

1 A bill to be entitled

2 An act relating to Hillsborough County; creating the City
3 of Ruskin; providing a charter; providing for the
4 corporate name and purpose of the charter; establishing
5 form of government and territorial boundaries of the city;
6 providing powers of the city and construction; providing
7 for election and terms of office of a city council,
8 including the mayor and vice mayor, and providing for
9 qualifications, powers, and duties of and restrictions on
10 its membership; establishing circumstances which create
11 vacancies in office and providing for filling vacancies
12 and for forfeiture and recall; providing a procedure for
13 establishing compensation and expense reimbursement for
14 the mayor and city council; providing for an
15 administrative code; providing for a city manager, city
16 clerk, and city attorney and powers and duties of each;
17 providing for city boards and committees and powers and
18 duties; establishing election requirements and guidelines;
19 providing for charter amendments and a charter review
20 committee; providing for standards of conduct, bonding of
21 certain employees, and assumption of debt in certain
22 circumstances; providing transitional provisions,
23 including initial election and terms, interim adoption of
24 codes and ordinances, taxes and fees, first-year expenses,
25 ordinances and resolutions, services and compensation,
26 shared revenues, and powers and duties of the city manager
27 and city clerk; providing for severability; providing for
28 a referendum; providing an effective date.

29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

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

Section 1. Short title; creation and establishment of city.--

(1) This act may be known as the "Charter of the City of Ruskin," hereinafter referred to as the "charter."

(2) Effective April 1, 2007, the City of Ruskin is created and established.

Section 2. Corporate existence; form of government; boundary and powers.--

(1) CORPORATE EXISTENCE.--In order to preserve, protect, and enhance the quality of life and residential character of Ruskin, a municipal corporation known as the City of Ruskin (the "city") is hereby created pursuant to the State Constitution and laws of the state.

(2) FORM OF GOVERNMENT.--The city shall operate as a council-manager form of government. The general duties of the council shall be to set policy as the legislative branch, and the general duties of the manager shall be to carry out these policies as the executive branch. No person belonging to one branch shall exercise any powers appertaining to another unless expressly provided for in this charter.

(3) CORPORATE BOUNDARY.--The corporate boundary shall be as follows:

BEGIN at the intersection of the north right-of-way line of 14th Avenue Southeast and the east right-of-

57 way line of 36th Street Southeast; thence South along
58 the east right-of-way line of 36th Street Southeast to
59 the northerly mean high water line of the Little
60 Manatee River; thence Westerly along the northerly
61 mean high water line of the Little Manatee River to
62 the west boundary of the east one half of the west one
63 half of Section 19, Township 32 South, Range 19 East;
64 thence North along west boundary of the east one half
65 of the west one half of Section 19, Township 32 South,
66 Range 19 East to the north boundary of the east one
67 half of the west one half of Section 19, Township 32
68 South, Range 19 East; thence east along the north
69 boundary of the east one half of the west one half of
70 Section 19, Township 32 South, Range 19 East to the
71 mean high water line of Mill Bayou; thence Easterly
72 along the mean high water line of Mill Bayou to its
73 intersection with the easterly mean high water line of
74 the Little Manatee River; thence Northerly along the
75 easterly mean high water line of the Little Manatee
76 River to its intersection with the mean high water
77 line of Tampa Bay; thence Northeasterly along the mean
78 high water line of Tampa Bay to the north boundary of
79 the south half of the south half of Section 2,
80 Township 32 South, Range 18 East; thence Northwesterly
81 to the intersection of the east mean high water line
82 and the south mean high water line of Bahia Beach;
83 thence Northwesterly, Northerly and Easterly along the
84 mean high water line of Bahia Beach to the

85 intersection of the north mean high water line and the
86 east mean high water line of Bahia Beach; thence
87 Northeasterly to the intersection of the mean high
88 water line of Tampa Bay and the north boundary of
89 Section 2, Township 32 South, Range 18 East; thence
90 East along the north boundary of Section 2, Township
91 32 South, Range 18 East to the westerly boundary of
92 land described in Official Record Book 3896, Page
93 1730; thence Northwesterly along the westerly boundary
94 of land described in Official Record Book 3896, Page
95 1730 and the westerly boundary of land described in
96 Official Record Book 624, page 548 to the northwest
97 corner of land described in Official Record Book 624,
98 page 548; thence Northeasterly, Southeasterly and
99 Southwesterly along the boundary of land described in
100 Official Record Book 624, page 548 to the northeast
101 corner of land described in Official Record Book 624,
102 Page 548; thence Southeasterly along the easterly
103 boundary of land described in Official Record Book
104 624, page 548 and the easterly boundary of land
105 described in Official Record Book 3896, Page 1730 to
106 the north right-of-way line of 19th Avenue Northwest;
107 thence East along the north right-of-way line of 19th
108 Avenue Northwest to the west right-of-way line of
109 Villamaire Road; thence North along the west right-of-
110 way line of Villamaire Road to its intersection with
111 the north right-of-way line of the east-west portion
112 of Villamaire Road; thence East along the north right-

