vote of its members, with an interval of not less  
18 than 7 days between each vote.

19 Section 3.04. POWERS AND DUTIES OF THE CITY  
20 MANAGER.--The City Manager shall be responsible to the  
21 Commission for the proper administration of all affairs of the  
22 City coming under his or her jurisdiction, and to that end,  
23 his or her powers are and they shall be to:

24 (a) Ensure that all laws, ordinances, revisions of  
25 this Charter, and acts of the Commission subject to  
26 enforcement or administration by him or her are faithfully  
27 executed.

28 (b) Attend all Commission meetings with the right to  
29 take part in the discussion, but having no vote.

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1           (c) Recommend to the Commission for adoption such  
2 measures as he or she may deem necessary or expedient in the  
3 interest of the City.

4           (d) Appoint and, when necessary for the good of the  
5 City, remove any officer or employee of the City, except as  
6 otherwise provided by this Charter, and except that he or she  
7 may authorize the head of a department or office to appoint  
8 and remove subordinates in such department or office.

9           (e) Exercise, control, and direct supervision over all  
10 departments and divisions of the municipal government.

11           (f) Advise and consult with all officers and official  
12 heads of the several departments of the city relative to the  
13 affairs of any such department, and to make recommendations to  
14 the Commission respecting such departments as he or she may  
15 see fit.

16           (g) Fix the salary of officers and employees within  
17 the scope of the pay scale plan approved by the Commission.

18           (h) Endorse on all contracts, bonds, and other  
19 instruments in writing in which the municipality is interested  
20 his or her approval of the substance thereof.

21           (i) Prepare the budget annually and submit it to the  
22 Commission and be responsible for its administration after  
23 adoption.

24           (j) Prepare and submit to the Commission, as of the  
25 end of the fiscal year, a complete report on the finances and  
26 administrative activities of the municipality for the  
27 preceding year.

28           (k) Keep the Commission fully advised of the financial  
29 condition and future needs of the City, and make such  
30 recommendations as seem desirable to him or her.

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1           (l) Enforce all terms and conditions imposed in favor  
2 of the City or its inhabitants in any public utility franchise  
3 to ensure that they are faithfully kept and performed.

4           (m) Purchase supplies, services, materials, and  
5 equipment for the various departments of the City government;  
6 and in such capacity shall have the right to purchase  
7 supplies, services, materials, and equipment for any  
8 department in the City as set forth by ordinance of the  
9 Commission.

10           (n) Approve or prescribe in written form the internal  
11 organization of each department.

12           (o) Assign and transfer administrative functions,  
13 powers, and duties among and within departments in writing.

14           (p) Perform such other duties as may be prescribed by  
15 this Charter or required by ordinance or resolution of the  
16 Commission, not inconsistent herewith.

17           Section 3.05. CITY MANAGER TO MAKE CERTAIN  
18 APPOINTMENTS OR REMOVALS.--Neither the Commission nor any of  
19 its members shall direct or request the appointment of any  
20 person to, or his or her removal from, office by the City  
21 Manager or by any of the City Manager's subordinates or in any  
22 manner take part in the appointment or removal of officers and  
23 employees in any administrative services of the City. Except  
24 for the purpose of inquiry, the Commission shall deal with the  
25 administrative department solely through the City Manager and  
26 neither the Commission nor any member thereof shall give  
27 orders or make requests of any subordinates of the City  
28 Manager, either publicly or privately.

29           Section 3.06. ABSENCE OF THE CITY MANAGER.--In the  
30 case of the absence or disability of the City Manager for a  
31 period of 14 days or less, the City Manager may designate by

1 letter to the Commission an Assistant City Manager to perform  
2 the duties of the office. In the case of the absence or  
3 disability of the City Manager for a period in excess of 14  
4 days, the Commission shall designate by resolution an  
5 Assistant City Manager or other qualified person who is  
6 currently employed by the City in a supervisory capacity to  
7 perform the duties of the office.

8 Section 3.07. CITY CLERK.--The City Manager shall  
9 appoint an officer of the City who shall have the title of  
10 City Clerk. The City Clerk shall receive such compensation as  
11 may be fixed by the Commission. The City Clerk shall give  
12 notice of meetings of the Commission; shall keep a journal of  
13 the proceedings; shall authenticate by his or her signature,  
14 and record in full in a book for that purpose, all ordinances  
15 and resolutions; shall attest to and/or countersign by his or  
16 her signature on all contracts, bonds, and other instruments  
17 as required by law; shall perform the duties of registration  
18 officer; shall have the power and authority to administer  
19 oaths; and shall perform any other duties required by this  
20 Charter and as may be assigned by the Commission or the City  
21 Manager.

