

1 A bill to be entitled
2 An act relating to Pinellas County; creating the Town of
3 Palm Harbor; providing a charter; providing legislative
4 intent; providing a council-manager form of government;
5 providing boundaries; providing municipal powers;
6 providing for a town council; providing for membership,
7 qualifications, terms, powers, and duties of council
8 members, including the mayor and vice mayor; providing for
9 election and terms of office; providing circumstances
10 resulting in vacancy in office; providing grounds for
11 forfeiture and suspension; providing for filling of
12 vacancies; providing for compensation and expenses;
13 providing for appointment of charter officers, including a
14 town manager and town attorney; providing for removal,
15 compensation, and filling of vacancies; providing
16 qualifications, powers, and duties; providing for
17 appointment of a town clerk; providing for expenditures of
18 town funds and establishment of town boards and agencies;
19 providing for meetings; providing for adoption of a code
20 of technical regulation; providing for emergency
21 ordinances and appropriations; providing for
22 recordkeeping; providing limitations on employment and
23 officeholding of council members; prohibiting certain
24 interference with town employees; establishing the fiscal
25 year; providing for adoption of annual budget and
26 appropriations; providing for supplemental appropriations;
27 providing for reduction and transfer of appropriations;
28 providing limitations; providing for referendum

29 requirements for revenue bonds and other multiyear
30 contracts; providing for financial audit; providing for
31 nonpartisan elections and matters relative thereto;
32 providing for recall; providing for a charter review
33 committee and future amendments of the charter; providing
34 for standards of conduct in office; providing for
35 severability; providing for a personnel system; providing
36 for charitable contributions; providing for land use
37 changes; providing a transitional schedule and procedures
38 for a first election; providing for first-year expenses;
39 providing for adoption of transitional ordinances,
40 resolutions, comprehensive plans, and local development
41 regulations; providing for continuation of the
42 communications services tax; providing for accelerated
43 entitlement to state shared revenues; providing for
44 receipt and distribution of fuel tax revenues; providing
45 for participation in the local government infrastructure
46 surtax; providing a waiver of certain statutory
47 requirements; providing for continuation of those portions
48 of the Palm Harbor Special Fire Control District, the Palm
49 Harbor Community Services District, the East Lake Tarpon
50 Special Fire Control District, and the Pinellas County
51 Library Services District lying within the town
52 boundaries; providing for law enforcement; requiring a
53 referendum; providing effective dates.

54
55 Be It Enacted by the Legislature of the State of Florida:
56

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57 Section 1. Charter; creation; form of government;
58 boundaries and powers.--

59 (1) CHARTER; CREATION.--

60 (a) This act, together with any future amendments thereto,
61 may be known as the "Charter of the Town of Palm Harbor" (the
62 "charter"), and the Town of Palm Harbor (the "town") is hereby
63 created.

64 (b) It is in the best interests of the public health,
65 safety, and welfare of the residents to form a separate
66 municipality for the incorporating communities with all the
67 powers and authority necessary to provide adequate and efficient
68 municipal services.

69 (c) It is intended that this charter and the incorporation
70 of the Town of Palm Harbor will serve to preserve and protect
71 the distinctive characteristics of the communities that wish to
72 join the incorporation. The town shall practice good stewardship
73 of the natural environment, including its trees, waters, and
74 preserve lands.

75 (d) It is the intent of this charter and the incorporation
76 of the town to secure the benefits of self-determination and
77 affirm the values of representative democracy, citizen
78 participation, strong community leadership, professional
79 management, and regional cooperation.

80 (2) FORM OF GOVERNMENT.--The town shall have a council-
81 manager form of government.

82 (3) CORPORATE BOUNDARIES.--The corporate boundaries of the
83 Town of Palm Harbor shall be described as follows:

84

85 Begin at the intersection of the centerline of the
86 Intracoastal Waterway and the westerly extension of the
87 centerline of Klosterman Road. Thence run East by the
88 Centerline of Klosterman Road and the westerly extension
89 thereof to the West 1/4 corner of Section 19, Township 27
90 South, Range 16 east; thence S. 0°14'32" E. along the West
91 line of said Section 19, 1333.85 feet to the Southwest
92 corner of Lot 56, Tampa and Tarpon Springs Land Company
93 Sub. As recorded in Plat Book H1 Page 116 of the official
94 records of Hillsborough County, of which Pinellas County
95 was formerly a part; thence S. 87°48'12" E. along the
96 South Line of Lots 56 and 52 of said subdivision, 1740.84
97 feet; thence N. 0°33'31" W. along the Southerly extension
98 of the East line of Lot 51 of said subdivision and the
99 East Line of Lot 51, 1385.80 feet to the East and est.
100 centerline of said Section 19, said centerline also being
101 the centerline of Klosterman Road; thence run East by the
102 centerline of Klosterman Road and the Easterly extension
103 thereof to the center of Lake Tarpon; thence southeasterly
104 through the waters of Lake Tarpon and the Lake Tarpon
105 Outfall Canal to the centerline of Curlew Rd. (S.R. 586);
106 thence West by the centerline of Curlew Rd. (S.R. 586) to
107 a point on the North-South centerline of the Northwest 1/4
108 of Section 14, Township 28 South, Range 15 East; thence
109 North by the North-South centerline of the Northwest 1/4
110 of said Section 14 to the North Section line of said
111 Section 14; thence West on said section line and
112 continuing West on the North Section line of Section 15,

113 Township 28 South, Range 15 East to the centerline of the
 114 Intracoastal Waterway; thence North on said centerline of
 115 the Intracoastal Waterway to the Point of Beginning.