113 of-way line of the east-west portion of Villamaire
114 Road to the east boundary of the west half of the west
115 half of Section 32, Township 31 South, Range 19 East;
116 thence South along the east boundary of the west half
117 of the west half of Section 32, Township 31 South,
118 Range 19 East to the north boundary of the south half
119 of the south half of Section 32, Township 31 South,
120 Range 19 East; thence East along the north boundary of
121 the south half of the south half of Section 32,
122 Township 31 South, Range 19 East to the northerly
123 boundary of land described in Official Record Book
124 10543, Page 1214; thence Easterly along the north
125 boundary of land described in Official Record Book
126 10543, Page 1214 to the northwest corner of land
127 described in Official Record Book 5597, Page 326;
128 thence Southeasterly along the northerly boundary of
129 land described in Official Record Book 5597, Page 326
130 and its prolongation to the east right-of-way line of
131 12th Street Northeast; thence South along the east
132 right-of-way line of 12th Street Northeast to the
133 north right-of-way line of 19th Avenue Northeast;
134 thence East along the north right-of-way line of 19th
135 Avenue Northeast and its prolongation east to the east
136 limited access right-of-way line of Interstate Highway
137 75 (State Road 93A); thence South along the east
138 limited access right-of-way line of Interstate Highway
139 75 (State Road 93A) to the north right-of-way line of
140 14th Avenue Southeast; thence East along the north

141 right-of-way line of 14th Avenue Southeast to the
 142 POINT OF BEGINNING.

143
 144 (4) POWERS.--The city is a body corporate and politic and
 145 has all the powers of a municipality under the State
 146 Constitution and the laws of the state, as fully and completely
 147 as though such powers were specifically enumerated in this
 148 charter, unless otherwise prohibited by or contrary to the
 149 provisions of this charter.

150 (5) CONSTRUCTION.--This charter and the powers of the city
 151 shall be construed liberally in favor of the city.

152 Section 3. Council; mayor; vice mayor.--The legislative
 153 responsibilities and powers of local self-government of the city
 154 not inconsistent with this charter are assigned to and vested in
 155 the city council.

156 (1) CITY COUNCIL.--

157 (a) There shall be a city council (the "council") vested
 158 with all legislative powers of the city, consisting of four
 159 members ("council members") and the mayor. Council members shall
 160 occupy seats numbered 1 through 4. References in this charter to
 161 council members shall include the mayor, unless the context
 162 dictates otherwise. Unless otherwise stated within this charter,
 163 all charter powers and the powers granted by general law to
 164 municipalities shall be exercised by the council.

165 (b) The city council shall adopt by resolution the
 166 policies and procedures by which the city council is guided in
 167 its internal management.

168 (c) No elected city officer shall hold any appointive city

169 office or city employment while in office. No former elected
 170 city officer shall hold any compensated appointive city office
 171 or city employment until 1 year after the expiration of his or
 172 her term.

173 (2) MAYOR.--The mayor shall preside at meetings of the
 174 council and is a voting member of the council. The mayor is
 175 recognized as the head of city government for all ceremonial
 176 purposes, for purposes of military law, and for service of
 177 process and execution of duly authorized contracts, deeds, and
 178 other documents and as the city official designated to represent
 179 the city when dealing with other governmental entities. If a
 180 vacancy occurs in the mayor's office or if the mayor is
 181 otherwise suspended from office, the vice mayor shall become
 182 acting mayor. If the vacancy is permanent or if the suspension
 183 is sustained, and if the remaining term of the mayor is greater
 184 than 1 year at that time, a special election shall be called to
 185 fill the remaining term.

186 (3) VICE MAYOR.--The vice mayor shall act as mayor in the
 187 absence of the mayor, as provided in subsection (2). The vice
 188 mayor shall be elected from among council members for a period
 189 of 2 years by a majority of the council at the first meeting of
 190 the council after each election.