22 Section 3.08. CITY ATTORNEY.--

23 (a) The Commission shall appoint by resolution a City  
24 Attorney who shall have been admitted to practice in the State  
25 of Florida for at least 5 years, with no less than 2 of those  
26 years in the practice of law for municipal or county  
27 government.

28 (b) The City Attorney shall act as legal adviser to,  
29 and as attorney and counselor for, the municipality and all of  
30 its officers in matters relating to their official duties. The  
31 City Attorney shall approve all contracts, bonds, leases, and

1 other instruments in writing in which the municipality is  
2 concerned, and shall endorse on each his or her approval of  
3 the form and correctness thereof, but failure to do so shall  
4 not affect its validity. When required to do so by the  
5 Commission, the City Attorney shall prosecute and defend, for  
6 and on behalf of the City, all civil complaints, suits, and  
7 controversies in which the City is a party. He or she shall  
8 furnish the Commission, the City Manager, or the head of any  
9 department, board, commission, or agency not included in any  
10 department, his or her own opinion on any question of law  
11 relating to the respective powers and duties of the person or  
12 entity. In addition to the duties specifically imposed in  
13 this section, the City Attorney shall perform such other  
14 professional duties as may be required of him or her by  
15 ordinance or resolution of the Commission, or as are  
16 prescribed for City Attorneys under the general law of the  
17 state which are not inconsistent with this Charter and with  
18 any ordinance or resolution which may be passed by the  
19 Commission.

20 (c) The compensation of the City Attorney shall be  
21 fixed and determined by the Commission.

22 Section 3.09. DIRECTORS OF DEPARTMENTS.--At the head  
23 of each department there shall be an officer of the City who  
24 shall have supervision and control of the department and who  
25 shall be appointed by, or may be removed by, the City Manager,  
26 and who shall be under the City Manager's supervision and  
27 control. Except as provided herein, two or more departments  
28 may be headed by the same individual. The City Manager may  
29 head one or more departments.

30 Section 3.10. DEPARTMENT OF FINANCE.--  
31

1           (a) The Department of Finance shall be responsible for  
2 the administration of financial affairs of the City. The  
3 Department of Finance shall collect and distribute funds,  
4 maintain a general accounting system for City government and  
5 units thereof, compile fiscal estimates and reports, assist  
6 the City Manager in preparation of budgets, assist the City  
7 Manager in establishing controls for budget administration,  
8 and develop and apply legal and policy provisions applicable  
9 to the financial accounting.

10           (b) There shall be a Director of Finance who shall be  
11 appointed and/or removed by resolution adopted by an  
12 affirmative vote of the Commission and who, under the  
13 supervision of the City Manager, shall be charged with the  
14 administration of the Department of Finance. The Director of  
15 Finance shall also act as the City Treasurer. The Director of  
16 Finance shall have at a minimum a 4-year college degree with a  
17 major in accounting and finance and at least 5 years of  
18 experience in municipal accounting, taxation, budgeting, and  
19 financial control. The Director of Finance shall furnish a  
20 surety bond for the faithful and honest performance of his or  
21 her official duties in such amount as the Commission may  
22 determine. The cost of such surety bond shall be paid by the  
23 City.

24           Section 3.11. CIVIL SERVICE.--The Commission shall  
25 initiate and adopt a program for the establishment of City  
26 personnel administration not provided for otherwise, and shall  
27 do all things necessary to implement said program. The system  
28 of City personnel administration shall govern the employees  
29 and certain officers and shall be based on merit principles  
30 and scientific methods in order to foster effective career  
31

1 service in City employment and to employ those persons best  
2 qualified for City services which they are to perform.

3 Section 3.12. PERSONNEL SYSTEM.--All appointments and  
4 promotions of City officials and employees, except those  
5 specifically exempted by ordinance, shall be made solely on  
6 the basis of merit and fitness demonstrated by examination or  
7 other evidence of competence and to this end, the Commission  
8 shall, by ordinance, establish personnel procedures and rules.

9 Section 3.13. BUSINESS REPRESENTATIVE TO  
10 COMMISSION.--There shall be a Business Representative who  
11 shall be an advisor to the Commission on all matters affecting  
12 the business community. The Commission shall solicit and  
13 consider the advice of the Business Representative on all  
14 matters formally considered by the Commission affecting the  
15 business community within the City. The Business  
16 Representative shall act in an advisory capacity, but may be  
17 assigned additional responsibilities and duties as created by  
18 the Commission. The Business Representative may attend all  
19 Commission meetings with the right to take part in the  
20 discussion and shall be seated on the dais along with members  
21 of the City Commission, but have no vote. The procedure for  
22 selection of the Business Representative and the terms and  
23 conditions of the office shall be established by ordinance.

