

CHAMBER ACTION

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1 The Finance & Tax Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Town of Grant-Valkaria, Brevard  
7 County; creating the Town of Grant-Valkaria; providing a  
8 charter for the town; providing powers of the town;  
9 providing for liberal construction; providing for a town  
10 council-administrator form of government; providing  
11 corporate boundaries; providing that the town may contract  
12 with other governmental entities; providing for a town  
13 council and its powers and duties, compensation, and  
14 membership; providing for a mayor and vice mayor and their  
15 powers and duties; providing for filling of vacancies;  
16 providing for meetings of the town council; providing for  
17 ordinances; restricting the use of eminent domain;  
18 providing for a town administrator and his or her powers  
19 and duties, appointment, qualifications, and compensation;  
20 requiring the town administrator to furnish a security  
21 bond; providing for removal or absence of the town  
22 administrator; providing that the town may establish  
23 departments, offices, and agencies and providing for

HB 1297

2006  
CS

24 administration of those under the direction and  
25 supervision of the town administrator; providing for a  
26 personnel system; providing for a town attorney; providing  
27 for land use, development, and environmental planning;  
28 providing for accounting procedures; specifying the fiscal  
29 year of the town; requiring an annual audit; providing for  
30 availability of financial records of the town; providing  
31 for public deposits; providing requirements for purchase  
32 or sale of real property by the town; providing for an  
33 annual budget; authorizing the levy of certain taxes  
34 within the town; prohibiting the issuance of certain bonds  
35 or entering into certain types of contracts unless  
36 approved by referendum; providing for emergency  
37 appropriations; providing for town elections; providing  
38 for conduct of officials in office; providing for  
39 appointments and removals of town administrative officers  
40 and employees; providing that the town council shall deal  
41 with the town administrator and not officers and employees  
42 of the administrator; providing for regulation of campaign  
43 financing; requiring a long-range plan and a 5-year  
44 financial plan; providing for emergency operations;  
45 providing for dissolution; providing for charter amendment  
46 and review; providing for regulation of land use, zoning,  
47 and development; providing for transition, including an  
48 interim council, continuity and sources of revenues, and  
49 continuity of services; providing severability; requiring  
50 a referendum; providing an effective date.

51

HB 1297

2006  
CS

52 WHEREAS, we, the people of the Town of Grant-Valkaria,  
53 under the Constitution and laws of the State of Florida, in  
54 order to secure the local benefits of self-government, preserve  
55 our history, protect our future, maintain a rural quality of  
56 life, and foster responsible, community-controlled growth, have  
57 ratified this charter by referendum, and

58 WHEREAS, this charter secures the benefits of home rule and  
59 affirms the value of representative democracy, strong community  
60 leadership, citizen participation, and regional cooperation,  
61 NOW, THEREFORE,

62  
63 Be It Enacted by the Legislature of the State of Florida:

64  
65 Section 1. Town of Grant-Valkaria; charter; creation;  
66 powers; construction; form of government; boundaries;  
67 intergovernmental relations.--

68 (1) CHARTER; CREATION.--This act, together with any  
69 amendments thereto, may be known as the "Charter of the Town of  
70 Grant-Valkaria," and the Town of Grant-Valkaria ("town") is  
71 hereby created and established.

72 (2) POWERS OF THE TOWN.--The town shall retain claim to  
73 all power and legal rights granted to municipalities under the  
74 Constitution and laws of the State of Florida as fully and  
75 completely as though they were specifically enumerated in this  
76 charter.

77 (3) CONSTRUCTION.--The power of the town, under this  
78 charter, shall be construed liberally in favor of the town. The  
79 specific mention of particular powers in this charter shall not

HB 1297

2006  
CS

80 | be construed as limiting in any way the general power granted in  
81 | this section.

82 | (4) FORM OF GOVERNMENT.--The town shall have a town  
83 | council-administrator form of government, as defined in sections  
84 | 2 and 3.

85 | (5) CORPORATE BOUNDARIES.--

86 |  
87 | That area lying mostly North of Senne Road, East of  
88 | Babcock Road, South of the City limits of Malabar, and  
89 | West of the centerline of the Indian River Channel.  
90 | Bounded on the North by the North lines of Sections  
91 | 15, 14 and 13 of Township 29S, Range 37E, and Sections  
92 | 18 and 17, Township 29S, Range 38E, Brevard County,  
93 | Florida, and its easterly projection to the centerline  
94 | of the Indian River channel.

95 | Bounded on the East by a line beginning at the  
96 | centerline of the Indian River Channel and the  
97 | Easterly projection of the North line of Section 17,  
98 | Township 29 South, Range 38 East; thence Southerly  
99 | along said centerline of the Indian River Channel to  
100 | the Westerly projection of the South line of the North  
101 | 220 feet of GL-4 Section 10, Township 29 South, Range  
102 | 38 East; thence Easterly 3,150 Feet along said  
103 | Westerly projection of the South line of the North 220  
104 | feet of GL-4; thence due South to the Easterly  
105 | projection of the North line of GL-2 of Section 34,  
106 | Township 29 South, Range 38 East; thence Westerly  
107 | along said Easterly projection of the North line of

HB 1297

2006  
CS

108 | GL-2 to the centerline of the Indian River Channel;  
109 | thence Southerly along said centerline of the Indian  
110 | River Channel to the intersection of the Easterly  
111 | projection of the South line of Section 3, Township 30  
112 | South, Range 38 East.

113 | Bounded on the South by a line beginning at the  
114 | intersection of the centerline of the Indian River  
115 | channel and the Easterly projection of the South line  
116 | of Section 3, Township 30 South, Range 38 East; thence  
117 | Westerly along said South line and its Westerly  
118 | projection to the East line of Tax Parcel 250, lying  
119 | in Section 1, Township 30 South, Range 37 East, as  
120 | recorded in Official Records Book (ORB) 4258, Page 968  
121 | of the Public Records of Brevard County, Florida;  
122 | thence northerly along said East line to the North  
123 | line of said Section 1; thence westerly along said  
124 | North line and its westerly projection to the East  
125 | line of the SW 1/4 of Section 34, Township 29 South,  
126 | Range 37 East; thence northerly along the East line of  
127 | the SW 1/4 of said Section 34 to the South line of Tax  
128 | Parcel 762 as recorded in Official Records Book 4895,  
129 | Page 625 of said Public Records; thence easterly along  
130 | the South line of said Tax Parcel 762 to the East line  
131 | of said Tax Parcel 762; thence northerly along said  
132 | East line to the North line of the SW 1/4 of said  
133 | Section 34; thence westerly along the North line of  
134 | the SW 1/4 of said Section 34 to the intersection of  
135 | the centerline of Babcock St.

Page 5 of 50

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hb1297-01-c1

HB 1297

2006  
CS

136 | Bounded on the West by the centerline of Babcock St.  
137 | Except:  
138 | Tax Parcel 276 as recorded in Official Record Book  
139 | 5193 Page 3598, in Section 27, Township 29 South,  
140 | Range 37 East, of Public Records of Brevard County,  
141 | Florida.  
142 | Tax Parcel 334 as recorded in Official Record Book  
143 | 5193 Page 3629, in Section 27, Township 29 South,  
144 | Range 37 East, of Public Records of Brevard County,  
145 | Florida.  
146 | Tax Parcel 335 as recorded in Official Record Book  
147 | 5193 Page 3562, in Section 27, Township 29 South,  
148 | Range 37 East, of Public Records of Brevard County,  
149 | Florida.  
150 | Tax Parcel 336 as recorded in Official Record Book  
151 | 5193 Page 3831, in Section 27, Township 29 South,  
152 | Range 37 East, of Public Records of Brevard County,  
153 | Florida.  
154 | Tax Parcel 504 as recorded in Official Record Book  
155 | 5375 Page 6773, in Section 27, Township 29 South,  
156 | Range 37 East, of Public Records of Brevard County,  
157 | Florida.  
158 | Tax Parcel 278 as recorded in Official Record Book  
159 | 4003 page 3742, in Section 22, Township 29 South,  
160 | Range 37 East, of Public Records of Brevard County,  
161 | Florida.  
162 | Tax Parcels 270 and 309, as recorded in Official  
163 | Record Book 4951 Page 1494, in Section 22, Township 29

Page 6 of 50

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hb1297-01-c1

HB 1297

2006  
CS

164        South, Range 37 East, of Public Records of Brevard  
 165        County, Florida.  
 166        AND in the SW 1/4 of Section 15, Township 29 South,  
 167        Range 37 East being more particularly described as  
 168        follows:  
 169        Tax Parcel 519, 573, 536, 572, 532, 549, 533, 575,  
 170        534, 554, 535, 515 and 540 as recorded in the Official  
 171        Record Book 4607 page 3439 of the Public Records of  
 172        Brevard County, Florida.  
 173        Except: All of land described in ORB 4643 page 324, in  
 174        Section 15, Township 29 South, Range 37 East, as  
 175        recorded in Public Records of Brevard County, Florida  
 176        AKA as tax parcels:  
 177        Tax parcel 277, as recorded in ORB 4167 page 3180  
 178        Tax parcel 278, as recorded in ORB 4167 page 3180  
 179        Tax parcel 279, as recorded in ORB 4167 page 3180  
 180        Tax parcel 280, as recorded in ORB 4167 page 3180  
 181        Tax parcel 281, as recorded in ORB 4237 page 679  
 182        Tax parcel 290, as recorded in ORB 4237 page 680  
 183        Tax parcel 298, as recorded in ORB 4237 page 681  
 184        and,  
 185        The South 435.00 feet of the West 350.00 feet of Lot  
 186        24, Florida Indian River Land Company Subdivision, as  
 187        recorded in Plat Book 1, Page 165, of the Public  
 188        Records of Brevard County, Florida, less and except  
 189        the South 35.00 feet and the West 50.00 feet thereof.  
 190

HB 1297

2006  
CS

191       (6) INTERGOVERNMENTAL RELATIONS.--The town may participate  
 192 by contract or otherwise with any governmental entity of the  
 193 state, or any other state or states of the United States, in the  
 194 performance of any activity that one or more of such entities  
 195 have the authority to undertake.