116
 117 If the Ozona Community votes "No," less the Ozona
 118 Community as follows:

119
 120 Those adjacent parcels located to the west of and within
 121 and the following boundary;

122
 123 Include parcel 02/28/15/00000/310/0200, then starting at
 124 the southeast corner of said parcel run in a southward
 125 direction until meeting the northeast corner of parcel
 126 02/28/15/47214/000/0080;

127
 128 Thence run in an eastward direction to the northeast
 129 corner of parcel 02/28/15/97380/001/0001;

130
 131 Thence run in a southward direction until intersecting
 132 with the center line of Pennsylvania Avenue;

133
 134 Thence follow the centerline of Pennsylvania/Virginia
 135 Avenue until it intersects with the centerline of the
 136 Pinellas Trail;

137
 138 Thence following the centerline of the Pinellas Trail in a
 139 southerly direction until it intersects with Orange
 140 Street;

141
142 Thence westerly along the northern boundary line of
143 Section 14, Township 28 South, Range 15 East to the
144 northeastern corner of Section 15, Township 28 South,
145 Range 15 East;

146
147 Thence continue westerly along the prolongation of the
148 northern boundary line of the northwest quarter of said
149 Section 14 a distance of 4880.77 feet to a point on the
150 centerline of the Intracoastal Waterway in St. Joseph's
151 Sound, Pinellas County, Florida.

152
153 If the Crystal Beach Community votes "No," less the
154 Crystal Beach Community as follows:

155
156 Those adjacent parcels located to the west of and within
157 and the following boundary;

158
159 Starting at the northwest corner of parcel
160 35/27/15/35585/000/0010 then run in an easterly direction
161 along the northern borders of said parcel and the adjacent
162 lot numbers 20, 30 and 40 to the northeast corner of
163 parcel 35/27/15/35585/000/0040;

164
165 Thence running in southerly direction until intersecting
166 with the centerline of the Pinellas Trail;

167

168 Thence following the centerline of the Pinellas Trail in a
 169 southerly direction until parallel with the northwest
 170 corner of parcel 35/27/15/00000/230/1520, then follow the
 171 northern border of said parcel in an easterly direction
 172 until reaching parcel 35/27/15/00000/240/1400;

173
 174 Thence follow the border of parcel 35/27/15/00000/240/1400
 175 southward until arriving at the southwest corner of the
 176 parcel, then follow the southern border of said parcel in
 177 an easterly direction until parallel with the northwest
 178 corner of parcel 35/27/15/19872/080/0090;

179
 180 Thence run in a southward direction until intersecting
 181 with the centerline of the Pinellas Trail;

182
 183 Thence following the centerline of the Pinellas Trail in a
 184 northwesterly direction until parallel with the northeast
 185 corner of parcel 35/27/15/19872/004/0070, then run in a
 186 westerly direction to the northeast corner of the parcel,
 187 then follow the eastern border of the parcel to the
 188 southeast corner of said parcel;

189
 190 Thence run in a southwestward direction to the northeast
 191 corner of parcel 35/27/15/19872/011/0030, then follow the
 192 eastern border of the parcel to the southeast corner of
 193 said parcel;

194

195 Thence follow a southward direction to the northwest
 196 corner of parcel 35/27/15/19872/001/0080, then run in a
 197 easterly direction to the northwest corner of the parcel,
 198 then follow the eastern border of the parcel to the
 199 southeast corner of said parcel;

201 Thence run in a southeastward direction to the northeast
 202 corner of parcel 35/27/15/19872/012/0050;

204 Thence run in a southeastward direction to the northeast
 205 corner of parcel 35/27/15/47378/000/0040, then follow the
 206 eastern border of the parcel to the southeast corner of
 207 said parcel;

209 Thence run southward until intersecting with the
 210 centerline of the Sutherland Bayou channel, then following
 211 in a southwesterly direction the centerline of the
 212 Sutherland Bayou channel to the beginning of St. Joseph
 213 Sound.

215 If the East Lake Community votes "Yes," including the East
 216 Lake Community as follows:

218 Begin at the Northeast Corner of Section 1, Township 27
 219 South, Range 16 East, Pinellas County, Florida; thence run
 220 south along the said East Section Line
 221 (Hillsborough/Pinellas County Line) to the East-West Half
 222 Section Line of Section 1, Township 28 South, Range 16