24 ARTICLE IV

25 ELECTIONS

26 Section 4.01. MUNICIPAL ELECTIONS.--The Commission  
27 shall, by ordinance, make all regulations necessary or  
28 desirable and not inconsistent with this Charter for the  
29 conduct of municipal elections and for the prevention of fraud  
30 therein.

31

1           Section 4.02. ELECTORS.--Any person who is a resident  
2 of the City, has qualified as an elector of the state, and  
3 registers to vote in the manner prescribed by law shall be an  
4 elector of the City.

5           Section 4.03. NOMINATIONS.--Each candidate seeking  
6 office of Commissioner or Mayor, meeting the qualifications of  
7 section 2.04 or section 2.07, respectively, of this Charter  
8 shall file a notice of candidacy and such other papers as may  
9 be required by law with the City Clerk within the filing  
10 period provided by law after paying a filing fee of \$50. Such  
11 notice shall be filed on forms furnished by the City Clerk and  
12 shall be certified by the City Clerk.

13           Section 4.04. NONPARTISAN ELECTIONS.--All elections  
14 for the selection of Commissioners and Mayor shall be  
15 nonpartisan. No candidate for office of Commissioner or Mayor  
16 shall designate a political party affiliation in his or her  
17 campaign. A violation of this section shall render the  
18 candidate's election to the Commission or as Mayor null and  
19 void, and such vacancies shall be filled in accordance with  
20 the provisions of the Charter.

21           Section 4.05. ELECTION DATES.--A general election  
22 shall be held in each odd-numbered year, on the first Tuesday  
23 in March. A runoff election, if necessary, shall be held on  
24 the third Tuesday in March.

25           Section 4.06. GENERAL ELECTION.--The ballot for the  
26 general election shall contain the names of all qualified  
27 candidates for Mayor and for each of the Commission seats  
28 which are to be filled as a result of the Commissioner's term  
29 expiring, and shall instruct electors to cast one vote for  
30 Mayor and one vote for Commissioner for each district subject  
31 to election. If any candidate for Mayor receives a number of

1 votes greater than 50 percent of the total number of ballots  
2 cast for Mayor, such candidate shall be duly elected Mayor,  
3 and no runoff election for Mayor shall be required. If any  
4 candidate for a Commission seat receives a number of votes  
5 greater than 50 percent of the total number of ballots cast in  
6 the corresponding district, such candidate shall be duly  
7 elected to the Commission and no runoff election for that  
8 Commission seat shall be required.

9 Section 4.07. RUNOFF ELECTION.--There shall be a  
10 runoff election for a particular elected office if none of the  
11 candidates for that particular elected office receive more  
12 than 50 percent of the votes cast for that office in the  
13 general or special election. The ballot for the runoff  
14 election shall contain the names of the two candidates for  
15 Mayor, if applicable, and the names of the two candidates for  
16 each Commission seat, if applicable, who received the highest  
17 number of votes in the general or special election. The ballot  
18 shall instruct electors to cast one vote for Mayor, if  
19 applicable, and to cast one vote for Commissioner for each  
20 district subject to election. The candidate for Mayor  
21 receiving the highest number of votes cast shall be the duly  
22 elected Mayor. The candidate for each Commission seat  
23 receiving the highest number of votes cast in their respective  
24 districts shall be duly elected to that Commission seat.

25 Section 4.08. SPECIAL ELECTIONS.--Special elections,  
26 when required, shall be scheduled by the Commission at such  
27 times and in such a manner as shall be consistent with this  
28 Charter. Conduct of the election shall be the same as regular  
29 municipal elections.

30 Section 4.09. SINGLE CANDIDATE.--No election for Mayor  
31 or a Commission seat shall be required in any election if



1 there is only one duly qualified candidate for Mayor or for  
2 the Commission seat.

3 Section 4.10. CANDIDATE LIMITED TO ONE OFFICE.--No  
4 individual may be a candidate for both Commissioner and Mayor  
5 in the same election.

6 Section 4.11. ELECTIONS GOVERNED BY STATE LAW OR  
7 ORDINANCE.--Except as herein specifically provided, all  
8 elections in the City shall be conducted substantially on the  
9 principles governing state elections, or as the Commission  
10 shall prescribe by ordinance.