196       Section 2. Town council; mayor; vice mayor; ordinances;  
 197 eminent domain.--

198       (1) TOWN COUNCIL.--The term "council" means the Grant-  
 199 Valkaria Town Council and includes the mayor.

200       (a) The town council shall consist of six council members  
 201 and one mayor, for a total of seven members, all of whom shall  
 202 be elected at large and in accordance with section 6. The  
 203 council members shall occupy seats numbered 1 through 6.

204       (b) Four or more members of the town council shall  
 205 constitute a majority, and five or more members of the town  
 206 council shall constitute a supermajority. A majority of the town  
 207 council shall constitute a quorum, but a smaller number may  
 208 adjourn as required and may compel the attendance of absent  
 209 members in the manner and subject to any penalties prescribed by  
 210 rules adopted by the town council.

211       (c) All powers of the town shall be vested in the elected  
 212 town council, except as otherwise provided by law or by this  
 213 charter.

214       (2) MAYOR.--The mayor shall preside at meetings of the  
 215 town council. The mayor shall be a regular voting member of the  
 216 town council. The mayor shall be recognized as the head of town  
 217 government for all ceremonial purposes; for purposes of military  
 218 law; for service of process and execution of town council

HB 1297

2006  
CS

219 authorized contracts, deeds, and other documents; and as the  
220 town official designated to represent the town when dealing with  
221 other governmental entities on behalf of the town.

222 (3) VICE MAYOR.--The vice mayor shall act as mayor in the  
223 absence of the mayor. The vice mayor shall be elected from among  
224 council members for a term of 1 year or until his or her  
225 successor is elected. A council member shall not serve  
226 consecutive terms as vice mayor unless no other council member  
227 is willing to serve as vice mayor.

228 (4) VACANCIES.--The office of a town council member shall  
229 become vacant upon the incumbent's death, resignation, or  
230 removal from office in any manner authorized by law or by  
231 forfeiture of his or her office.

232 (a) A town council member shall forfeit his or her seat if  
233 at any time during his or her term he or she ceases to maintain  
234 his or her permanent residence in the town or if he or she  
235 otherwise ceases to be a qualified elector of the town.

236 (b) Any member of the town council shall be subject to  
237 forfeiture of his or her office if he or she is absent without  
238 good cause from any three consecutive regular meetings of the  
239 council or if he or she is absent without good cause from any  
240 four regular meetings of the council within any 12-month period.

241 (c) The town council shall be the sole judge of the  
242 qualifications of its members and shall hear all questions  
243 relating to forfeiture of a council member's office, including  
244 whether good cause for absence has been or may be established.  
245 The burden of establishing good cause shall be on the council  
246 member in question; however, any council member may at any time

HB 1297

2006  
CS

247 during any duly held meeting move to establish good cause for  
248 his or her absence or the absence of any other council member  
249 from any past, present, or future meeting or meetings, which  
250 motion, if carried, shall be conclusive.

251 (d) A council member whose qualifications are in question  
252 or who is otherwise subject to forfeiture of his or her office  
253 shall not vote on any such matters. The council member in  
254 question shall be entitled to a public hearing on requests  
255 regarding an alleged forfeiture of office. If a public hearing  
256 is requested, notice thereof shall be published in one or more  
257 newspapers of general circulation in the town at least 1 week in  
258 advance of the hearing.

259 (e) Any final determination by the town council that a  
260 council member has forfeited his or her office shall be made by  
261 resolution. All votes and other acts of the council member in  
262 question prior to the effective date of such resolution shall be  
263 valid regardless of the grounds of forfeiture.

264 (5) FILLING OF VACANCIES.--

265 (a) A vacancy on the town council shall be filled by a  
266 majority vote of the remaining members of the town council,  
267 unless at the time of the vacancy there are fewer than 6 months  
268 remaining before the next regular election of town council  
269 members, in which case the town council shall have the  
270 discretion to leave the seat vacant until the next regular  
271 election of town council members. Any person appointed by the  
272 town council to fill a vacancy shall hold office until the next  
273 regular town council election. The elected replacement shall  
274 serve the remaining term for the vacated seat.

HB 1297

2006  
CS

275        (b) In the event that all the members of the town council  
 276 are removed by death, disability, recall, forfeiture of office,  
 277 resignation, or any combination thereof, the Governor shall  
 278 appoint an interim town council. The interim town council shall  
 279 call a special election within not fewer than 60 days or more  
 280 than 90 days after such appointment. Such election shall be held  
 281 in the same manner as the initial elections under this charter.  
 282 However, if there are fewer than 6 months remaining in the  
 283 unexpired terms, the interim town council appointed by the  
 284 Governor shall serve out the unexpired terms.

285        (c) Persons filling vacancies shall meet the  
 286 qualifications specified in section 6(8).

287        (d) Notwithstanding any quorum requirements established  
 288 herein, if at any time the full membership of the town council  
 289 is reduced to less than a quorum, the remaining members may, by  
 290 unanimous vote, appoint additional members to the extent  
 291 permitted or required under this subsection.

292        (6) COMPENSATION; REIMBURSEMENT FOR EXPENSES.--

293        (a) The council members shall serve as town volunteers and  
 294 shall not be compensated.

295        (b) The council members shall receive reimbursement for  
 296 council-approved expenses in accordance with applicable law, or  
 297 as may be otherwise provided by ordinance, for authorized travel  
 298 and per diem expenses incurred in the performance of their  
 299 official duties. An ordinance establishing, increasing, or  
 300 decreasing reimbursement for expenses of the council members may  
 301 be adopted at any time.

HB 1297

2006  
CS

302        (7) INVESTIGATIONS.--The town council may make  
303        investigations into the affairs of the town and the conduct of  
304        any town department, office, or agency and for this purpose may  
305        subpoena witnesses, administer oaths, take testimony, and  
306        require the production of evidence.

307        (8) MEETINGS.--

308        (a) The town council shall hold a minimum of 11 monthly  
309        meetings in each fiscal year at such times and places as the  
310        town council may prescribe by rule. Special meetings may be held  
311        on the call of the mayor or four or more members and, whenever  
312        feasible, upon no less than 24 hours' notice to each member.  
313        Except as otherwise provided by general law, all meetings shall  
314        be public.

315        (b) The town council shall determine its own rules and  
316        order of business and procedure; however, in the absence of  
317        same, the latest edition of Robert's Rules of Order shall be  
318        used. The town council shall provide for keeping the journal of  
319        its proceedings, which journal shall be a public record except  
320        as otherwise provided by general law.

321        (c) During all town council votes, the individual votes as  
322        cast by each person on the town council shall be recorded in the  
323        journal of that meeting. No action of the town council, except  
324        as otherwise provided in this charter, shall be valid or binding  
325        unless adopted by a majority decision. Except as otherwise  
326        provided in this charter, all land use and quasi-judicial items  
327        shall require a supermajority decision.

328        (9) ORDINANCES.--In addition to other acts required by law  
329        or by specific provision of this charter to be done by

HB 1297

2006  
CS

330 ordinance, those acts of the town council shall be done by  
 331 ordinance, in accordance with the provisions of this charter,  
 332 which:

333 (a) Adopt or amend an administrative code or establish,  
 334 alter, or abolish any town department, office, or agency;

335 (b) Regulate land use and development;

336 (c) Levy taxes;

337 (d) Grant, renew, or extend a franchise;

338 (e) Regulate the rate charged by a public utility for its  
 339 services;

340 (f) Authorize the borrowing of money;

341 (g) Convey or lease, or authorize the conveyance or lease  
 342 of, any lands of the town;

343 (h) Provide for a fine or other penalty or establish a  
 344 rule or regulation for violation of which a fine or other  
 345 penalty is imposed;

346 (i) Amend or repeal any ordinance previously adopted; or

347 (j) Adopt, with or without amendment, ordinances proposed  
 348 under the initiative power.

349  
 350 Acts other than those referred to in this subsection may be done  
 351 either by ordinance or by resolution.