191 (4) MAYOR PRO TEMPORE.--In the absence of the mayor and
 192 vice mayor, the remaining council members shall select a council
 193 member to serve as mayor pro tempore. The mayor pro tempore has
 194 the same powers and duties as the mayor for the period of the
 195 absence.

196 (5) ELECTION AND TERMS OF OFFICE.--Each council member and

197 the mayor shall be elected at large for 4-year terms by the
198 electors of the city except as otherwise provided in this act.
199 Each council member and the mayor shall remain in office until
200 his or her successor is elected and assumes the duties of the
201 position. No council member or mayor shall serve for more than
202 two consecutive 4-year terms, except that the persons elected to
203 seats 1 and 2 and the mayor elected during the initial special
204 election held in March 2007 may serve two consecutive 4-year
205 terms plus the limited term from the March 2007 special election
206 until the September 2008 election if subsequently reelected, and
207 the persons elected to seats 3 and 4 during the initial special
208 election held in March 2007 may serve a 2-year term and a
209 consecutive 4-year term plus the limited term from the March
210 2007 special election until the September 2008 election if
211 subsequently reelected. If a person is initially elected to seat
212 3 or seat 4 in September 2008, that person may serve a total of
213 10 years if subsequently reelected. If a person fills a vacancy
214 on the council, that person may serve two consecutive 4-year
215 terms plus the limited term of the vacancy filled if
216 subsequently reelected. If a vacancy occurs for mayor, the vice
217 mayor shall become mayor as provided by this act and that person
218 may serve two consecutive 4-year terms plus the limited term of
219 the vacancy filled if subsequently reelected; any service as
220 acting mayor prior to the permanent filling of a vacancy is
221 excluded from the calculation of term limitations. After 1 year
222 out of office, a former mayor or council member may qualify and
223 run for mayor or any council seat.

224 (6) QUALIFICATIONS.--Each candidate for office shall be a

225 qualified elector of the city and shall qualify in the same
 226 manner as provided by general law for nonpartisan elections
 227 except as further provided for initial elections. A person may
 228 not be a candidate for more than one office in the same
 229 election. Only electors of the city who have resided
 230 continuously in the city for at least 1 year preceding the date
 231 of such filing shall be eligible to hold the office of council
 232 member.

233 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF
 234 VACANCIES.--Vacancies, forfeiture of office, and the filling of
 235 vacancies shall be provided for by ordinance unless otherwise
 236 provided in this charter. In the event that all the members of
 237 the council are removed by death, disability, recall, forfeiture
 238 of office, resignation, or any combination thereof, the Governor
 239 shall appoint interim council members who shall call a special
 240 election within not fewer than 30 calendar days or more than 60
 241 calendar days after such appointment. Such election shall be
 242 held in the same manner as the initial elections under this
 243 charter. However, if there are fewer than 180 calendar days
 244 remaining in the unexpired terms, the interim council appointed
 245 by the Governor shall serve the remainder of the unexpired
 246 terms. Appointees must meet all requirements for candidates
 247 provided for in this section.

248 (8) COMPENSATION; REIMBURSEMENT FOR
 249 EXPENSES.--Compensation of the mayor and council members shall
 250 be established by ordinance; however, any such ordinance
 251 increasing compensation shall not take effect until the date of
 252 commencement of the terms of the council members elected at the

253 next regular election following the adoption of the ordinance.
 254 The mayor and council members may be reimbursed for travel and
 255 per diem in accordance with general law or as may be otherwise
 256 provided by ordinance.

257 (9) CITY BOARDS AND COMMITTEES.--Except as otherwise
 258 provided by law, the council may establish or terminate boards
 259 that have oversight or control of certain matters or discharge
 260 certain functions of a magisterial, representative, or fiduciary
 261 character and advisory committees to which the consideration,
 262 determination, or management of any municipal matter is
 263 committed or referred and for which a written response or
 264 recommendation shall be made. The members of any such board or
 265 committee shall be appointed by the council, and the parameters
 266 of its purpose shall be declared by resolution.

267 Section 4. City manager; city clerk; city attorney;
 268 administrative code.--The executive responsibilities and powers
 269 of local self-government of the city not inconsistent with this
 270 charter are assigned to and vested in the city manager. All
 271 functions of the executive branch are allotted to not more than
 272 ten departments, and each department shall be administered by a
 273 director, who shall be appointed. One or more assistant city
 274 administrators and department directors and a city clerk may be
 275 appointed by the city manager with the advice and consent of the
 276 council and shall serve at the pleasure of the city manager in
 277 accordance with the administrative code.