11 Section 4.12. ABSENTEE VOTING.--Absentee voting shall  
12 be permitted in all elections as provided by chapter 101,  
13 Florida Statutes, as amended, and under certain conditions and  
14 regulations as may be adopted by ordinance of the Commission.

15 Section 4.13. CANVAS OF ELECTION RETURNS.--The result  
16 of election voting, when ascertained, shall be submitted to  
17 the City Clerk by the Supervisor of Elections of Broward  
18 County. Said returns shall be submitted by the City Clerk to  
19 the Commission at the next Commission meeting following said  
20 election, at which time the Commission shall certify the  
21 results of the election by resolution. The City Clerk shall,  
22 after the certification of said election, furnish a  
23 Certificate of Election to each person shown to have been  
24 elected.

25 Section 4.14. ADVERTISING FOR ELECTIONS.--The City  
26 Clerk shall cause to be published in a newspaper of general  
27 circulation in the City a notice of any primary, general,  
28 runoff, or special election containing the date of election,  
29 office or offices to be filled, or question at issue. Such  
30 notice shall be published at least 15 days prior to an  
31 election and again at least 1 day before an election.

1   ARTICLE V

2   CHARTER REVIEW BOARD

3                   Section 5.01. CHARTER REVIEW BOARD.--There shall be an  
4 impartial and independent advisory board which will be known  
5 as the Charter Review Board appointed by the members of the  
6 Commission by April 2004, and at least every 5 years  
7 thereafter. Each Commissioner and the Mayor shall select two  
8 members to the Charter Review Board. Any vacancy on the board  
9 shall be filled by the appointing member of the Commission or  
10 Mayor for the remainder of the Board member's unexpired term.

11                   Section 5.02. QUALIFICATIONS AND TERM FOR THE CHARTER  
12 REVIEW BOARD.--Each member of the Charter Review Board shall  
13 be a qualified elector of the City of Pembroke Park and shall  
14 have resided in the City of Pembroke Park, for a period of not  
15 less than 6 months prior to his or her appointment. Time of  
16 residency within the unincorporated portion of South Central  
17 Broward County prior to its incorporation into Pembroke Park  
18 shall be treated as residency within a City district for the  
19 preceding residency requirement, as long as an individual is a  
20 resident of Pembroke Park at the time of qualification for  
21 office.

22                   The terms of the members shall commence upon their  
23 appointment and shall terminate upon the acceptance by the  
24 Commission of the Board's report.

25                   Section 5.03. DUTIES AND FUNCTIONS.--The Charter  
26 Review Board shall be empowered to conduct a comprehensive  
27 study of all phases of the Charter with the exception of  
28 district boundaries. The Board shall prepare a recommendation  
29 to the Commission as to proposed amendments to the Charter and  
30 shall submit its recommendation to the Commission as to  
31 proposed amendments to the Charter and shall submit its report

1 of recommendations to the Commission within 180 days from the  
2 date of appointment of the board.

3 In the event that the Charter Review Board fails to  
4 submit its report to the Commission within 180 days from the  
5 appointment of the Board, the Commission may submit for  
6 referendum amendments to the Charter without the  
7 recommendation of the Charter Review Board.

8 Section 5.04. EXPENSE FUND.--The Commission shall  
9 provide sufficient funds for reasonable and necessary expenses  
10 to be incurred by the Board in the performance of its duties.  
11 The City Manager shall provide such administrative staff and  
12 clerical personnel as may be necessary to assist the Board in  
13 the proper performance of its duties and functions.

14 Section 5.05. ORGANIZATION.--The Board members shall  
15 convene within 30 days after their appointment and elect a  
16 chair and such other officers as may be deemed necessary, who  
17 shall serve at the pleasure of the Board. All meetings of the  
18 Board shall be open to the public. No action shall be taken by  
19 the Board to recommend an amendment to the Charter except by  
20 majority vote of the entire membership. The rules of procedure  
21 adopted by the Board shall be filed by the City Clerk.

22 Section 5.06. FORFEITURE OF OFFICE.--A Charter Review  
23 Board member shall forfeit the office if said person:

24 (a) Lacks any qualification for the office prescribed  
25 by this Article or other applicable law including section  
26 100.361, Florida Statutes, as amended;

27 (b) Is convicted of a felony while in office; or

28 (c) Fails to attend four consecutive regular meetings  
29 of the Charter Review Board, unless such absences are excused  
30 by the Board by a motion setting forth the reason for the  
31 absence duly entered upon the minutes.