352 (10) EMINENT DOMAIN.--In no case shall the town council  
 353 exercise its powers of eminent domain or condemnation to acquire  
 354 property for private development purposes, regardless of the  
 355 public good such eminent domain or condemnation might support.

356 (11) ORDINANCES IN GENERAL.--

HB 1297

2006  
CS

357        (a) Every proposed ordinance shall be introduced in  
358 writing and in the form required for final adoption. No  
359 ordinance shall contain more than one subject, which shall be  
360 clearly expressed in its title. The enacting clause shall read,  
361 "The Town of Grant-Valkaria hereby ordains:". Any ordinance that  
362 repeals or amends an existing ordinance or part of the town code  
363 shall set out in full the ordinance and the sections or  
364 subsections to be repealed or amended and shall indicate matters  
365 to be omitted by enclosing brackets or by strikeout type and  
366 shall indicate new matters by italics or by underscoring.

367        (b) Any member of the town council at any regular or  
368 special meeting of the town council may introduce an ordinance.  
369 Upon introduction of any ordinance, the town clerk shall  
370 distribute a copy to each council member and the town  
371 administrator, shall file a reasonable number of copies in the  
372 office of the town clerk and such other public places as the  
373 town council may designate, and shall publish the ordinance  
374 together with a notice setting out the time and place for a  
375 public hearing thereon and for its consideration by the town  
376 council. The public hearing shall follow the publication by at  
377 least 7 calendar days, may be held separately or in connection  
378 with a regular or special town council meeting, and may be  
379 adjourned from time to time; all persons interested shall have  
380 an opportunity to be heard. After the hearing, the town council  
381 may adopt the ordinance with or without amendment or reject it,  
382 but if it is amended as to any matter of substance, the town  
383 council may not adopt it until the ordinance or its amended  
384 sections have been subjected to all the procedures hereinbefore

HB 1297

2006  
CS

385 required in the case of a newly introduced ordinance. As soon as  
386 feasible after adoption, the clerk shall have the ordinance and  
387 a notice of its adoption published and available at a reasonable  
388 price. As used in this section, the term "publish" means to  
389 provide in the contemporary means of information sharing, which  
390 includes, but is not limited to, one or more newspapers of  
391 general circulation in the town and, if available, in a website,  
392 the ordinance or a brief summary thereof, the places where  
393 copies of it have been filed, and the times when they are  
394 available for public inspection and purchase at a reasonable  
395 price.

396 (c) Except as otherwise provided in this charter, every  
397 adopted ordinance shall become effective at the expiration of 30  
398 days after adoption or at any later date specified therein.

399 (d) To meet a public emergency affecting life, health,  
400 property, or the public peace, the town council may adopt one or  
401 more emergency ordinances, but such ordinances may not levy  
402 taxes; grant, renew, or extend a franchise; regulate the rate  
403 charged by any public utility for its services; or authorize the  
404 borrowing of money except as provided in section 5(8). An  
405 emergency ordinance shall be introduced in the form and manner  
406 prescribed for ordinances generally, except that it shall be  
407 plainly designated as an emergency ordinance and shall contain,  
408 after the enacting clause, a declaration stating that an  
409 emergency exists and describing it in clear and specific terms.  
410 An emergency ordinance may be adopted with or without amendment  
411 or rejected at the meeting at which it is introduced, but the  
412 affirmative vote of four or more members shall be required for

HB 1297

2006  
CS

413 adoption. After its adoption, the ordinance shall be published  
414 as prescribed for other adopted ordinances. It shall become  
415 effective upon adoption or at such later time as it may specify.  
416 Every emergency ordinance except an emergency appropriation as  
417 described in section 5(9) shall automatically stand repealed as  
418 of the 61st day following the date on which it was adopted, but  
419 this shall not prevent reenactment of the ordinance in the  
420 manner specified in this section if the emergency still exists.  
421 An emergency ordinance may also be repealed by adoption of a  
422 repealing ordinance in the same manner specified in this section  
423 for adoption of emergency ordinances.

424 (e) The town council may adopt any standard code of  
425 technical regulations by reference thereto in an adopting  
426 ordinance. The procedure and requirements governing such an  
427 adopting ordinance shall be as prescribed for ordinances  
428 generally, except that:

429 1. The requirements of this charter for distribution and  
430 filing of copies of the ordinance shall be construed to include  
431 copies of the code of technical regulations as well as of the  
432 adopting ordinance.

433 2. A copy of each adopted code of technical regulations as  
434 well as of the adopting ordinance shall be authenticated and  
435 recorded by the town clerk pursuant to this charter.

436 3. Copies of any adopted code of technical regulations  
437 shall be made available by the town clerk for distribution or  
438 for purchase at a reasonable price, consistent with the current  
439 year's budget.

HB 1297

2006  
CS

440        (f) The town clerk shall authenticate by signing and shall  
441 record in full in a properly indexed document kept for that  
442 purpose all ordinances and resolutions adopted by the town  
443 council.

444        (g) Within 3 years after adoption of this charter and at  
445 least every 10 years thereafter, the town council shall provide  
446 for the preparation of a general codification of all town  
447 ordinances and resolutions having the force and effect of law.  
448 The general codification shall be adopted by the town council by  
449 ordinance and shall be published, together with this charter and  
450 any amendments thereto, pertinent provisions of the constitution  
451 and other laws of the state, and such codes of technical  
452 regulations and other rules and regulations as the town council  
453 may specify. This compilation shall be known and cited  
454 officially as the Grant-Valkaria Town Code. Copies of the code  
455 shall be furnished to town officers, placed in libraries, public  
456 offices, and, if available, on a website for free public  
457 reference, and made available for purchase by the public at a  
458 reasonable price fixed by the town council.

459        (h) The town council shall cause each ordinance and  
460 resolution having the force and effect of law and each amendment  
461 to this charter to be published promptly following its adoption,  
462 and the published ordinances, resolutions, and charter  
463 amendments shall be distributed or sold to the public at  
464 reasonable prices as fixed by the town council. Following  
465 publication of the first Grant-Valkaria Town Code and at all  
466 times thereafter, the ordinances, resolutions, and charter  
467 amendments shall be published in substantially the same style as

HB 1297

2006  
CS

468 the code currently in effect and shall be suitable in form for  
469 integration therein. The town council shall make such further  
470 arrangements as it deems desirable with respect to reproduction  
471 and distribution of any changes in or additions to the  
472 provisions of the Constitution and laws of the State of Florida  
473 or the codes of technical regulations and other rules and  
474 regulations included in the code.

475 Section 3. Town administrator.--

476 (1) APPOINTMENT; QUALIFICATIONS; COMPENSATION.--The town  
477 council, by majority vote, shall appoint a town administrator  
478 for an indefinite term and set the town administrator's  
479 compensation. The town administrator shall be appointed  
480 primarily on the basis of education and experience in the  
481 accepted competencies and practices of local government  
482 management. The town administrator need not be a resident of the  
483 town or state at the time of appointment but may reside outside  
484 the town while in office only with the approval of the town  
485 council. The town administrator is continuously responsible to  
486 the town council, the elected representatives of the people.

487 (2) REMOVAL.--The town council may request the resignation  
488 of the town administrator. If the town administrator declines to  
489 resign at the town council's request, the town council may  
490 suspend the administrator by a resolution approved by a majority  
491 of the town council. Such resolution shall set forth the reasons  
492 for suspension and proposed removal. A copy of such resolution  
493 shall be served immediately upon the town administrator. The  
494 town administrator shall have 15 days in which to reply thereto  
495 in writing and, upon request, shall be afforded a public

HB 1297

2006  
CS

496 hearing, which shall occur not earlier than 10 days or later  
497 than 15 days after such hearing is requested. After the public  
498 hearing, if one is requested, and after full consideration, the  
499 town council, by a majority vote, may adopt a final resolution  
500 of removal. The town administrator shall continue to receive  
501 full salary until the effective date of a final resolution of  
502 removal.

503 (3) ABSENCE OR DISABILITY.--

504 (a) To perform his or her duties during his or her  
505 temporary absence or disability, the town administrator may  
506 designate, by letter filed with the town clerk, an interim town  
507 administrator.

508 (b) In the event of failure or inability of the town  
509 administrator to make such designation, or should the person so  
510 designated by the town administrator be unsatisfactory to the  
511 town council, the town council may by resolution appoint an  
512 interim town administrator to perform the duties of the town  
513 administrator until he or she returns or his or her disability  
514 ceases.

515 (4) POWERS AND DUTIES.--The town administrator shall be  
516 the chief executive officer of the town, responsible to the town  
517 council for the management of all town affairs placed in the  
518 town administrator's charge by or under this charter. The town  
519 administrator shall:

520 (a) Hire or fill existing positions, including the town  
521 clerk, and when the town administrator deems it necessary for  
522 the good of the town, suspend or remove town employees, except

HB 1297

2006  
CS

523 as otherwise provided by law or this charter. The town  
524 administrator may serve as town clerk.