278 (1) CITY MANAGER.--There shall be a city manager (the
 279 "manager"), who shall be the chief administrative officer of the
 280 city.

281 (a) Appointment; removal; compensation.--The council shall
 282 appoint an individual as manager based on accepted competencies
 283 and practices of local public management for an indefinite term
 284 by an affirmative vote of a super majority of council members.
 285 The council may remove the manager at any time by an affirmative
 286 vote of a super majority of council members. For voting
 287 purposes, the mayor shall be considered as a council member. The
 288 manager may be retained full time, part time, or as an
 289 independent contractor, and the compensation and benefits of the
 290 manager shall be fixed by the council. At the time of
 291 appointment, any full-time city manager need not be a resident
 292 of the city or state but shall, within 180 calendar days after
 293 appointment, become a resident of the city unless otherwise
 294 provided by the administrative code. Any consideration of the
 295 removal of the manager must be an agenda item for which public
 296 notice must be given.

297 (b) Powers and duties.--The city manager is the
 298 administrative director of the city, shall execute the laws and
 299 administer the government of the city, and is the chief
 300 executive officer and head of the administrative branch of the
 301 city government. The manager is responsible to the city and has
 302 the rights, powers, and duties as provided by the administrative
 303 code and as otherwise provided by this act.

304 (c) Vacancy.--Vacancies shall be provided for and filled
 305 in accordance with the administrative code.

306 (2) CITY CLERK.--The council may establish the office of
 307 city clerk to be appointed by the manager with the confirmation
 308 of the council. The clerk shall be responsible to the council

309 for the proper administration of all legislative affairs of the
310 city, has the powers and duties prescribed by administrative
311 code, and may be required to post bond as provided by
312 administrative code. If the office of city clerk is not created,
313 the manager shall perform the duties required in this
314 subsection.

315 (3) CITY ATTORNEY.--The legal affairs of the city are
316 assigned to and vested in the office of the city attorney. The
317 city attorney shall be the director of the office, together with
318 such chief assistants and other assistant city attorneys and
319 legal support personnel as may be required, subject only to
320 budget determinations by the council. All attorneys and
321 employees of the office shall serve at the pleasure of the city
322 attorney. The city may contract for a city attorney on a part-
323 time basis in lieu of establishing the office provided in this
324 subsection.

325 (a) Appointment.--The manager shall appoint or contract
326 for, with the advice and consent of the council, a qualified
327 individual who is a member in good standing of The Florida Bar
328 to serve as the city attorney for an indefinite term as provided
329 by this act. The city attorney shall be a resident of the state
330 but is not required to live in the city.

331 (b) Powers and duties.--The city attorney shall be
332 responsible for representing, and is authorized to represent,
333 the council as its attorney. The city attorney shall provide
334 legal services, including management and participation in all
335 litigation and other such legal services required to protect the
336 interest of the city, and shall render legal advice and perform

HB 759

2006

337 other legal and administrative responsibilities as described in
338 the administrative code to the council and to all other
339 departments, boards, and committees of city government that the
340 board from time to time authorizes and directs. All attorneys
341 and employees of the office of city attorney, if created, shall
342 serve at the pleasure of the city attorney.

343 (c) Special attorneys.--Special attorneys may be
344 contracted with by the council upon the recommendation of the
345 city attorney regarding the need for any special counsel to
346 provide legal representation in specified matters. Bond and
347 disclosure counsel shall be selected by the council from a list
348 of not fewer than 3 qualified respondents to publicly noticed
349 solicitations for bond and disclosure counsel and upon the
350 recommendation of the county manager and the city attorney.

351 (d) Professional responsibility; conflict of
352 interest.--Nothing herein contained or within the administrative
353 code shall be construed as requiring the city attorney to render
354 legal services in any particular circumstance where, in the
355 professional discretion and judgment of the attorney, the
356 rendering of such legal services would violate the provisions of
357 the code of professional responsibility of The Florida Bar or
358 create a direct conflict of interest between the city and the
359 attorney.

360 (e) Compensation; termination.--The compensation of the
361 city attorney shall be fixed by the city council at a level
362 commensurate with the requirements of the position, and
363 termination shall be as provided in the administrative code.