1 Article VI

2 ELECTOR INITIATIVE

3 Section 6.01. ESTABLISHMENT OF ELECTOR INITIATIVE.--

4 (a) The electors shall have the power at their option  
5 to propose ordinances, except ordinances regarding the budget,  
6 capital programs, appropriation of money, levy of taxes and  
7 salaries of officers and employees, emergency ordinances, or  
8 election district boundaries, and to adopt the same at the  
9 polls, such power being known as elector initiative.

10 (b) A petition meeting the requirements hereinafter  
11 provided and requesting the Commission to pass an ordinance  
12 therein set forth or designated shall be termed an elector  
13 initiative petition and shall be acted upon as hereinafter  
14 provided.

15 Section 6.02. PETITIONS; REQUIREMENTS; FILING.--

16 (a) Signatures to elector initiative petitions need  
17 not all be on one piece of paper, but the circulator of every  
18 such petition shall make an affidavit that each signature  
19 appended to the petition is the genuine signature of the  
20 person whose name it purports to be, which affidavit shall be  
21 substantially in the following form:

22 STATE OF FLORIDA

23 COUNTY OF BROWARD, ss

24 \_\_\_\_\_being duly sworn, deposes and says that  
25 he/she is the circulator of the foregoing elector initiative  
26 petition containing \_\_\_\_\_signatures, and that the  
27 signatures appended thereto were made in his/her presence and  
28 are the signatures of the persons whose names they purport to  
29 be.

30 Signed \_\_\_\_\_  
31

1 Subscribed to me and sworn to before me this \_\_\_\_\_ day of  
2 \_\_\_\_\_

3  
4 \_\_\_\_\_  
5 Notary Public

6 (b) With each signature shall be stated the place of  
7 residence of the signer, giving the street number or other  
8 description sufficient to identify the residence location.

9 (c) All such papers pertaining to any one measure  
10 shall have written or printed thereon the names and addresses  
11 of at least five registered voters who shall constitute a  
12 committee of the petitioners for the purposes hereinafter  
13 named.

14 (d) All such elector initiative petition papers shall  
15 be filed in the office of the City Clerk.

16 Section 6.03. PROCEDURE WHEN INSUFFICIENT.--

17 (a) Within 20 days after the filing of the petition,  
18 the City Clerk shall certify on the petition the number of  
19 registered voters whose signatures are appended thereto and  
20 whether this number is at least 30 percent of the total number  
21 of registered voters in the City as shown by the county voter  
22 registration books.

23 (b) If by the City Clerk's certificate, the number of  
24 signers is shown to be insufficient, such notice in writing  
25 shall be given to the committee of petitioners. The petition  
26 may be amended within 10 days from that date of such  
27 certificate by filing supplementary petition papers with the  
28 additional signatures required.

29 (c) The City Clerk shall, within 10 days after filing  
30 the supplementary petition papers, certify on the amended  
31 petition whether the number of signers to both the petition

1 and the amended petition is sufficient or insufficient. If it  
2 is insufficient, the City Clerk shall notify each member of  
3 the committee of petitioners in writing of that fact.

4 (d) The final finding of the insufficiency of a  
5 petition shall not prejudice the filing of a new petition for  
6 the same purpose.

7 Section 6.04. SUBMISSION TO COMMISSION.--

8 (a) If the City Clerk's certificate shows the number  
9 of signers to be sufficient, the City Clerk shall submit the  
10 proposed measure to the Commission at its next meeting.

11 (b) Upon receiving the proposed measure, the  
12 Commission shall proceed to consider it and shall take a final  
13 action thereon within 90 days from the date it is submitted to  
14 the Commission.

15 Section 6.05. DATE OF ELECTION.--

16 (a) If the Commission shall fail to pass the proposed  
17 measure or shall pass it in a form different than set forth in  
18 the elector initiative petition, then the measure shall be  
19 submitted by the Commission to the vote of the electors at the  
20 next municipal election if one is to be held not less than 90  
21 days and not later than 120 days after the date of final  
22 action by the Commission.

23 (b) If no election is to be held as provided by  
24 subsection (a), then the commission shall call a special  
25 election to be held not less than 90 days nor more than 120  
26 days from the date of final action by the Commission.

27 (c) When submitted to a vote of the electors, the  
28 measure shall be in the form set forth in section 6.06.

29 Section 6.06. FORM OF BALLOT; EFFECTIVE UPON ADOPTION  
30 BY MAJORITY PARTICIPATING.--

31

1       (a) The ballots used when voting upon any such  
2 proposed measure shall state the substance thereof, and below  
3 it the two alternatives: "For the measure" and "Against the  
4 measure."