525 (b) Direct and supervise the administration of all  
526 departments and offices, but not town boards or agencies, except  
527 as otherwise directed by the town council or provided by this  
528 charter.

529 (c) Attend all town council meetings. The town  
530 administrator shall have the right to take part in discussion  
531 but shall not have the right to vote.

532 (d) Ensure that all laws, provisions of this charter, and  
533 acts of the town council, subject to enforcement by the town  
534 administrator or by officers subject to the town administrator's  
535 direction and supervision, are faithfully executed.

536 (e) Prepare and submit the annual budget and capital  
537 program, as specified in section 5, to the town council and  
538 implement the final budget approved by the town council to  
539 achieve the goals of the town.

540 (f) Submit to the town council, and make available to the  
541 public, a complete report on the financial and administrative  
542 activities of the town as of the end of each fiscal year.

543 (g) Prepare such other reports as the town council may  
544 require concerning the operations of town departments, offices,  
545 boards, and agencies.

546 (h) Keep the town council fully advised as to the  
547 financial condition and current and future needs of the town.

548 (i) Assist the town council in developing long-term goals  
549 for the town and strategies to implement these goals.

HB 1297

2006  
CS

550        (j) Make recommendations to the town council concerning  
551 the affairs of the town and facilitate the work of the town  
552 council in developing policy.

553        (k) Provide staff support services for the mayor and  
554 council members.

555        (l) Encourage and provide staff support for regional and  
556 intergovernmental cooperation.

557        (m) Promote partnerships among the town council, staff,  
558 and citizens in developing public policy and building a sense of  
559 community.

560        (n) Perform all such other duties as are specified in this  
561 charter or that may be required by the town council.

562        (5) BOND.--The town administrator and, where applicable,  
563 an interim town administrator shall furnish a security bond to  
564 be approved by the town council, in such amount as the town  
565 council may specify, such bond to be conditioned on the faithful  
566 performance of his or her duties. The premium of the bond shall  
567 be paid by the town.

568        Section 4. Departments, offices, and agencies; town  
569 attorney; land use.--

570        (1) CREATION OF DEPARTMENTS, OFFICES, AND AGENCIES.--The  
571 town council may establish town departments, offices, and  
572 agencies in addition to those created by this charter and shall  
573 prescribe the functions of all departments, offices, and  
574 agencies. No function assigned by this charter to a particular  
575 department, office, or agency may be discontinued or assigned to  
576 any other unless specified by this charter.

HB 1297

2006  
CS

577        (2) DIRECTION BY TOWN ADMINISTRATOR.--All departments,  
578 offices, and agencies under the direction and supervision of the  
579 town administrator shall be administered by an officer appointed  
580 by and subject to the direction and supervision of the town  
581 administrator. With the consent of the town council, the town  
582 administrator may serve as the head of one or more such  
583 departments, offices, or agencies or may appoint one person as  
584 the head of two or more of them.

585        (3) PERSONNEL SYSTEM.--

586        (a) All appointments and promotions of town officers and  
587 employees shall be made primarily on the basis of merit or other  
588 evidence of competence.

589        (b) Consistent with all applicable federal and state laws,  
590 the town council shall provide by ordinance for the  
591 establishment, regulation, and maintenance of a merit system  
592 governing personnel policies necessary to effective  
593 administration of the employees of the town's departments,  
594 offices, and agencies.

595        (4) TOWN ATTORNEY.--The town council shall appoint the  
596 town attorney by an affirmative vote of a majority of the town  
597 council. The town council shall establish a contract term for  
598 the town attorney that includes scheduled reviews. The town  
599 attorney shall report to the town council to serve as chief  
600 legal adviser to the town council, the town administrator, and  
601 all town departments, offices, and agencies. Compensation and  
602 benefits of the town attorney shall be set by the town council.  
603 The town attorney shall be a member in good standing of The  
604 Florida Bar. The town council may remove the town attorney at

HB 1297

2006  
CS

605 any time by an affirmative vote of a majority of the town  
 606 council. The town attorney shall take office immediately on  
 607 appointment, and the terms and conditions shall be reduced to a  
 608 written contract. The town council shall have the authority to  
 609 engage such additional legal counsel as it deems advisable and  
 610 necessary.

611 (5) LAND USE, DEVELOPMENT, AND ENVIRONMENTAL  
 612 PLANNING.--Consistent with all applicable federal and state laws  
 613 with respect to land use, development, and environmental  
 614 planning, the town council shall:

615 (a) Designate an agency or agencies to carry out the  
 616 planning function and such decisionmaking responsibilities as  
 617 may be specified by ordinance or in section 9.

618 (b) Adopt a comprehensive plan and determine to what  
 619 extent zoning and other land use control ordinances must be  
 620 consistent with the plan.

621 (c) Determine to what extent the comprehensive plan and  
 622 zoning and other land use ordinances must be consistent with  
 623 regional plans.

624 (d) Adopt development regulations, to be specified by  
 625 ordinance, to implement the plan.

626  
 627 The designated agency, the town administrator, and the town  
 628 council shall seek to act in cooperation with other  
 629 jurisdictions and organizations in their region to promote  
 630 integrated approaches to regional issues.

631 Section 5. Finances.--

HB 1297

2006  
CS

632        (1) ACCOUNTING PROCEDURES.--The town administrator shall  
633 prescribe and require, except as may be prescribed and required  
634 by law, the use of plain and uniform systems of keeping books of  
635 accounts by all town departments, officers, or employees who are  
636 charged with the receipt or disbursements of any of the funds of  
637 the town or who may be authorized to purchase materials and  
638 supplies or to employ labor for the town.

639        (2) FISCAL YEAR.--The fiscal year of the town shall begin  
640 with the first day of October in each year and end on the last  
641 day of September of the following year, as set forth in section  
642 166.241, Florida Statutes.

643        (3) ANNUAL AUDIT.--The town council shall retain a  
644 certified public accountant to be the independent auditor of  
645 accounts of the town. It shall be the duty of the auditor to  
646 audit the accounts of the town and all its officers whose duty  
647 involves the collection, custody, and payment of moneys to or by  
648 the town. The auditor shall, on or before April 15 of each year,  
649 make and deliver a detailed report of any and all accounts,  
650 records, and books from the previous fiscal year examined and  
651 audited by him or her, which report under his or her hand and  
652 seal shall be made available for public inspection.

653        (4) PUBLIC FINANCIAL RECORDS.--The town administrator  
654 shall regularly make available as public records at a suitable  
655 location all major revenues and expenditures of the town for a  
656 given fiscal year. This information shall be made available, at  
657 a minimum, quarterly.

HB 1297

2006  
CS

658        (5) PUBLIC DEPOSITS.--All public deposits shall be made in  
659 qualified public depositories and shall be secured as provided  
660 by state law.

661        (6) PURCHASE, SALE, AND LEASE OF REAL PROPERTY.--All  
662 purchases or sales of real property by the town or leases of  
663 town-owned property are subject to public notice and hearing  
664 before action is taken by the town council. Such action shall  
665 require a supermajority vote of the town council. The public  
666 notice shall be of the same extent and nature as that required  
667 by general law for rezoning.

668        (7) ANNUAL BUDGET.--

669        (a) Submission of annual budget.--On or before July 15 of  
670 each year, the town administrator shall submit a budget in  
671 accordance with state law. It shall outline the financial  
672 policies of the town for the ensuing fiscal year, describe the  
673 important features of the budget, indicate any major changes  
674 from the current year in fiscal policy, summarize the town's  
675 fiscal position, and include any other material as the town  
676 administrator deems necessary.

677        (b) Town council action on the budget.--

678        1. The town council shall adopt a budget for the ensuing  
679 fiscal year by resolution on or before September 30 of each  
680 year.

681        2. The town council shall not authorize or allow to be  
682 authorized a budget that exceeds the reasonably expected revenue  
683 for the ensuing fiscal year.

684        (c) Budget financial procedures.--

HB 1297

2006  
CS

685 1. If at any time during the fiscal year it appears  
686 probable to the town administrator that the revenues available  
687 will be insufficient to meet the amount appropriated in the  
688 budget, the town administrator shall report to the town council  
689 without delay. The town council shall then take action to  
690 prevent or minimize any deficit and for that purpose may, by  
691 resolution, reduce one or more appropriations.

692 2. The town administrator shall have full authority to  
693 transfer unencumbered funds between different programs within a  
694 department, office, or agency. The town administrator shall not  
695 have the authority to transfer funds between departments,  
696 offices, or agencies.

697 3. The town council may, by resolution, transfer or  
698 otherwise allocate or reallocate part or all of any unencumbered  
699 balance within a department, office, or agency to any other  
700 department, office, or agency.

701 (d) Budget as public record.--Copies of the budget as  
702 adopted shall be public record and shall be made available to  
703 the public at a suitable location in the town.

704 (8) TAXATION AND REVENUE.--

705 (a) Property taxable.--All property, real or personal, in  
706 the town not expressly exempt by state law shall be subject to  
707 taxation by the town within the limits set forth by the State  
708 Constitution and general law.