364 (4) ADMINISTRATIVE CODE.--

365 (a) Enactment; amendments; publishing.--The council shall
366 enact and amend by ordinance an administrative code organizing
367 the administration of the city government into departments and
368 setting forth the duties, responsibilities, and powers of the
369 city manager, any assistant city managers, and departments of
370 the city government not in conflict with the provisions of this
371 charter. It is the responsibility of the city manager to
372 compile, publish, and disseminate the administrative code and to
373 recommend revisions thereof in a continuing program to provide
374 greater efficiency and economy in the operations of government.

375 (b) Adoption.--Within 90 calendar days after the first
376 organizational meeting of the council, the city manager shall
377 submit a proposed administrative code to the council. The
378 council shall adopt the proposed code, as submitted or amended,
379 within 90 calendar days after the date submitted. If not adopted
380 within 90 calendar days, the code, as proposed by the manager,
381 shall govern the operations of the county administrator and
382 departments until such time as one may be adopted formally by
383 the council.

384 Section 5. Elections.--

385 (1) QUALIFIED ELECTORS.--A "qualified elector" means any
386 person at least 18 years of age who is a citizen of the United
387 States, is a legal resident of Florida and of the city, and has
388 registered to vote with the Supervisor of Elections in
389 Hillsborough County in accordance with the Florida Election
390 Code.

391 (2) NONPARTISAN ELECTIONS.--All elections for the offices
392 of council member and mayor shall be nonpartisan. Candidates for

393 mayor and city council shall qualify for election in accordance
 394 with general law for nonpartisan elections.

395 (3) ELECTION IN 2008.--An election shall be held in
 396 conjunction with the primary election in September 2008 to elect
 397 council members and the mayor except that the initial special
 398 election for these offices shall be as otherwise provided by
 399 this act. Regular elections shall be held every 2 years
 400 thereafter in accordance with the provisions of this charter.

401 (4) GENERAL ELECTION.--The ballot for the general election
 402 shall contain the names of all qualified candidates for mayor,
 403 if applicable, and for the two council seats which are to be
 404 filled at that election, except as otherwise provided by this
 405 act. Qualified electors shall cast one vote for mayor, if
 406 applicable, and one vote for each council seat, with a maximum
 407 of one vote per candidate. The candidate for mayor receiving the
 408 most votes shall be the duly elected mayor. The two council
 409 candidates receiving the most votes shall be the duly elected
 410 council members.

411 (5) SPECIAL ELECTIONS.--Special elections, when required,
 412 shall be scheduled by the council at such times and in such
 413 manner as is consistent with this charter and state election
 414 law.

415 (6) COMMENCEMENT OF TERMS.--The term of office of any
 416 elected official shall commence at the first regularly scheduled
 417 council meeting after the election, except as otherwise provided
 418 for by this act for the initial elections following the approval
 419 of the referendum in this act.

420 (7) OATH.--All elected officials, before entering upon

HB 759

2006

421 their duties, shall take and subscribe to the following oath of
422 office:

423 I do solemnly swear (or affirm) that I will support, protect,
424 and defend the Constitution and Government of the United States
425 and of the State of Florida and the charter of the City of
426 Ruskin; that I am duly qualified to hold office under the
427 Constitution of the State of Florida and the charter of the City
428 of Ruskin; and that I will well and faithfully perform the
429 duties of (Mayor or council member) upon which I am now about to
430 enter. (So help me God.)

431 (8) RECALL.--The qualified electors of the city shall have
432 the power to recall and to remove from office any elected
433 official of the city as provided by general law.

434 Section 6. Charter amendments; charter review committee.--

435 (1) CHARTER AMENDMENTS.--This charter may be amended in
436 accordance with the provisions of general law.

437 (2) APPOINTMENT OF CHARTER REVIEW COMMITTEE.--

438 (a) By April 1, 2009, and every 4 years thereafter, the
439 council shall appoint by resolution a charter review committee,
440 which shall contain at least five qualified electors who are
441 residents of the city who shall serve for a term of 1 year
442 without compensation. The committee is empowered to conduct a
443 comprehensive study of any or all phases of city government. The
444 city manager shall provide such professional, technical, and
445 clerical assistance as may be reasonably required by the
446 committee upon submission of an appropriately documented request
447 by the committee.

448 (b) The city attorney shall call the organizational

449 session of the charter review committee within 30 calendar days
 450 after appointment thereof and at which time a chair, vice chair,
 451 and other officers as may be required shall be elected from
 452 among the committee members. The committee shall also establish
 453 and publish a meeting schedule.