5       (b) If a majority of the electors voting on any such  
6 measure shall vote in favor thereof, it shall thereupon become  
7 an ordinance of the City.

8       Section 6.07. EFFECT OF MEASURE ADOPTED BY COMMISSION  
9 IN DIFFERENT FORM.--When a measure proposed by elector  
10 initiative petition is passed by the Commission in a different  
11 form from the measure contained in the petition, and it is to  
12 be submitted to a vote of the electors, the measure passed by  
13 the Commission shall not take effect until after such vote. If  
14 the measure so submitted is approved by a majority of the  
15 electors voting thereon, it shall thereupon become an  
16 ordinance of the City, and the measure as passed by the  
17 Commission shall be deemed repealed.

18       Section 6.08. NUMBER OF MEASURES AT SAME  
19 ELECTION.--Any number of measures may be voted upon at the  
20 same election in accordance with the provisions of this  
21 Charter.

22                               ARTICLE VII

23                               GENERAL PROVISIONS

24       Section 7.01. PRESERVATION OF MOBILE HOME  
25 COMMUNITIES.--

26       (a) Mobile home communities provide a unique living  
27 environment which is enjoyed by numerous residents in the  
28 City. It is the intention of the City residents that the  
29 mobile home communities shall continue to exist under the  
30 current zoning regulations. No amendment to the City  
31 Ordinances that changes the actual zoning map designation of a

1 parcel or parcels of land or that changes the actual list of  
2 permitted, conditional, or prohibited uses within the T-1  
3 Mobile Home Park Zoning District shall become effective unless  
4 the amendment shall be approved by 99 percent of the electors  
5 in the City voting in an election called for the purpose of  
6 amending the T-1 Mobile Home Park Zoning District.

7 (b) Notwithstanding the foregoing conditions for  
8 amendment of the T-1 Mobile Home Park Zoning District, this  
9 section shall not restrict the owner of real property located  
10 within the T-1 Mobile Home Park Zoning District from  
11 requesting that the zoning classification of the owner's  
12 property be changed to a zoning classification other than T-1  
13 Mobile Home Park Zoning District.

14 Section 7.02. ADVISORY BOARDS.--

15 (a) The Commission may by resolution appoint advisory  
16 boards, the members of which shall be residents of the City of  
17 Pembroke Park who are qualified to act in an advisory capacity  
18 to the Commission, the City Manager, or any department of the  
19 City with respect to the conduct and management of property or  
20 institution or the exercise of any public functions of the  
21 City of Pembroke Park. The Commission shall determine the  
22 purpose and functions of the advisory boards, the number of  
23 members of each advisory board, the terms of office of the  
24 advisory board members, and such other administrative matters  
25 by ordinance. The members of such boards shall serve without  
26 compensation and it shall be the duty of such boards to make  
27 written recommendations to the Commission from time to time.  
28 Members of all boards shall be subject to removal for cause by  
29 the Commission after a hearing before the Commission.

30 (b) Paid City employees and elected officials of any  
31 public jurisdiction shall not be eligible for membership on



1 any City advisory board unless provision for such membership  
2 is provided in the enabling legislation of said board. No  
3 person may serve on more than one board at the same time.

4 Section 7.03. GRANTING OF FRANCHISES.--The Commission  
5 may by ordinance grant franchises of all kinds, to any  
6 individual, firm, or corporation, for the use of City streets,  
7 waters, and waterways, and recreational facilities, lands, and  
8 ways, but no such franchise shall be granted for more than 15  
9 years, nor shall it be exclusive. Such franchises may be  
10 renewed for additional periods at the expiration date, if the  
11 same procedure is followed as is required for new franchises.  
12 No such franchise or renewal shall be assigned except by  
13 consent and approval of the Commission.

14 Section 7.04. FRANCHISE NOTICE AND PUBLIC  
15 HEARING.--Before any such franchise is granted, there shall be  
16 a public hearing after notice has been published once in a  
17 newspaper of general circulation in the City of Pembroke Park,  
18 not less than 5 days prior to the hearing.

19 Section 7.05. GENERAL PROVISIONS OF  
20 FRANCHISE.--Nothing contained in this Charter shall in any way  
21 limit the Commission in the exercise of any of its lawful  
22 powers with respect to public utilities or other franchises,  
23 or prohibit the Commission from imposing in any such franchise  
24 grant restrictions and provisions as it deems to be in the  
25 public interest, provided they are not inconsistent with the  
26 provisions of this Charter or the Constitution of the State of  
27 Florida.