709 (b) Authority of town to levy taxes.--The town council  
710 shall have the right to raise, by taxation on the taxable  
711 property within the corporate limits of the town and on  
712 licenses, such amounts as may be necessary to carry on the

HB 1297

2006  
CS

713 government of the town, within the limits set forth by the State  
 714 Constitution and general law. The town council shall have the  
 715 right to levy such additional taxes, within the limits set forth  
 716 by the State Constitution and general law, as may be necessary  
 717 to pay the interest on, and to provide a sinking fund for the  
 718 ultimate redemption of, the outstanding bonds of the town as may  
 719 from time to time be issued in accordance with law and to pay  
 720 any lawful judgment that the town may be compelled to satisfy.

721 (c) Borrowing money; selling bonds.--Unless authorized by  
 722 the electors of the town at a duly held referendum election, the  
 723 town council shall not authorize or allow to be authorized the  
 724 issuance of revenue bonds or enter into lease-purchase contracts  
 725 or any other unfunded multiyear contracts for the purchase of  
 726 real property or the construction of capital improvements the  
 727 repayment of which extends beyond the end of any fiscal year.

728 (9) EMERGENCY APPROPRIATIONS.--To address a public  
 729 emergency affecting life, health, property, or the public peace,  
 730 the town council may make emergency appropriations. Such  
 731 appropriations may be made by emergency ordinance in accordance  
 732 with the provisions of section 2. To the extent that there are  
 733 no available unappropriated revenues or a sufficient fund  
 734 balance to meet such appropriations, the town council may by  
 735 such emergency ordinance authorize the issuance of emergency  
 736 notes, which may be renewed from time to time, but the emergency  
 737 notes and renewals of any fiscal year shall be paid or  
 738 refinanced as long-term debt not later than the last day of the  
 739 fiscal year next succeeding that in which the emergency  
 740 appropriation was made.

HB 1297

2006  
CS

741           Section 6. Town elections.--

742           (1) CONDUCT OF ELECTIONS.--The provisions of the general  
 743 election laws of the state shall apply to all elections held  
 744 under this charter. The town council may, by ordinance, make all  
 745 regulations it considers needful or desirable, not inconsistent  
 746 with this charter, for the conduct of municipal elections and  
 747 for the prevention of fraud therein. Nothing in this charter  
 748 shall preclude the town council from authorizing the  
 749 administration of town elections by the county supervisor of  
 750 elections.

751           (a) Regular elections.--The regular town elections shall  
 752 be held every 2 years beginning on November 7, 2006, coincident  
 753 with county, state, and national elections. Poll workers and  
 754 clerks of elections, if required, shall be appointed by the  
 755 Brevard County Supervisor of Elections.

756           (b) Special elections.--Special elections, when required,  
 757 shall be scheduled by the town council at such times and in such  
 758 manner as shall be consistent with this charter and state law.

759           (c) Single candidates.--No election for a town council  
 760 seat shall be required in any election if there is only one duly  
 761 qualified candidate for that seat.

762           (d) Electors.--Any person who is a resident of the town,  
 763 is qualified as an elector of the state, and is registered to  
 764 vote in the manner prescribed by law shall be an elector of the  
 765 town.

766           (e) Nonpartisan elections.--All elections for the offices  
 767 of council member and mayor shall be conducted on a nonpartisan  
 768 basis.

HB 1297

2006  
CS

769       (2) COMMENCEMENT OF TERMS.--The term of office of any  
770 electd official shall commence 2 weeks after the election.

771       (3) OATH OF OFFICE.--All elected officers, before entering  
772 upon their duties, shall take and subscribe to the following  
773 oath of office: "I do solemnly swear (or affirm) that I will  
774 support, protect, and defend the Constitution and Government of  
775 the United States and of the State of Florida and the charter of  
776 the Town of Grant-Valkaria; that I am duly qualified to hold  
777 office under the Constitution of the State and of the charter of  
778 the Town of Grant-Valkaria; that I will well and faithfully  
779 perform the duties of (mayor or council member) upon which I am  
780 about to enter; and that I will work to preserve and promote the  
781 history, environment, and rural character of the Town of Grant-  
782 Valkaria."

783       (4) METHOD OF ELECTING COUNCIL MEMBERS.--The ballot for  
784 the general election shall contain the names of all qualified  
785 candidates for council members and the number of seats up for  
786 election. The ballot shall instruct electors to cast one vote  
787 for each open council seat. The candidates who receive the  
788 largest number of votes shall be the duly elected council  
789 members and shall be designated as holding a specific council  
790 seat number. Council seat numbers shall be assigned such that  
791 the lowest seat number available is given to the candidate who  
792 receives the largest number of votes.

793       (5) METHOD OF ELECTING THE MAYOR.--If the mayor's term is  
794 expiring, the ballot for the general election shall contain the  
795 names of all qualified candidates for mayor and shall instruct  
796 electors to cast one vote for mayor. The candidate for mayor

HB 1297

2006  
CS

797 receiving the largest number of votes shall be the duly elected  
798 mayor.

799 (6) TIE VOTES.--In the event of a tie for the office of  
800 council member or mayor, the winner shall be determined by lot.

801 (7) CANDIDATE FORUMS.--The town shall sponsor and budget  
802 for a minimum of three candidate forums. Each candidate for  
803 mayor or council seat shall participate in a minimum of two  
804 candidate forums.

805 (8) QUALIFYING OF CANDIDATES FOR OFFICE OF COUNCIL MEMBER  
806 OR MAYOR.--

807 (a) Only electors of the town who have resided in the town  
808 for the 2 years preceding the date of filing for candidacy shall  
809 be eligible to hold the office of council member or mayor.

810 (b) Candidates for council member or mayor shall qualify  
811 for election by the filing of a written notice of candidacy with  
812 the clerk of the town at such time and in such manner as may be  
813 prescribed by ordinance, plus payment of any fees required by  
814 general law as a qualifying fee. The candidate shall submit a  
815 qualifying statement, as prescribed by ordinance, with the  
816 signatures of at least 1 percent of the total number of electors  
817 at the last general election, and pay any required filing fee.

818 (c) The qualifying period shall not be less than 45 days  
819 and not more than 60 days prior to the elections. If there is an  
820 insufficient number of candidates at the conclusion of the  
821 qualifying period, all candidates shall be seated according to  
822 paragraph (1)(c) and subsection (6). The qualifying period shall  
823 be extended 5 business days for the remaining open seat or  
824 seats.

HB 1297

2006  
CS

825 (d) A person may not be a candidate for more than one  
826 office in the same election.

827 (9) INITIATIVE, CITIZEN REFERENDUM, AND RECALL.--

828 (a) The electors of the town shall have power to propose  
829 ordinances to the town council; however, such power shall not  
830 extend to the budget or capital program or any ordinance  
831 relating to appropriation of money, levy of taxes, or salaries  
832 of town employees. If the town council fails to adopt the  
833 proposed ordinance or a modification thereof, the electors shall  
834 have the power to adopt or reject it at a town election.

835 (b) The electors of the town shall have the power to  
836 require reconsideration by the town council of any adopted  
837 ordinance. If the town council fails to repeal an ordinance so  
838 reconsidered, the electors may approve or reject it at a town  
839 election. However, such power of reconsideration shall not  
840 extend to the budget or capital program or any emergency  
841 ordinance or ordinance relating to appropriation of money, levy  
842 of taxes, or salaries of town employees.

843 (c) The electors of the town shall have the power to  
844 remove from office any elected official of the town in  
845 accordance with general law.

846 (10) INITIATIVE AND REFERENDUM PROCEEDINGS.--

847 (a) Any five electors may commence initiative or  
848 referendum proceedings by filing with the town clerk an  
849 affidavit stating that they will constitute the petitioners'  
850 committee, stating that they will be responsible for circulating  
851 the petition and filing it in proper form, stating their names  
852 and addresses, specifying the address to which all notices to

HB 1297

2006  
CS

853 the petitioners' committee are to be sent, and setting out in  
854 full the proposed initiative ordinance or the proposed amendment  
855 or repeal action relating to an existing ordinance. The town  
856 clerk shall promptly file the affidavit with the town  
857 administrator so that it can be placed on the agenda for the  
858 next town council meeting. If the proposed ordinance is in the  
859 correct form and is compatible with the town charter and general  
860 and special law, the town council shall promptly consider the  
861 proposal on its merits and substance. If deficiencies of form or  
862 legality exist, the proposal shall be returned to its sponsors  
863 for correction and resubmission. If the town council delays,  
864 rejects, changes, or refuses to consider a proposed ordinance or  
865 amendment or repeal request for reasons that fail to satisfy its  
866 sponsors, the proposed ordinance or amendment or repeal request  
867 may be submitted to referendum by petition. Production of  
868 petition forms and validation of signatures shall be the  
869 responsibility of the petitioners' committee.

870 (b) Referendum and initiative petitions must be signed by  
871 electors of the town, as certified by the Brevard County  
872 Supervisor of Elections, equal in number to at least 20 percent  
873 of the total number of electors voting at the last regular  
874 election.