223 East; thence West along said Half Section Line to the
 224 Easterly right-of-way Line of Florida Power Corporation;
 225 thence South along said right-of-way Line to the East-West
 226 Half Section Line of Section 12, Township 28 South, Range
 227 16 East; thence East along said Half Section Line to the
 228 Northeast Corner of Florida Power Corporation Substation;
 229 thence South along the East Line of said Substation to the
 230 South Section Line of said Section 12; thence East to the
 231 East Section Line of Section 13, Township 28 South, Range
 232 16 East (Hillsborough/Pinellas County Line); thence South
 233 along said County Line to the South Line of the Northeast
 234 1/4 of the Southeast 1/4 of said Section 13; thence West
 235 along said Line to the Westerly right-of-way Line of
 236 Florida Power Corporation; thence North along said right-
 237 of-way line to the North Section Line of said Section 13;
 238 thence West along said Section Line to the North-South
 239 Center Section Line of Section 12, Township 28 South,
 240 Range 16 East; thence North along said Center Section Line
 241 to the South Right-of-way line of Florida Power
 242 Corporation; thence West along said right-of-way Line to
 243 the West Line of Section 11, township 28 South, Range 16
 244 East; thence North along said West Line to the North
 245 right-of-way Line of said Florida Power Corporation;
 246 thence East along said right-of-way Line to the East Line
 247 of the Northwest 1/4 of the Southwest 1/4 of said Section
 248 12; thence North along said Easterly Line to the East-West
 249 Centerline of said Section 12, thence East along said
 250 Centerline to the West Line of the East 1/2 of the East

251 1/2 of the Northwest 1/4 of said Section 12; thence North
 252 along said line to the North Section Line of said Section
 253 12; thence East along said line to the North-South
 254 Centerline of Section 1, Township 28 South, Range 16 East;
 255 thence North along said line a distance of 491.97 feet;
 256 thence North 75 00'00" east to the West right-of-way Line
 257 of Florida Power Corporation; thence North along said
 258 right-of-way Line to the East-West Centerline of said
 259 Section 1; thence West along said line a distance of
 260 1,837.78 feet; thence North to the South Line of the
 261 Northeast 1/4 of the Northwest 1/4 of said Section 1;
 262 thence West along said line to the West Line of the
 263 Northeast 1/4 of the Northwest 1/4 of said Section 1;
 264 thence North along said line to the North Line of the
 265 Southwest 1/4 of the Southwest 1/4 of Section 36, Township
 266 27 South, Range 16 East; thence West along said line to
 267 the North-South Centerline of Section 35, Township 27
 268 South, Range 16 East; thence South along said line to the
 269 South Section Line of said Section 35; thence West along
 270 said Section Line to the Southwest corner of said Section
 271 35; thence South along the West Section Line of Sections 2
 272 and Section 11, Township 28 South, Range 16 East to the
 273 North Section Line of Section 15, Township 28 South, Range
 274 16 East; thence West along the North Line of said Section
 275 15 to the North-South Centerline of said Section; thence
 276 South along said Centerline to the northerly right-of-way
 277 line of Tampa Road (S.R.584); thence in a Northwesterly
 278 direction along said right-of-way line to the Southerly

279 Line of Florida Power Corporation; thence Southwesterly
 280 along said Southerly Line to the centerline of the Lake
 281 Tarpon Outfall Canal; thence Northerly along the
 282 centerline of the Lake Tarpon Outfall Canal into Lake
 283 Tarpon to its North-South Centerline; thence Northerly
 284 along the North-South Centerline of Lake Tarpon to the
 285 City Limit Line of the City of Tarpon Springs on the
 286 Northern shoreline of Lake Tarpon; thence along the City
 287 Limit Line of Tarpon Springs around its Easterly point
 288 above Lake Tarpon and then Westerly to the North-South
 289 Centerline of Salt Lake; thence northerly along the North-
 290 South Centerline of Salt Lake to the Centerline of the
 291 Anclote River; thence Northeasterly along the Centerline
 292 of the Anclote River to the Pasco-Pinellas County Line;
 293 thence East along the Pasco/Pinellas County Line to the
 294 Point of Beginning.

295
 296 LESS any areas annexed into the corporate municipal limits
 297 of Oldsmar or Tarpon Springs.

298 And
 299 Less that territory West of the centerline of George
 300 Street extended from the Pasco County line to Lake Tarpon.

301
 302 (4) MUNICIPAL POWERS.--The town shall be a body corporate
 303 and politic and shall have all available governmental,
 304 corporate, and proprietary powers of a municipality under the
 305 State Constitution and general law, as fully and completely as
 306 though such powers were specifically enumerated in this charter,

307 and may exercise them, except when prohibited by law. Through
 308 the adoption of this charter, it is the intent of the electors
 309 of the town that the municipal government established herein
 310 have the broadest exercise of home rule powers permitted under
 311 the State Constitution and general law. This charter and the
 312 powers of the town shall be construed liberally in favor of the
 313 town. It is recognized that certain services within the
 314 municipal boundaries are provided by independent special
 315 districts created by special acts of the Legislature and by
 316 Pinellas County.

317 Section 2. Council; mayor and vice mayor.--

318 (1) TOWN COUNCIL.--There shall be a five-member town
 319 council ("council") vested with all legislative powers of the
 320 town, consisting of five members ("council members"), each
 321 elected from and representing the town at large. Unless
 322 otherwise stated within this charter, all charter powers shall
 323 be exercised by the council.

324 (2) MAYOR; POWERS AND DUTIES.--

325 (a) The council, at its first regular meeting after the
 326 fourth Tuesday of each March, shall elect from its members a
 327 mayor who shall serve for a period of 1 year and who shall have
 328 the same legislative powers and duties as any other council
 329 member, except as provided in this subsection.