28 Section 7.06. COMPETITIVE BID REQUIREMENT.--

29 (a) Except as otherwise provided by law, all contracts  
30 for public improvements and purchases of supplies, materials,  
31 or services shall be awarded or made on the basis of clearly

1 drawn specifications and competitive bids or proposals, except  
2 in cases where the Commission specifically determines that it  
3 is impractical to do so by the affirmative vote of four  
4 Commissioners.

5 (b) The Commission shall establish by ordinance the  
6 procedure for notice of competitive bids or proposals, the  
7 receipt and opening of said competitive bids or proposals, and  
8 the awarding of the contracts related thereto.

9 Section 7.07. SALE OF PUBLIC PROPERTY.--

10 (a) The City of Pembroke Park is empowered to sell,  
11 trade, exchange, or otherwise dispose of any lands,  
12 improvements, public buildings, or other lands now owned or  
13 hereafter acquired by the City under the terms set forth in  
14 this section.

15 (b) Before any lands, the title to which is vested in  
16 the City of Pembroke Park, shall be sold, traded, exchanged,  
17 or otherwise disposed of, the Commission shall adopt a  
18 resolution at a regular or special meeting of the Commission  
19 particularly describing the land by legal description,  
20 reference to a recorded plan or government survey, its  
21 location by street number, if there be any, and the  
22 description of all improvements located upon the land, and  
23 shall declare how said land has been used since same has  
24 belonged to the City, why it is no longer needed for public  
25 purposes, and that the City does declare same surplus and  
26 desires to sell the same. The resolution must be approved by  
27 four members of the Commission. The provisions of this section  
28 shall not apply to vacations of streets, alleys, or utility  
29 easements.

30 (c) At any time not less than 30 days, nor more than  
31 60 days, after the adoption of such resolution, the land shall

1 be offered for sale to the public and a notice shall be  
2 published in a newspaper of general circulation in the City  
3 two times before the date of sale, with the first publication  
4 not less than 15 days before the date of sale, and the second  
5 publication 1 week after the first publication, setting forth  
6 on which date sale bids shall be received and protests heard.  
7 Each sealed bid shall be accompanied by a cashier's check or  
8 certified check payable to the City in an amount equal to 10  
9 percent of the bid price. The City shall sell the property for  
10 cash or other property of equal value, to the highest and best  
11 bidder if a sale is made, but the City may reject any and all  
12 bids.

13 (d) During a period of not less than 30 days, nor more  
14 than 60 days between the adoption of the resolution and the  
15 date of sale, taxpayers and registered electors of the City  
16 may protest or object to the sale or propose other public uses  
17 for said property, and the Commission may rescind its former  
18 action and repeal the resolution declaring the property not  
19 needed for public use, if it deems same expedient and proper.  
20 If before the date of the proposed sale, a petition is filed  
21 with the City Clerk signed by 15 percent of the registered  
22 electors of the City objecting to said sale, no such sale  
23 shall be made until the sale of said property has been  
24 approved by a majority of the electors voting at a special  
25 election, which election shall be called by the Commission by  
26 resolution, and at said election only the registered electors  
27 of the City of Pembroke Park shall be permitted to vote.

28 (e) In any deed of conveyance the Commission may place  
29 such conditions, limitations, and restrictions on the use of  
30 such property by the purchasers as the Commission shall deem  
31 proper.

1       (f) Any property designated as a park or recreational  
2 facility shall be disposed of only after said disposal shall  
3 be approved by the majority of votes in an election called for  
4 the purpose of approving the disposition of said parcel or  
5 parcels. The park or recreational facility may be disposed of  
6 in accordance with the procedures set forth in paragraph (c)  
7 after approval by a majority of the voters.

8       (g) All confiscated, unclaimed, or abandoned personal  
9 property coming into the possession of the City, or any  
10 personal property owned by the City which has become obsolete  
11 or which has outlived its usefulness, or which has become  
12 inadequate for public purposes for which it was intended shall  
13 be disposed of by public auction, open competitive bidding,  
14 direct sale, trade, or gift as set forth by ordinance of the  
15 Commission.

16       Section 7.08. LEASES OF PUBLIC PROPERTY.--The City of  
17 Pembroke Park is hereby authorized and empowered to lease any  
18 lands, improvements, public buildings, recreational parks or  
19 facilities, or property of the City to any person, firm, or  
20 corporation for a period not to exceed 5 years after said  
21 lease has been authorized by a duly enacted ordinance of the  
22 Commission. Any lease of lands, improvements, public  
23 buildings, recreational parks and facilities, or property of  
24 the City for a period in excess of 5 years shall require  
25 approval by a majority of the electors of the City voting in  
26 an election called for the purposes of approving the terms of  
27 said lease.