454 (c) The committee shall make a final, written report of
 455 its findings and recommendations to the mayor and council within
 456 1 year after the date of its appointment.

457 (d) All recommendations of the charter review committee
 458 shall be considered by the council, and the council may by
 459 ordinance propose amendments to this charter upon recommendation
 460 of the charter review committee. Upon passage of the initiating
 461 ordinance, the council shall submit the proposed amendment to a
 462 vote of the electors of the city at the next general election
 463 held within the city or at a special election called for such
 464 purpose.

465 Section 7. General provisions.--

466 (1) CONFLICTS OF INTEREST; ETHICAL STANDARDS.--All council
 467 members and employees of the city are subject to the standards
 468 of conduct for public employees set by federal, state, county,
 469 or other applicable law. The council may adopt, by ordinance,
 470 more restrictive standards.

471 (2) BOND.--The city manager and the city clerk, assistant
 472 city managers, department directors, and any other employee
 473 designated by the administrative code shall furnish a surety
 474 bond to be approved by the council and in such amount as the
 475 council may fix, such bond to be conditioned on the faithful
 476 performance of his or her duties. The premium of the bond shall

477 be paid by the city.

478 (3) INDEBTEDNESS.--The city may assume all outstanding
479 indebtedness related to any facility or real property it may
480 acquire from another unit of government and be liable for
481 payment thereon in accordance with its terms.

482 Section 8. Transition provisions.--

483 (1) INITIAL ELECTION OF COUNCIL MEMBERS; DATES; QUALIFYING
484 PERIOD.--

485 (a) Dates.--Following the adoption of this charter, the
486 board of county commissioners shall call an election on the date
487 of the special election on March 6, 2007, for the mayor and city
488 council, as provided by this act. If a runoff election is
489 required, it shall be held on March 27, 2007.

490 (b) Qualifying period.--Any individual wishing to run for
491 mayor or one of the four council seats who is a qualified
492 elector of the city and has resided continuously within the
493 corporate boundaries described in this act for 1 year shall
494 qualify as a candidate with the Hillsborough County Supervisor
495 of Elections between January 15 and January 19, 2007, in
496 accordance with the provisions of this charter and general law
497 for nonpartisan elections.

498 (c) Certification of election results.--The county
499 canvassing board shall certify the results of the initial
500 election, and the four candidates for council member receiving
501 the highest number of votes shall be elected. The candidate
502 receiving the highest number of votes shall occupy seat 1, the
503 candidate receiving the second highest number shall occupy seat
504 2, the candidate receiving the third highest number shall occupy

505 seat 3, and the candidate receiving the fourth highest number
 506 shall occupy seat 4. At such initial election and each
 507 subsequent election, the incumbents shall serve until their
 508 successors are elected and assume the duties of the office. At
 509 all subsequent elections, council members shall be elected for
 510 4-year terms. The mayoral candidate receiving the highest number
 511 of votes shall be elected. At the initial election and each
 512 subsequent election, the mayor shall be elected to serve until
 513 his or her successor is elected and assumes the duties of the
 514 office. At all subsequent elections, the mayor shall be elected
 515 for a 4-year term.

516 (2) INDUCTION INTO OFFICE.--Those candidates who are
 517 elected on March 6, 2007, shall take office at the initial
 518 council meeting on April 3, 2007, which shall be held at a time
 519 and place to be designated by the mayor. It is further provided,
 520 however, that if a runoff election is required, the initial
 521 council meeting shall be scheduled after certification thereof
 522 at a time and place to be designated by the mayor.

523 (3) TEMPORARY NATURE OF SUBSECTIONS (4)-(10).--The
 524 following subsections are inserted solely for the purpose of
 525 effecting the incorporation of the city and the transition to a
 526 new municipal government. Subsections (4)-(10) shall
 527 automatically, and without further vote or act of the electors
 528 of the city, become ineffective and no longer a part of this
 529 charter at such time as the implementation of each subsection
 530 has been accomplished.

531 (4) INTERIM ADOPTION OF CODES AND ORDINANCES.--Until
 532 otherwise modified or replaced by this charter or the council,

HB 759

2006

533 all codes, ordinances, and resolutions of Hillsborough County in
534 effect on April 1, 2007, shall, to the extent applicable to the
535 city, remain in force and effect as municipal codes, ordinances,
536 and resolutions of the city. Until otherwise determined by the
537 council, such codes, ordinances, and resolutions shall be
538 applied, interpreted, and implemented by the city in a manner
539 consistent with established policies of Hillsborough County on
540 April 1, 2007.