330 (b) In addition to carrying out the regular duties of a
 331 council member, the mayor shall preside at the meetings of the
 332 council and shall be recognized as the head of town government
 333 for service of process, ceremonial matters, and the signature or
 334 execution of ordinances, contracts, deeds, bonds, and other

335 instruments and documents and for purposes of military law. The
336 mayor shall also serve as the ceremonial head of the town and
337 the town official designated to represent the town when dealing
338 with other entities. The mayor shall have no administrative
339 duties other than those necessary to accomplish these actions,
340 or such other actions as may be authorized by the town council,
341 consistent with general or special law.

342 (3) VICE MAYOR; POWERS AND DUTIES.--

343 (a) The council, at its first regular meeting after the
344 fourth Tuesday of each March, shall elect from its members a
345 vice mayor who shall serve for a period of 1 year and who shall
346 have the same legislative powers and duties while serving as any
347 other council member.

348 (b) The vice mayor shall serve as acting mayor during the
349 absence or disability of the mayor. In the absence of the mayor
350 and the vice mayor, the remaining council members shall select a
351 council member to serve as acting mayor.

352 Section 3. Election and terms of office.--

353 (1) TERM OF OFFICE.--Each council member shall be elected
354 at large for a 3-year term by the electors of the town in the
355 manner provided in this section. Council members shall be sworn
356 into office at the first regularly scheduled meeting after their
357 election. Each council member shall remain in office until his
358 or her successor is elected and assumes the duties of the
359 position.

360 (2) SEATS.--The town council shall be divided into five
361 separate council seats to be designated as seats 1, 2, 3, 4, and

362 5, to be voted on townwide, with each qualified elector entitled
 363 to vote for one candidate for each seat.

364 (3) QUALIFICATION.--Candidates for each council seat must
 365 qualify for council elections by seat in accordance with
 366 applicable general law, and the council members elected to those
 367 seats shall hold the seats 1 through 5, respectively. To qualify
 368 for office, each candidate for council member shall:

369 (a) File a written notice of candidacy with the town clerk
 370 at such time and in such manner as may be prescribed by
 371 ordinance and shall make payment to the town of any fees
 372 required by general law as a qualifying fee.

373 (b) Be a registered elector in the state.

374 (c) Have maintained his or her domicile within the
 375 boundaries of the town for a period of 1 year prior to
 376 qualifying for election and, if elected, shall maintain such
 377 residency throughout his or her term of office.

378
 379 Any resident of the town who wishes to become a candidate for a
 380 council member seat shall qualify with the town clerk no sooner
 381 than noon on the last Tuesday in January, nor later than noon on
 382 the first Tuesday in February, of the year in which the election
 383 is to be held.

384 (4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING
 385 OF VACANCIES.--

386 (a) Vacancies.--A vacancy in the office of mayor, vice
 387 mayor, or any council member shall occur upon the death of the
 388 incumbent, removal from office as authorized by law,
 389 resignation, appointment to other public office which creates

390 dual officeholding, judicially determined incompetence, or
 391 forfeiture of office as described in paragraph (b).

392 (b) Forfeiture of office.--Any council member shall
 393 forfeit his or her office upon determination by the council,
 394 acting as a body, at a duly noticed public meeting that he or
 395 she:

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

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

402 3. Is convicted of a first degree misdemeanor arising
 403 directly out of his or her official conduct or duties, or enters
 404 a plea of guilty or nolo contendere thereto, even if
 405 adjudication of guilt is withheld;

406 4. Is found to have violated any standard of conduct or
 407 code of ethics established by law for public officials and has
 408 been suspended from office by the Governor, unless subsequently
 409 reinstated as provided by law; or

410 5. Is absent from three consecutive regular council
 411 meetings without good cause or for any other reason established
 412 in this charter.

413
 414 The council shall be the sole judge of the qualifications of its
 415 members and shall hear all questions relating to forfeiture of a
 416 council member's office, including whether good cause for
 417 absence has been or may be established. The burden of

418 establishing good cause shall be on the council member in
419 question; however, any council member may at any time during any
420 duly held meeting move to establish good cause for his or her
421 absence or the absence of any other council member from any
422 past, present, or future meeting or meetings, which motion, if
423 carried, shall be conclusive. A council member whose
424 qualifications are in question or who is otherwise subject to
425 forfeiture of his or her office shall not vote on any such
426 matters. The council member in question shall be entitled to a
427 public hearing on request regarding an alleged forfeiture of
428 office. If a public hearing is requested, notice thereof shall
429 be published in one or more newspapers of general circulation in
430 the town at least 1 week in advance of the hearing. Any final
431 determination by the council that a council member has forfeited
432 his or her office shall be made by resolution. All votes and
433 other acts of the council member in question prior to the
434 effective date of such resolution shall be valid regardless of
435 the grounds of forfeiture.

436 (c) Suspension from office.--Any council member shall be
437 suspended from office upon return of an indictment or issuance
438 of any information charging the council member with any crime
439 that is punishable as a felony or with any crime arising out of
440 his or her official duties that is punishable as a first degree
441 misdemeanor.

442 1. During a period of suspension, a council member shall
443 not perform any official act, duty, or function or receive any
444 pay, allowance, emolument, or privilege of office.