875 (c) All papers of a petition shall be uniform in size and  
876 style and shall be assembled as one instrument for filing. Each  
877 signature shall be executed in ink or indelible pencil and shall  
878 be followed by the address of the person signing. Referendum and  
879 initiative petitions shall contain or shall have attached to

HB 1297

2006  
CS

880 them throughout their circulation the full text of the proposed  
881 ordinance, amendment, or repeal request.

882 (d) Each paper of a petition shall have attached to it,  
883 when filed, an affidavit executed by its circulator stating that  
884 the circulator personally circulated the paper, giving the  
885 number of signatures on the paper, and stating that all the  
886 signatures were affixed in the circulator's presence, that the  
887 circulator believes them to be the genuine signatures of the  
888 persons whose names they purport to be, and that each signer had  
889 an opportunity before signing to read the full text of the  
890 proposed ordinance, amendment, or repeal request.

891 (e) Referendum petitions must be filed within 30 days  
892 after adoption by the town council of the ordinance sought to be  
893 reconsidered.

894 (f) Within 20 days after the petition is filed, the town  
895 clerk shall complete a certificate as to its sufficiency,  
896 specifying, if it is insufficient, the particulars in which it  
897 is defective, and shall within 2 working days send a copy of the  
898 certificate to the petitioners' committee by registered mail.  
899 Verification of electors shall be as certified by the Brevard  
900 County Supervisor of Elections. A petition certified  
901 insufficient for lack of the required number of valid signatures  
902 may be amended once if the petitioners' committee files a notice  
903 of intention to amend it with the town clerk within 5 days after  
904 receiving the copy of the certificate and if the petitioners'  
905 committee files a supplementary petition upon additional papers  
906 within 10 days after receiving the copy of the certificate. Such  
907 supplementary petition shall comply with the requirements of

HB 1297

2006  
CS

908 paragraphs (c) and (d). Within 20 days after a supplementary  
909 petition is filed, the town clerk shall complete a certificate  
910 as to the sufficiency of the petition as amended and shall  
911 promptly send a copy of such certificate to the petitioners'  
912 committee by registered mail. If a petition or amended petition  
913 is certified sufficient, or if a petition or amended petition is  
914 certified insufficient and the petitioners' committee does not  
915 elect to amend or to request town council review under paragraph  
916 (g) within the time required, the town clerk shall promptly  
917 present the certificate to the town council, and the certificate  
918 shall then be a final determination as to the sufficiency of the  
919 petition.

920 (g) If a petition has been certified insufficient for  
921 reasons other than the required number of elector signatures and  
922 the petitioners' committee does not file notice of intention to  
923 amend it, or if an amended petition has been certified  
924 insufficient for reasons other than the required number of  
925 elector signatures, the committee may, within 5 days after  
926 receiving the copy of such certificate, file a request that the  
927 petition be reviewed by the town council. The town council shall  
928 review the petition and its accompanying certificate at its next  
929 meeting following the filing of such request and shall approve  
930 or disapprove it. The town council's determination shall then be  
931 a final determination as to the sufficiency of the petition.

932 (h) A final determination as to the sufficiency of a  
933 petition shall be subject to court review. A final determination  
934 of insufficiency, even if sustained upon court review, shall not  
935 prejudice the filing of a new petition for the same purpose.

HB 1297

2006  
CS

936        (i) The cost of checking the names on a petition against  
937 the list of electors shall be borne by the petitioners'  
938 committee.

939        (j) When a referendum petition is filed with the town  
940 clerk, the ordinance sought to be reconsidered shall be  
941 suspended from taking effect. Such suspension shall terminate  
942 when:

943            1. There is a final determination of insufficiency of the  
944 petition;

945            2. The petitioners' committee withdraws the petition;

946            3. The town council repeals the ordinance; or

947            4. Thirty days have elapsed after a vote of the electors  
948 of the town on the ordinance.

949        (k) When an initiative or referendum petition has been  
950 finally determined sufficient, the town council shall promptly  
951 consider adoption of the proposed initiative ordinance or  
952 reconsider the referred ordinance by voting its repeal. If,  
953 within 60 days after the petition is determined sufficient, the  
954 town council fails to adopt a proposed initiative ordinance  
955 without any change in substance or fails to repeal the referred  
956 ordinance, it shall submit the proposed or referred ordinance to  
957 the electors of the town.

958        (l) The election on a proposed or referred ordinance shall  
959 be held not fewer than 30 days and not later than 1 year from  
960 the date that the petition was determined sufficient. If no  
961 regular town election is to be held within such period, the town  
962 council shall provide for a special election; otherwise, the  
963 vote shall be held at the same time as such regular election,

HB 1297

2006  
CS

964 except that the town council may in its discretion provide for a  
965 special election at an earlier date within such period. Copies  
966 of the proposed or referred ordinance shall be made available at  
967 the polls.

968 (m) An initiative or referendum petition may be withdrawn  
969 at any time prior to the 15th day preceding the day scheduled  
970 for a vote of the town by filing with the town clerk or other  
971 official designated by the town council a request for withdrawal  
972 signed by at least four members of the petitioners' committee.  
973 Upon the filing of such request, the petition shall have no  
974 further force or effect and all proceedings thereon shall be  
975 terminated.

976 (11) RESULTS OF INITIATIVE OR REFERENDUM.--

977 (a) If a majority of the electors voting in a referendum  
978 on a proposed initiative ordinance votes in favor of it, it  
979 shall be considered adopted upon certification of the election  
980 results and shall be treated in all respects in the same manner  
981 as ordinances adopted by the town council.

982 (b) If a majority of the electors voting in a referendum  
983 on a request to repeal an existing ordinance votes in favor of  
984 repeal, the ordinance shall be considered repealed upon  
985 certification of the election results.

986 Section 7. General provisions.--

987 (1) CONDUCT OF OFFICIALS IN OFFICE.--

988 (a) All town council members, town officials, and town  
989 employees shall be subject to the code of ethics for public  
990 officers and employees set forth in part III of chapter 112,  
991 Florida Statutes, as required by law.

HB 1297

2006  
CS

992           (b) The use of public office for private gain is  
 993 prohibited. The town council shall implement this prohibition by  
 994 ordinance, the terms of which shall address, but not be limited  
 995 to:

996           1. Acting in an official capacity on matters in which the  
 997 official has a private financial interest clearly separate from  
 998 that of the general public.

999           2. The acceptance of gifts and other things of value.

1000           3. Acting in a private capacity on matters dealt with as a  
 1001 public official.

1002           4. The use of confidential information.

1003           5. Appearances by public officials before other town  
 1004 departments, offices, or agencies on behalf of private  
 1005 interests.

1006  
 1007 This ordinance shall include a statement of purpose and shall  
 1008 provide for reasonable public disclosure of finances by  
 1009 officials with major decisionmaking authority over monetary  
 1010 expenditures and regulatory matters. Insofar as permissible  
 1011 under state law, this ordinance may provide for fines and  
 1012 imprisonment for violations.

1013           (2) PROHIBITIONS.--Except where authorized by law, neither  
 1014 the mayor nor any council member shall hold any other elected  
 1015 public office during the term for which the mayor or council  
 1016 member is elected. No elected town official shall hold any  
 1017 appointive town office or town employment while in office. No  
 1018 former elected town official shall hold any compensated  
 1019 appointive town office or town employment until 12 months after

HB 1297

2006  
CS

1020 the expiration of his or her term. This subsection shall not  
 1021 prevent participation in, or compensation for, activities  
 1022 connected with any volunteer organization of the town.

1023 (3) APPOINTMENTS AND REMOVALS.--Neither the council  
 1024 members nor the mayor shall in any manner control or demand the  
 1025 appointment or removal of any town administrative officer or  
 1026 employee whom the town administrator or any subordinate of the  
 1027 town administrator is empowered to appoint, but the town council  
 1028 may express its views and fully and freely discuss with the town  
 1029 administrator anything pertaining to appointment and removal of  
 1030 such officers and employees.

1031 (4) INTERFERENCE WITH ADMINISTRATION.--Except for the  
 1032 purpose of inquiries and investigations, the town council and  
 1033 its members shall deal with the town officers and employees who  
 1034 are subject to the direction of the town administrator solely  
 1035 through the town administrator, and neither the town council nor  
 1036 its members shall give orders to any such officer or employee  
 1037 either publicly or privately.

1038 (5) CAMPAIGN FINANCE.--

1039 (a) The town council shall adopt ordinances to protect the  
 1040 ability of citizens to be informed of financing used in  
 1041 campaigns for local office. The ordinances shall provide for  
 1042 convenient public disclosure. Insofar as is permissible under  
 1043 state law, such regulations may also provide for fines and  
 1044 imprisonment for violations.

1045 (b) The town council may adopt ordinances that limit  
 1046 contributions, time limits on fundraising, and public financing.