28       Section 7.09. SEVERABILITY CLAUSE.--If any section or  
29 part of a section of this Charter shall be held invalid by a  
30 court of competent jurisdiction, such holding shall not affect  
31 the remainder of this Charter, nor the context in which such

1 section or part of a section so held invalid may appear,  
2 except that an entire section or part of a section may be  
3 inseparably connected in meaning and effect with the section  
4 or part of a section to which such holding shall directly  
5 apply.

6 Section 7.10. EFFECTIVE DATE.--This Charter shall take  
7 effect on September 15, 2002.

8 Section 6. The Charter of the City of Pembroke Park as  
9 hereinbefore set out shall take effect on September 15, 2002,  
10 except that if a majority of the voters voting in the special  
11 election of November 6, 2001, vote for annexation in the City  
12 of Pembroke Park in phases as provided in section 2, sections  
13 2.02 and 2.03 of the Charter of the City of Pembroke Park  
14 shall read as follows:

15 A. Section 2.02. DISTRICTS.--For the purpose of  
16 representation upon and election of the Commissioners, the  
17 City of Pembroke Park Commission shall, by ordinance, prior to  
18 December 1, 2002, and December 1, 2004, apportion the City in  
19 accordance with the Constitutions of the State of Florida and  
20 of the United States into four consecutively numbered  
21 districts. Thereafter, by subsequently enacted ordinances,  
22 the City of Pembroke Park Commission shall adjust the boundary  
23 lines of said districts as may be required from time to time  
24 in order that the apportionment of the City shall continue to  
25 be in accordance with the Constitutions of the State of  
26 Florida and of the United States, but in any event not less  
27 frequently than within the first calendar year following each  
28 decennial census.

29 B. Section 2.03. NUMBER, SELECTION, AND TERMS OF  
30 COMMISSIONERS; INITIAL TERM OF COMMISSIONERS.--

31

1           (a) The Commission shall consist of four Commissioners  
2 and a Mayor, with one Commissioner elected for each of the  
3 four districts by vote of the electors residing and qualified  
4 within the City. The Commissioners shall be elected for a  
5 period of 2 years, beginning in March 2005, or until their  
6 successors are elected and qualified.

7           (b) In order to provide for staggered terms of office  
8 for the Commissioners, at the municipal election to be held in  
9 March 2005, the Commissioners from Districts 1 and 3 shall be  
10 elected for a term of 4 years and the Commissioners from  
11 Districts 2 and 4 shall be elected for a term of 2 years. In  
12 subsequent elections, all Commissioners shall be elected for  
13 4-year terms to fill seats as terms expire in the respective  
14 districts.

15           (c) No individual shall serve as Commissioner for more  
16 than two consecutive four 4-year terms in office. This  
17 provision shall be prospective and not retroactive, and shall  
18 not take into account the present or past terms of elected  
19 Commissioners from the Town of Pembroke Park.

20           Section 7. All public roads and the public  
21 rights-of-way associated therewith, lying within the limits of  
22 the lands subject to annexation herein, as described in  
23 section 1, are transferred from the jurisdiction of Broward  
24 County to the jurisdiction of the annexing municipality.

25           Section 8. Upon annexation into the City of Pembroke  
26 Park, the following shall govern the unincorporated areas  
27 described in this act as to South Central Broward County:

28           (1) The present land use designation and zoning  
29 provided for under the Broward County Comprehensive Plan and  
30 Code of Ordinances of Broward County shall remain the law  
31 governing the areas provided for in this act. The land use

1 designation and zoning of Broward County shall be deemed  
2 conforming law.

3 (2) Any change of designated land use or zoning shall  
4 be accomplished by enactment of the vote of the majority of  
5 the full governing body of the municipality plus one.

6 (3) Notwithstanding subsections (1) and (2), any use,  
7 building, or structure that is legally in existence at the  
8 time that the unincorporated lands become a part of the  
9 municipality, said use shall not be made a prohibited use by  
10 the municipality, on the property of said use, for as long as  
11 the use shall continue and not be voluntarily abandoned.

12 Section 9. Subsequent to the effective date of this  
13 act, no annexation by any municipality shall be effective  
14 within the area described in this act as South Central Broward  
15 County.

16 Section 10. This act shall take precedence over all  
17 other prior enacted law.

18 Section 11. The original charter of the Town of  
19 Pembroke Pines, and all acts amendatory thereof are repealed.

20 Section 12. This act shall take effect upon becoming a  
21 law.

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