541 (5) TAXES AND FEES.--Until otherwise modified by the
542 council, all municipal taxes and fees imposed within the city
543 boundaries by the county as the municipal government for
544 unincorporated Hillsborough County, which taxes and fees are in
545 effect on the date of adoption of this charter, shall continue
546 at the same rate and on the same conditions as if those taxes
547 and fees had been adopted and assessed by the city.

548 (6) FIRST-YEAR EXPENSES.--The council, in order to provide
549 moneys for the expenses and support of the city, has the power
550 to borrow money necessary for the operation of city government
551 until such time as a budget is adopted and revenues are raised
552 in accordance with the provisions of this charter. The county
553 shall, by April 5, 2007, provide the city with the share of the
554 unincorporated municipal services taxing unit taxes allocable to
555 the city for the current year prorated from the effective date
556 of this charter.

557 (7) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The council
558 shall adopt ordinances and resolutions required to effect the
559 transition. Ordinances adopted within 60 calendar days after the
560 first council meeting may be passed as emergency ordinances.

HB 759

2006

561 These transitional ordinances shall be effective for no longer
562 than 90 calendar days after adoption and thereafter may be
563 readopted, renewed, or otherwise continued only in the manner
564 normally prescribed for ordinances.

565 (8) TRANSITIONAL SERVICES AND COMPENSATION.--

566 (a) The Hillsborough County Board of County Commissioners
567 shall provide and be compensated for the provision of services
568 to the City of Ruskin as budgeted for in the fiscal year 2006-
569 2007 Hillsborough County budget during the 60-day transition
570 period set forth in subsection (7) or until such earlier time as
571 the city makes other arrangements for the services. The level of
572 services to be provided shall be consistent with the level upon
573 which the fiscal year 2005-2006 expense budget was predicated
574 and in accordance with adopted revenues.

575 (b) The council shall adopt ordinances, resolutions,
576 agreements, and other documents as required to ensure the
577 continued collection of budgeted revenues with which to fund
578 services beginning on the date of the initial meeting of the
579 city council following the March 6, 2007, special election. Any
580 revenues adopted or received by the city upon which delivery of
581 services was not predicated within the Hillsborough County
582 Commission's fiscal year 2006-2007 adopted budget shall accrue
583 to the city.

584 (9) STATE-SHARED REVENUES.--The city is entitled to
585 participate in all shared revenue programs of the state,
586 effective April 1, 2007. The provisions of section 218.23,
587 Florida Statutes, shall be waived for the purpose of eligibility
588 to receive revenue sharing from the date of incorporation

589 through the end of state fiscal year 2008-2009. The provisions
 590 of section 218.26(3), Florida Statutes, shall be waived through
 591 the end of state fiscal year 2008-2009, and the apportionment
 592 factors for the municipalities and counties shall be
 593 recalculated pursuant to section 218.245, Florida Statutes. The
 594 initial population estimates for calculating eligibility for
 595 shared revenues shall be determined by the University of Florida
 596 Bureau of Economic and Business Research as of April 1, 2007.
 597 Should the bureau be unable to provide an appropriate population
 598 estimate, the initial population for calculating eligibility for
 599 shared revenues shall be established at the level of 8,320.

600 (10) SHARED REVENUES.--

601 (a) Hillsborough County shall distribute to the city funds
 602 from taxes, franchise fees, ad valorem taxes, and any other
 603 revenues collected within the municipal boundaries of the city,
 604 except that the city shall remain within the countywide library
 605 service tax system and shall derive no revenues from this tax.
 606 The population for the initial distribution is 8,320, which may
 607 be adjusted from time to time in accordance with other
 608 prescribed procedures.

609 (b) The communication services tax imposed under section
 610 202.19, Florida Statutes, by Hillsborough County will continue
 611 within the city boundaries during the period commencing with the
 612 date of incorporation through December 31, 2007. Revenues from
 613 the tax shall be shared by Hillsborough County with the city in
 614 proportion to the projected city population of 8,320 compared
 615 with the unincorporated population of Hillsborough County before
 616 the incorporation.