HB 1297

2006  
CS

1047        (6) LONG-RANGE PLAN.--The town council shall meet to  
 1048 discuss long-range goals and objectives that, when achieved,  
 1049 will sustain town operations and continued quality of life for  
 1050 inhabitants of the town. Each year, goals and objectives shall  
 1051 be established for 5, 10, and 20 years into the future. Once  
 1052 established, the goals and objectives shall be presented as a  
 1053 long-range plan at a meeting of the town council and documented  
 1054 in presentations and minutes of the meeting. Inputs shall be  
 1055 solicited from town residents during the preparation of the  
 1056 long-range plan.

1057        (7) FIVE-YEAR FINANCIAL PLAN.--In accordance with the 5-  
 1058 year goals and objectives established in the long-range plan by  
 1059 the town council, the town council shall prepare a 5-year  
 1060 financial plan (FYFP). The FYFP shall be presented in  
 1061 conjunction with the annual budget and shall contain projected  
 1062 financial requirements necessary to support proposed plans and  
 1063 programs.

1064        (8) EMERGENCY OPERATIONS.--The town council shall  
 1065 establish an emergency preparedness plan for the town. This plan  
 1066 shall be reviewed annually.

1067        (9) DISSOLUTION.--The charter of this town may not be  
 1068 revoked except in accordance with the dissolution procedures of  
 1069 chapter 165, Florida Statutes.

1070        Section 8. Charter amendment.--

1071        (1) PROCEDURE TO AMEND THE CHARTER.--

1072        (a) The town council may, by ordinance, propose amendments  
 1073 to this charter. Upon approval of the initiating ordinance by  
 1074 majority of the town council, the proposed amendment shall be

HB 1297

2006  
CS

1075 placed on the ballot at the next regularly scheduled election,  
1076 unless the amendment calls for placement on the ballot at a  
1077 special election.

1078 (b) The electors of the town may propose amendments to  
1079 this charter by petition signed by 20 percent of the registered  
1080 electors as of the last general election. Once the petition is  
1081 verified, the proposed amendment shall be placed on the ballot  
1082 at the next regularly scheduled ballot, unless the amendment  
1083 calls for placement on the ballot at a special ballot. The  
1084 proposed charter amendment will be published twice in the local  
1085 paper not fewer than 30 days or more than 60 days before the  
1086 scheduled election.

1087 (2) CHARTER REVIEW.--The charter shall be reviewed no  
1088 later than 3 years from the date the town was established. After  
1089 the initial review, the charter shall be reviewed no more than  
1090 once every 10 years. Each town council member shall appoint one  
1091 person to a seven-member charter review committee. The charter  
1092 review committee shall be appointed at least 6 months before the  
1093 next scheduled election and complete its work and present any  
1094 recommendations for change no later than 90 days before the  
1095 election. The town council shall hold a minimum of two public  
1096 hearings on the proposed changes prior to placement on the  
1097 regularly scheduled ballot.

1098 (3) RESULTS OF ELECTION.--If a majority of the electors  
1099 voting on the proposed amendment passes the item, it shall be  
1100 considered adopted upon certification of the election results.  
1101 The town council shall have the amendment incorporated into the

HB 1297

2006  
CS

1102 | charter and shall file the revised charter with the Department  
 1103 | of State.

1104 |       Section 9. Land use, zoning, and development.--

1105 |           (1) RURAL CHARACTER OF TOWN.--This section secures the  
 1106 | foundation on which this town was formed and maintains the  
 1107 | existing rural character of the town. "Rural" includes several  
 1108 | key elements that constitute the makeup of the town. These  
 1109 | elements include:

1110 |           (a) Low development intensity and an abundance of  
 1111 | agricultural lands.

1112 |           (b) Inherent "green canopy" and natural preserve that  
 1113 | currently covers the majority of the town.

1114 |           (c) Inherent natural resources including aquifers,  
 1115 | watersheds, wetlands, and the waterways of the Indian River  
 1116 | Lagoon.

1117 |           (d) Predominant and viable wildlife areas and protected  
 1118 | species habitat.

1119 |           (e) Small, family-owned and family-operated businesses.

1120 |           (f) Commercial development as deemed appropriate to the  
 1121 | character and emerging needs of the town.

1122 |       (2) LAND USE, ZONING, AND DEVELOPMENT REQUIREMENTS.--In  
 1123 | order to preserve and promote the existing rural elements listed  
 1124 | in subsection (1), this section outlines land use, zoning, and  
 1125 | development requirements and the requirements for approval of  
 1126 | development intensity increases for any parcel within the  
 1127 | boundaries of the town. The provisions of this section shall  
 1128 | make it incumbent upon all future development to protect the  
 1129 | rural elements of the town and:

HB 1297

2006  
CS

1130        (a) Continue the use of private wells as sources of  
 1131 potable water and the use of private septic recycling.  
 1132        (b) Promote and preserve public lands and parks for  
 1133 community enjoyment.  
 1134        (c) Protect and promote the wildlife and the wildlife  
 1135 habitat that coexist within the town.  
 1136        (d) Preserve the natural view and existing scenic highway  
 1137 designation of U.S. Highway 1 through careful management of  
 1138 development along and within these natural assets.  
 1139  
 1140 By proactively managing future growth as a rural community and  
 1141 limiting impacts through thoughtful community-based planned  
 1142 development, the naturally existing rural character of the town  
 1143 will be sustained. To this end, the land development regulations  
 1144 and ordinances of the town shall uphold and enforce the goals  
 1145 and overall spirit of this section. All zoning in effect at the  
 1146 time of incorporation shall remain unchanged after incorporation  
 1147 (i.e. "grandfathered in"). All present county zoning  
 1148 classifications and land use designation terminology shall  
 1149 continue in effect until the town is established and the town's  
 1150 long-range comprehensive plan and future land use map are  
 1151 completed and adopted. A new long-range comprehensive plan and  
 1152 future land use map shall be completed and adopted within 1 year  
 1153 after incorporation.  
 1154        (3) PROPOSED CHANGE; PRIOR NOTICE; VOTE REQUIRED.--Prior  
 1155 to voting on a proposed increase in development intensity,  
 1156 including, but not limited to, density levels, building heights,  
 1157 and traffic impacts, the town council shall notify all property

HB 1297

2006  
CS

1158 owners inside the town whose property is within 1,500 feet of  
1159 the proposed change. Notification shall occur no fewer than 30  
1160 days prior to consideration by the town council. An affirmative  
1161 vote of six or more members of the town council shall be  
1162 required to enact any such proposed change.

1163 Section 10. Transition.--

1164 (1) CREATION AND ESTABLISHMENT OF THE TOWN.--

1165 (a) For the purpose of compliance with general law  
1166 relating to the assessment and collection of ad valorem taxes,  
1167 the town is hereby created and established effective when  
1168 approved by the electors at the August 1, 2006, special election  
1169 and filed with the Secretary of State in the manner prescribed  
1170 by law.

1171 (b) The town name used in this charter is "Town of Grant-  
1172 Valkaria." As a first act of home rule and to ensure community  
1173 participation, residents will have the opportunity to select  
1174 their town name. The elected town council shall set the  
1175 procedures for the residents' selection of the town name within  
1176 6 months after the first town council meeting.

1177 (2) TEMPORAL NATURE OF TRANSITION SECTIONS OF  
1178 CHARTER.--This section is inserted solely for the purpose of  
1179 effecting the incorporation of the town and the transition from  
1180 an unincorporated area of Brevard County to a new incorporated  
1181 municipality. Each of the following subsections of this section  
1182 shall automatically, and without further vote or act of the  
1183 electors of the town, become ineffective and no longer a part of  
1184 this charter at such time as the implementation of such  
1185 subsection has been accomplished.

HB 1297

2006  
CS

1186           (3) FIRST TRANSITION PERIOD; CHARTER ACCEPTANCE TO FIRST  
1187 ELECTION.--

1188           (a) Since upon approval of the charter a governmental unit  
1189 equivalent to the town does not exist to provide people with  
1190 positions accredited to effect a transition, an interim council  
1191 committed to the charter and the transition to town government  
1192 shall be identified and authorized.

1193           (b) Based on prior commitment to and involvement in the  
1194 incorporation process, the Grant-Valkaria Preservation  
1195 Committee-Steering Committee (GVPC-SC) is recognized as the  
1196 appropriate body to select an interim council. The interim  
1197 council shall transition from charter development and community  
1198 organization by providing an interim town government during the  
1199 time period between the approval of the charter and the  
1200 dissolution of the interim council. Upon the certification of  
1201 acceptance of the charter by the electors of the town, as  
1202 reported by the Brevard County Supervisor of Elections, the  
1203 GVPC-SC shall convene forthwith and identify five electors to  
1204 act as interim town council members.

1205           (c) Dissolution of the interim council shall occur at the  
1206 beginning of the term of the first elected town council.

1207           (d) The positions of interim council members shall be  
1208 voluntary positions. Interim council members shall receive no  
1209 compensation.

1210           (e) Powers of the interim council shall be in accordance  
1211 with this charter and shall include:

1212           1. Preparing and adopting temporary regulations that are  
1213 applicable only to the first town council election and designed

HB 1297

2006  
CS

1214 to ensure its proper conduct, to prevent fraud, and to provide  
1215 for recount of ballots in cases of doubt or fraud.