445 2. If the council member is subsequently found not guilty
 446 of the charge, or if the charge is otherwise dismissed, reduced,
 447 or altered in such a manner that suspension would no longer be
 448 required as provided in this paragraph, the suspension shall be
 449 lifted and the council member shall be entitled to receive full
 450 back pay and such other emoluments or allowances to which he or
 451 she would have been entitled had the suspension not occurred.

452 (d) Filling of vacancies.--

453 1. If any vacancy occurs in the office of any council
 454 member and the remainder of the council member's unexpired term
 455 is less than 1 year and 81 days, the remaining council members
 456 shall, within 30 days after the occurrence of such vacancy, by
 457 majority vote, appoint a person to fill the vacancy for the
 458 remainder of the unexpired term.

459 2. If any vacancy occurs in the office of any council
 460 member and the remainder of the unexpired term is equal to or
 461 exceeds 1 year and 81 days, the remaining council members shall,
 462 within 30 days after the occurrence of such vacancy, by majority
 463 vote, appoint a person to fill the vacancy until the next
 464 regularly scheduled town election, at which time an election
 465 shall be held to fill the vacancy.

466 3. If a vacancy occurs in the office of mayor and less
 467 than 120 days remain in the term of the council member who was
 468 elected mayor, the vice mayor shall serve as mayor until a new
 469 mayor is elected by the council and assumes the duties of his or
 470 her office. If a vacancy occurs in the office of mayor and 120
 471 days or more remain in the term of the mayor, the vice mayor
 472 shall serve as mayor until a new council member is elected and

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473 the council elects a new mayor and vice mayor as provided by
474 this charter.

475 4. Any person appointed to fill a vacancy on the council
476 shall be required to meet the qualifications of the seat to
477 which he or she is appointed.

478 5. Notwithstanding any quorum requirements established in
479 this charter, if at any time the full membership of the council
480 is reduced to less than a quorum, the remaining members may, by
481 majority vote, appoint additional members to the extent
482 otherwise permitted or required under this subsection.

483 6. In the event that all the members of the council are
484 removed by death, disability, recall, forfeiture of office, or
485 resignation, or any combination thereof, the Governor shall
486 appoint interim council members who shall call a special
487 election within not less than 30 days or more than 60 days after
488 such appointment. Such election shall be held in the same manner
489 as the initial elections under this charter. However, if less
490 than 6 months remain in any unexpired terms, the interim council
491 appointed by the Governor shall serve out the unexpired terms.
492 Appointees must meet all requirements for candidates as provided
493 in this charter.

494 (e) Compensation and expenses.--

495 1. Town council members shall be entitled to reimbursement
496 in accordance with general law for authorized travel and per
497 diem expenses incurred in the performance of their official
498 duties.

499 2. The council members shall be compensated at the rate of
500 \$8,000 per year. The mayor shall be compensated at the rate of

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501 \$10,000 per year. The town council, by not fewer than four
502 affirmative votes, may elect to provide for any adjustment in
503 such compensation by ordinance. However, no such ordinance
504 increasing compensation shall take effect until the date of
505 commencement of the terms of council members elected at the next
506 regular election following the adoption of such ordinance.

507 Section 4. Administrative provisions.--

508 (1) DESIGNATION OF CHARTER OFFICERS.--The town manager and
509 the town attorney are designated as charter officers, except
510 that the office of town attorney may be contracted to an
511 attorney or law firm.

512 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
513 VACANCIES.--

514 (a) The charter officers shall be appointed by a majority
515 vote of the full council and shall serve at the pleasure of the
516 council.

517 (b) The charter officers shall be removed from office only
518 by a super majority vote of the full council. Upon demand by a
519 charter officer, a public hearing shall be held prior to such
520 removal.

521 (c) The compensation of the charter officers shall be
522 fixed by the town council through the approval of an acceptable
523 employment contract.

524 (d) The town council shall begin the process to fill a
525 vacancy in a charter office within 90 days after the vacancy. An
526 acting town manager or an acting town attorney may be appointed
527 by the council during a vacancy in such charter office.

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528 (e) A charter officer shall not be a member of the town
529 council or a candidate for town council while holding a charter
530 officer position.

531 (3) TOWN MANAGER.--The town manager shall be the chief
532 administrative officer of the town.

533 (a) The town council shall appoint a town manager who
534 shall be the administrative head of the municipal government
535 under the direction and supervision of the town council. The
536 town manager shall hold office at the pleasure of the town
537 council. The town manager shall be appointed by resolution
538 approving an employment contract between the town and the town
539 manager. The town manager shall receive such compensation as
540 determined by the town council through the adoption of an
541 appropriate resolution.

542 (b) The town manager shall have the minimum qualifications
543 of a combination of a bachelor's degree in public
544 administration, business administration, or other related fields
545 from an accredited college or university and 3 years' public
546 administration experience or 6 years' experience in a city
547 manager or assistant city manager position, preferably in a
548 local government recognized by the International City/County
549 Management Association.

550 (c) It is preferred that the town manager be credentialed
551 by the International City/County Management Association or
552 obtain such credential within 2 years after being appointed.