617 (11) POWERS AND DUTIES OF THE CITY MANAGER.--Until the
618 administrative code is otherwise adopted in accordance with the
619 provisions of this charter, the city manager is empowered to:
620 (a) Administer and carry out the policies of the council
621 and enforce all ordinances, resolutions, and motions of the
622 council, the provisions of the charter, and applicable general
623 laws to ensure that they are faithfully executed.
624 (b) Supervise, direct, and control all city administrative
625 departments.
626 (c) Prepare and submit in accordance with general law to
627 the council for its consideration and adoption an annual
628 operating budget, a capital budget, and a capital program;
629 establish the schedules and procedures to be followed by all
630 city departments, offices, and agencies in connection therewith;
631 and supervise and administer all phases of the budget process.
632 (d) Supervise the care and custody of all city property,
633 institutions, and agencies.
634 (e) Supervise the collection of revenues and the
635 expenditure of city funds.
636 (f) On or before May 1 of each year, review, analyze, and
637 forecast trends of county services and finances and programs of
638 all boards, commissions, agencies, and other county bodies and
639 report and recommend thereon to the board.
640 (g) Develop and install, within 1 year after adoption of
641 the administrative code, and maintain written centralized
642 budgeting, personnel, legal, and purchasing procedures as well
643 as procedures for each department to be presented to the council
644 for information and discussion.

645 (h) Negotiate contracts, bonds, or other instruments for
646 the city, subject to council approval; make recommendations
647 concerning the nature and location of city improvements; and
648 execute services in keeping with established policies of the
649 council.

650 (i) Ensure that all terms and conditions imposed in favor
651 of the city or its inhabitants in any statute, franchise, or
652 other contract are faithfully kept and performed.

653 (j) Order, at the manager's discretion, any department
654 under the manager's jurisdiction as specified in the code to
655 undertake any task for any other department on a temporary basis
656 if it is necessary for the proper and efficient administration
657 of the city government to do so and delegate administrative
658 duties and responsibilities to assistant city administrators and
659 department directors.

660 (k) Appoint and remove, with the advice and consent of the
661 council, a city attorney, and appoint, with the advice and
662 consent of the board, one or more assistant city administrators
663 and all department directors.

664 (l) Exercise the exclusive power to appoint and employ
665 persons to fill authorized positions and perform official
666 functions in the city except those excluded under the terms of
667 this charter, such persons to serve at the pleasure of the
668 administrator.

669 (m) Issue and enforce such administrative orders, rules,
670 or guidelines as the manager deems necessary to give appropriate
671 effect to the charter and maintain a complete compilation of all
672 such administrative orders, rules, and regulations.

673 (n) Designate in writing to each member of the board who
674 shall function as the administrator during the temporary absence
675 of the administrator.

676 (12) POWERS AND DUTIES OF THE CITY CLERK.--Until the
677 administrative code is otherwise adopted in accordance with the
678 provisions of this charter, the city clerk is responsible to the
679 city council for the proper administration of all legislative
680 affairs of the city and to that end shall have the following
681 powers and duties:

682 (a) Appointment of a deputy city clerk who shall be exempt
683 from any city employee merit system.

684 (b) Maintenance of the journal of all city council
685 meetings and work sessions and of such other board and committee
686 meetings as shall be required by the city council.

687 (c) Authentication of all ordinances in a codified manner,
688 resolutions, and transcripts of legislative functions.

689 (d) Publication of all public notices required by the city
690 council or by law.

691 (e) Service as the legal custodian of all city records,
692 including contracts, deed, title insurance, and other official
693 documents.

694 (f) Filing of all liens, satisfactions, and releases as
695 authorized by the manager.

696 (g) Service as a notary public on behalf of the city.

697 (h) Performance of such other duties as may be required by
698 the city council.

699 Section 9. Severability.--If any section or part of any
700 section of this charter is held invalid by a court of competent

HB 759

2006

701 jurisdiction, such holding shall not affect the remainder of
702 this charter of the context in which such section or part of a
703 section so held invalid may appear, except to the extent that an
704 entire section or part of a section may be inseparably connected
705 in meaning and effect with the section or part of a section to
706 which such holding directly applies.

707 Section 10. This act shall take effect as provided herein
708 only upon its approval by a majority vote of those qualified
709 electors residing within the proposed corporate limits of the
710 proposed City of Ruskin, as described in subsection (3) of
711 section 2, voting in a referendum election to be called by the
712 Hillsborough County Commission, to be held on November 3, 2006,
713 and to be held in accordance with provisions of general law
714 relating to elections currently in force, except that this
715 section shall take effect upon becoming a law.