1216 2. Providing a method for certification of candidates for  
1217 the first town council election.

1218 3. Scheduling the three community candidate forums as  
1219 described in section 6 in preparation for the first town council  
1220 election.

1221 4. Coordinating with the Brevard County Supervisor of  
1222 Elections with regard to the first town council election and to  
1223 effect the timely receipt by the interim council of the official  
1224 certification results for the town council election.

1225 5. Scheduling the first town council meeting.

1226 6. Enacting emergency ordinances as may be warranted to  
1227 protect public safety.

1228 7. Identifying and managing funds.

1229 8. Filing applicable forms and requests for revenue  
1230 sharing and other funding sources.

1231 9. Disbursing funds for the purpose of conducting town  
1232 business to include the funding of the first election of the  
1233 town council. The moneys available for this purpose shall be  
1234 those identified within the Proposed Town of Grant-Valkaria  
1235 Municipal Incorporation Feasibility Study and shall accrue from  
1236 the municipal ad valorem millage rate of 4.369 mills as applied  
1237 to the total taxable value of the properties contained within  
1238 the proposed boundaries of the Town of Grant-Valkaria as they  
1239 accrue to the town general fund and from those funds accruing  
1240 from all applicable state and county revenue-sharing programs as  
1241 calculated effective from the first day of the month following

HB 1297

2006  
CS

1242 the charter referendum, being the first day of legal status of  
1243 the Town of Grant-Valkaria as a newly incorporated municipality  
1244 within the state.

1245 (f) Until otherwise modified or replaced by this charter  
1246 or the council, all codes, ordinances, and resolutions of  
1247 Brevard County in effect on the day of adoption of this charter  
1248 shall, to the extent applicable to the town, remain in force and  
1249 effect as municipal codes, ordinances, and resolutions of the  
1250 town. Until otherwise determined by the council, said codes,  
1251 ordinances, and resolutions shall be applied, interpreted, and  
1252 implemented by the town in a manner consistent with established  
1253 policies of Brevard County on the date of the adoption of this  
1254 charter.

1255 (4) FIRST ELECTION; TERMS OF COUNCIL MEMBERS AND MAYOR.--

1256 (a) The first election for council members and mayor shall  
1257 be held on November 7, 2006. For the first election, only  
1258 electors who have resided within the proposed town boundaries,  
1259 as described in section 1(5), for the 2 years preceding the date  
1260 of the first election shall be eligible to hold the office of  
1261 council member or mayor.

1262 (b) At the first election under this charter, all six  
1263 council members and the mayor shall be elected. The three  
1264 council candidates receiving the greatest number of votes shall  
1265 be duly elected council members and shall be designated as  
1266 holding seats 1, 3, and 5, respectively. The three council  
1267 candidates receiving the next greatest number of votes shall be  
1268 duly elected council members and shall be designated as holding  
1269 seats 2, 4, and 6, respectively. The candidate for mayor

HB 1297

2006  
CS

1270 receiving the greatest number of votes shall be the duly elected  
1271 mayor. Notwithstanding the date of the first election, the terms  
1272 of the mayor and council members holding seats 1, 3, and 5 shall  
1273 end 2 weeks after the general election in 2010, and the terms of  
1274 council members holding seats 2, 4, and 6 shall end 2 weeks  
1275 after the general election in 2008. Division of council seats  
1276 into 4-year and 2-year terms is required in order to allow  
1277 staggered terms of office.

1278 (5) INITIAL EXPENSES.--The initial expenses of the town  
1279 council, including the expense of recruiting a town  
1280 administrator, shall be paid by the town on vouchers signed by  
1281 the mayor. The town council, in order to provide moneys for the  
1282 expenses and support of the town, shall have the power to borrow  
1283 money, if necessary, for the operation of town government until  
1284 such time as a budget is adopted and revenues accrue in  
1285 accordance with the provisions of this charter. Notwithstanding  
1286 the provisions of paragraph (3)(e), the amount borrowed shall be  
1287 in accordance with and shall not exceed the projected revenues  
1288 of the incorporation feasibility study for the town for fiscal  
1289 year 2006-2007.

1290 (6) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The town  
1291 council shall adopt ordinances and resolutions required to  
1292 effect the transition. Ordinances adopted within 60 days after  
1293 the first regular council meeting may be passed as emergency  
1294 ordinances.

1295 (7) REVENUE SOURCE TRANSITION.--Until otherwise modified  
1296 by the council, all municipal taxes and fees, including  
1297 communications services taxes, imposed within the town

HB 1297

2006  
CS

1298 | boundaries by the county as the municipal government for  
 1299 | unincorporated Brevard County, which taxes and fees are in  
 1300 | effect on the date of adoption of this charter, shall continue  
 1301 | at the same rate and under the same conditions as if those taxes  
 1302 | and fees had been adopted and assessed by the town.

1303 | (8) TRANSITION CONTINUITY OF SERVICES.--To ensure that  
 1304 | there is no discontinuity in the provision, level, or quality of  
 1305 | municipal service delivery to the proposed town, and until such  
 1306 | time as the town may enter into interlocal agreements with  
 1307 | Brevard County regarding the provision of municipal services,  
 1308 | all municipal services currently provided by Brevard County  
 1309 | shall continue to be provided by Brevard County at the service  
 1310 | levels existing at the time of municipal incorporation. All  
 1311 | federal, state, grant, and other funding sources existing prior  
 1312 | to the time the town is incorporated shall continue to be  
 1313 | applied in the manner and at the level anticipated and projected  
 1314 | by the Brevard County budget prior to the incorporation of the  
 1315 | town. The future cost and level of municipal service delivery  
 1316 | provided to the town by Brevard County beyond fiscal year 2006-  
 1317 | 2007 shall be negotiated and determined through an interlocal  
 1318 | agreement between the town and appropriate representatives of  
 1319 | Brevard County.

1320 | (9) STATE-SHARED REVENUES.--The town shall be entitled to  
 1321 | participate in all shared revenue programs of the state,  
 1322 | effective immediately on December 1, 2006. The provisions of  
 1323 | section 218.23, Florida Statutes, shall be waived for the  
 1324 | purpose of eligibility to receive revenue-sharing funds from  
 1325 | December 1, 2006, through the end of state fiscal year 2008-

HB 1297

2006  
CS

1326 2009. The provisions of section 218.26(3), Florida Statutes,  
1327 shall be waived through state fiscal year 2008-2009, and the  
1328 apportionment factors for the municipalities and counties shall  
1329 be recalculated pursuant to section 218.245, Florida Statutes.  
1330 The initial population estimates for calculating eligibility for  
1331 shared revenues shall be determined by the University of Florida  
1332 Bureau of Economic and Business Research as of the effective  
1333 date of this charter. Should the bureau be unable to provide an  
1334 appropriate population estimate, the initial population for  
1335 calculating eligibility for shared revenues shall be established  
1336 at the level of 3,907 as projected in the incorporation  
1337 feasibility study.

1338 (10) GAS TAX REVENUES.--Notwithstanding the requirements  
1339 of section 336.025, Florida Statutes, to the contrary, the town  
1340 shall be entitled to receive local option gas tax revenues  
1341 beginning the first day of the month following the charter  
1342 referendum. These revenues shall be distributed to the town as a  
1343 fully eligible incorporated municipality of Brevard County in  
1344 accordance with the distribution formula initially established  
1345 and adopted on October 18, 1988, as part of the "Brevard County  
1346 Local Option Gasoline Tax Revenue Distribution, Interlocal  
1347 Agreement" and as amended by the Board of County Commissioners  
1348 of Brevard County through Ordinance No. 99-40 as ratified on  
1349 October 12, 1999, extending the Local Option Gas Tax Interlocal  
1350 Agreement through August 31, 2021.

1351 (11) SHARED REVENUES.--Beginning December 1, 2006, through  
1352 December 31, 2007, Brevard County shall distribute to the town,  
1353 from taxes, franchise fees, and ad valorem taxes, which include

HB 1297

2006  
CS

1354 communication services taxes, revenues collected within the  
1355 municipal boundaries of the town. This calculation shall be  
1356 based upon a population projection of 3,907 residents for the  
1357 town as estimated for the feasibility study in anticipation of  
1358 the year 2008 census.

1359 Section 11. Severability.--If any section or part of a  
1360 section of this charter shall be held invalid by a court of  
1361 competent jurisdiction, such holding shall not affect the  
1362 remainder of this charter nor the context in which such section  
1363 or partial section so held invalid may appear, except to the  
1364 extent that an entire section or a partial section may be  
1365 inseparably connected in meaning and effect with the section or  
1366 partial section to which such holding shall directly apply.

1367 Section 12. This act shall only take effect upon approval  
1368 by a majority vote of those qualified electors of the area  
1369 described in subsection (5) of section 1 voting in a referendum  
1370 to be called by the Brevard County Supervisor of Elections on or  
1371 before August 1, 2006, except that this section shall take  
1372 effect upon becoming a law.