553 (d) During the absence or disability of the town manager,
554 the town council may by resolution designate a properly
555 qualified person to temporarily execute the functions of the

556 town manager. The person thus designated shall have the same
557 powers and duties as the town manager and shall, while serving,
558 be known as acting town manager. The town manager or acting town
559 manager may be removed by the town council at any time.

560 (e) As the chief administrative officer, the town manager
561 shall:

562 1. Direct and supervise the administration of all
563 departments, offices, and agencies of the town, except the
564 office of town attorney and except as otherwise provided by this
565 charter or by general law.

566 2. Appoint, suspend, or remove any employee of the town or
567 appointive administrative officer provided for, by, or under
568 this charter, except the office of town attorney and except as
569 may otherwise be provided by law, this charter, or personnel
570 rules adopted pursuant to the charter. The town manager may
571 authorize any administrative officer who is subject to his or
572 her direction and supervision to exercise these powers with
573 respect to subordinates in that officer's department, office, or
574 agency.

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

577 4. Prepare and submit the annual budget and capital
578 program to the council in the form prescribed by ordinance.

579 5. Attend meetings of the town council.

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

583 7. Sign all licenses issued by the town, issue receipts
584 for all moneys paid to the town, and deposit such moneys in the
585 proper depositories on the first banking day after receipt. The
586 town manager may delegate the responsibilities of this
587 subparagraph to an appropriate town employee who shall be
588 bonded.

589 8. Provide administrative services in support of the
590 official duties of the mayor and the council.

591 9. Keep the council advised as to the financial condition
592 and future needs of the town and make recommendations to the
593 council concerning the affairs of the town.

594 10. Submit to the council, and make available to the
595 public, a complete report on finances and administrative
596 activities of the town as of the end of each fiscal year.

597 11. Sign contracts on behalf of the town to the extent
598 authorized by ordinance.

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

601 (4) TOWN ATTORNEY.--

602 (a) The town attorney shall be employed under terms and
603 conditions deemed advisable by the town council, which may
604 include the appointment of a law firm.

605 (b) The town attorney shall be a member in good standing
606 with The Florida Bar, have been admitted to practice in the
607 state for at least 5 years, and have not less than 2 years'
608 experience in the practice of local government law.

609 (c) The town attorney has sole discretion to appoint,
610 promote, suspend, demote, remove, or terminate deputy and
611 assistant town attorneys, subject to the town's annual budget.

612 (d) The town attorney shall perform the following
613 functions in addition to other functions as designated by the
614 town council:

615 1. Serve as chief legal advisor to the town council, the
616 charter officers, and all town departments, offices, and
617 agencies.

618 2. Attend all regular and special town council meetings,
619 unless excused by the town council, and perform such
620 professional duties as may be required by law or by the council
621 in furtherance of the law.

622 3. Approve all contracts, bonds, and other instruments in
623 which the town is concerned and shall endorse on each his or her
624 approval of the form and correctness thereof. No contract with
625 the town shall take effect until his or her approval is so
626 endorsed thereon.

627 4. When requested to do so by the council, prosecute and
628 defend on behalf of the town all complaints, suits, and
629 controversies in which the town is a party.

630 5. Perform such other professional duties as required of
631 him or her by resolution of the council or as prescribed for
632 municipal attorneys in the general laws of the state that are
633 not inconsistent with this charter.

634 6. Prepare an annual budget for the operation of the
635 office of the town attorney and submit this budget to the town

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636 manager for inclusion in the annual town budget, in accordance
637 with uniform town procedures.

638 (5) TOWN CLERK.--The town manager shall appoint a town
639 clerk or a management firm to serve as town clerk (the "clerk").
640 The clerk shall give notice of council meetings to council
641 members and the public, keep minutes of council proceedings, and
642 perform such other duties as the council or town manager may
643 prescribe from time to time. The clerk shall report to the town
644 manager.

645 (6) EXPENDITURE OF TOWN FUNDS.--No funds of the town shall
646 be expended except pursuant to duly approved appropriations or
647 for the payment of bonds, notes, or other indebtedness duly
648 authorized by the council and only from such funds so
649 authorized.

650 (7) TOWN BOARDS AND AGENCIES.--Except as otherwise
651 provided by law, the council may establish or terminate such
652 boards and agencies as it may deem advisable from time to time.
653 The boards and agencies shall report to the council. Members of
654 boards and agencies shall be appointed by the council by
655 resolution.

656 Section 5. Legislative provisions.--

657 (1) REGULAR MEETINGS.--The council shall conduct regular
658 meetings at such times and places as the council shall prescribe
659 by resolution. Such meetings shall be public meetings within the
660 meaning of state law and shall be subject to notice and other
661 requirements of law applicable to public meetings.

662 (2) SPECIAL MEETINGS.--Special meetings may be held at the
663 call of the mayor or, in his or her absence, at the call of the

664 vice mayor. Special meetings may also be called upon the request
665 of a majority of the council members. Unless the meeting is of
666 an emergency nature, the person or persons calling such a
667 meeting shall provide not less than 72 hours' prior notice of
668 the meeting to the public.

669 (3) COMMENCEMENT.--All meetings shall be scheduled to
670 commence no earlier than 7 a.m. and no later than 10 p.m.

671 (4) RULES; ORDER OF BUSINESS.--The council shall determine
672 its own rules and order of business.

673 (5) QUORUM.--A majority of the full council shall
674 constitute a quorum.

675 (6) VALIDITY OF ACTION.--No action of the council shall be
676 valid unless adopted by an affirmative vote of the majority of
677 the full council, unless otherwise provided by law.

678 (7) LEGISLATIVE POWERS.--Except as otherwise prescribed
679 herein or as provided by law, the legislative powers of the town
680 shall be vested in the council. The council shall provide for
681 the exercise of its powers and for the performance of all duties
682 and obligations imposed on the town by law.

683 (8) DEPARTMENTS.--The council may establish such other
684 departments, offices, or agencies as it determines necessary for
685 the efficient administration and operation of the town. Such
686 departments, offices, or agencies shall be established by
687 ordinance.

688 (9) CODE.--The council may adopt any standard code of
689 technical regulations by reference thereto in an adopting
690 ordinance and may amend the code in the adopting ordinance or
691 later amendatory ordinance. The procedures and requirements

692 governing such an adopting ordinance shall be as prescribed for
 693 ordinances generally, except that:

694 (a) Requirements regarding distribution and filing of
 695 copies of the ordinance shall not be construed to require
 696 distribution and filing of copies of the adopted code of
 697 technical regulations.

698 (b) A copy of each adopted code of technical regulations,
 699 as well as of the adopting ordinance, shall be authenticated and
 700 recorded by the town clerk.

701 (10) EMERGENCY ORDINANCES.--

702 (a) To meet a public emergency affecting life, health,
 703 property, or the public peace, the council may adopt, in the
 704 manner provided by general law, one or more emergency
 705 ordinances, but such ordinances may not enact or amend a land
 706 use plan or rezone private property; levy taxes; grant, renew,
 707 or extend any municipal franchise; set service or user charges
 708 for any municipal services; or authorize the borrowing of money,
 709 except as provided in subsection (11) for emergency
 710 appropriations, if applicable. An emergency ordinance shall be
 711 introduced in the form and manner prescribed for ordinances
 712 generally, except that it shall be plainly designated in a
 713 preamble as an emergency ordinance and shall contain, after the
 714 enacting clause, a declaration stating that an emergency exists
 715 and describing the emergency in clear and specific terms.

716 (b) Upon the affirmative vote of four council members, an
 717 emergency ordinance may be adopted with or without amendment or
 718 rejected at the meeting at which it is introduced. After its

719 adoption, the ordinance shall be advertised and printed as
 720 prescribed for other ordinances.

721 (c) Emergency ordinances shall become effective upon
 722 adoption or at such other date as may be specified in the
 723 ordinance.

724 (d) Every emergency ordinance, except emergency
 725 appropriation ordinances, shall automatically be repealed as of
 726 the 61st day after its effective date, but this shall not
 727 prevent reenactment of the ordinance under regular procedures
 728 or, if the emergency still exists, in the manner specified in
 729 this section. An emergency ordinance may also be repealed by
 730 adoption of a repealing ordinance in the same manner specified
 731 in this section for adoption of emergency ordinances.

732 (11) EMERGENCY APPROPRIATIONS.--To meet a public emergency
 733 affecting life, health, property, or the public peace, the
 734 council, by resolution, may make emergency appropriations. To
 735 the extent that there are no unappropriated revenues to meet
 736 such appropriation, the council may by such emergency resolution
 737 authorize the issuance of emergency notes, which may be renewed
 738 from time to time, but the emergency notes and renewals in any
 739 fiscal year shall be paid not later than the last day of the
 740 fiscal year succeeding that in which the emergency
 741 appropriations were made.

742 (12) RECORDKEEPING.--The council shall, in a properly
 743 indexed book kept for that purpose, provide for the
 744 authentication and recording in full of all minutes of meetings
 745 and all ordinances and resolutions adopted by the council, and
 746 the same shall at all times be a public record. The council

747 shall further maintain a current codification of all ordinances.
748 Such codification shall be printed and shall be made available
749 for distribution to the public on a continuing basis. All
750 ordinances or resolutions of the council shall be signed by all
751 council members and attested to by the town clerk.

752 (13) DUAL OFFICEHOLDING.--No current elected town official
753 shall hold any compensated appointive office or employment of
754 the town while in office, nor shall any former council member be
755 employed by the town until after the expiration of 1 year from
756 the time of leaving office.

757 (14) NONINTERFERENCE BY TOWN COUNCIL.--Except for the
758 purposes of inquiry and information, council members are
759 expressly prohibited from interfering with the performance of
760 the duties of any employee of the town government who is under
761 the direct or indirect supervision of the town manager or town
762 attorney. Such action shall be malfeasance within the meaning of
763 section 112.51, Florida Statutes. Recommendations for
764 improvements in the town government operations shall come
765 through the town manager, but each member of the council shall
766 be free to discuss or recommend improvements in the town
767 government operations to the town manager, and the council is
768 free to direct the town manager to implement specific
769 recommendations for improvement in town government operations.

770 Section 6. Budget and appropriations.--

771 (1) FISCAL YEAR.--The town shall have a fiscal year which
772 shall begin on the first day of October and shall end on the
773 last day of September of the following calendar year, unless

774 otherwise defined by general law. Such fiscal year shall also
 775 constitute the annual budget and accounting year.

776 (2) BUDGET ADOPTION.--The council shall adopt a budget in
 777 accordance with applicable general law following a minimum of
 778 two public hearings on the proposed budget. A resolution
 779 adopting the annual budget shall constitute appropriation of the
 780 amounts specified therein as expenditures from funds indicated.

781 (3) EXPENDITURES.--The budget shall not provide for
 782 expenditures in an amount greater than the revenues budgeted.

783 (4) APPROPRIATIONS.--

784 (a) If, during the fiscal year, revenues in excess of
 785 those estimated in the budget are available for appropriation,
 786 the council by resolution may make supplemental appropriations
 787 for the year in an amount not to exceed such excess.

788 (b) If, at any time during the fiscal year, it appears
 789 probable to the town manager that the revenues available will be
 790 insufficient to meet the amount appropriated, the town manager
 791 shall report to the council without delay indicating the
 792 estimated amount of the deficit, any remedial action taken, and
 793 recommendations as to any other steps that should be taken. The
 794 council shall then take such further action as it deems
 795 necessary to prevent or minimize any deficit and, for that
 796 purpose, the council may by resolution reduce one or more
 797 appropriations accordingly.

798 (c) No appropriation for debt service may be reduced or
 799 transferred, and no appropriation may be reduced below any
 800 amount required by law to be appropriated or by more than the
 801 unencumbered balance thereof. Other provisions of law to the

802 contrary notwithstanding, the supplemental and emergency
 803 appropriations and reduction or transfer of appropriations
 804 authorized by this charter may be made effective immediately
 805 upon adoption.

806 (5) BONDS; INDEBTEDNESS.--

807 (a) Subject to the referendum requirements of the State
 808 Constitution, if applicable, the town may from time to time
 809 borrow money and issue bonds or other obligations or evidence of
 810 indebtedness (collectively, "bonds") of any type or character
 811 for any of the purposes for which the town is now or hereafter
 812 authorized by law to borrow money, including to finance the cost
 813 of any capital or other project and to refund any and all
 814 previous issues of bonds at or prior to maturity. Such bonds may
 815 be issued pursuant to one or more resolutions adopted by a
 816 majority of the council.

817 (b) The town may assume all outstanding indebtedness
 818 related to facilities it acquires from other units of local
 819 government and be liable for payment thereon in accordance with
 820 the terms of such indebtedness.

821 (6) REVENUE BONDS; LEASE-PURCHASE CONTRACTS.--Unless

822 authorized by the electors of the town at a duly held referendum
 823 election, the council shall not authorize or allow to be
 824 authorized the issuance of revenue bonds or enter into lease-
 825 purchase contracts or any other unfunded multiyear contracts for
 826 the purchase of real property or the construction of any capital
 827 improvement the repayment of which extends in excess of 36
 828 months unless mandated by state or federal governing agencies.

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829 (7) ANNUAL AUDIT.--The council shall provide for an
830 independent annual financial audit of all town accounts and may
831 provide for more frequent audits as it deems necessary. Such
832 audits shall be made by a certified public accountant or a firm
833 of such accountants who have no personal interest, direct or
834 indirect, in the fiscal affairs of the town government or in any
835 of its officers. Residency in the town shall not be construed as
836 a prohibited interest.

837 Section 7. Elections.--

838 (1) ELECTORS.--Any person who is a resident of the town,
839 who has qualified as an elector of this state, and who registers
840 in the manner prescribed by law shall be an elector of the town.

841 (2) NONPARTISAN ELECTIONS.--All elections for the town
842 council members shall be conducted on a nonpartisan basis
843 without any designation of political party affiliation.

844 (3) ELECTION DATES.--A special election shall be held on
845 the second Tuesday in March 2009, and regular elections shall be
846 held on the second Tuesday in March of each election year
847 thereafter, as follows:

848 (a) For the two council member seats that received the
849 highest number of votes in the March 2009 election, the next
850 election to fill the council member seats shall be held on the
851 second Tuesday in March after the first Monday in March in 2012
852 and every 3 years thereafter.

853 (b) For the two council member seats that received the
854 next highest number of votes in the March 2009 election, the
855 next election to fill the council member seats shall be held on

856 the second Tuesday in March after the first Monday in March in
 857 2011 and every 3 years thereafter.

858 (c) For the remaining council member seat, the next
 859 election to fill the council member seat shall be held on the
 860 second Tuesday in March after the first Monday in March in 2010
 861 and every 3 years thereafter.

862 (d) Such town elections shall be general town elections.

863 (4) RUNOFF ELECTIONS.--In the event no candidate for an
 864 office receives a majority of the votes cast for such office,
 865 the person receiving the largest number of votes cast will be
 866 elected. In the event two candidates receive an equal number of
 867 votes, a runoff election shall be held on the fourth Tuesday in
 868 March.

869 (5) TOWN CANVASSING BOARD.--The town canvassing board
 870 shall be composed of those members of the town council who are
 871 not candidates for reelection and the town clerk, who shall act
 872 as chair. At the close of the polls of any town election, or as
 873 soon thereafter as practicable, the canvassing board shall meet
 874 at a time and place designated by the chair, shall proceed to
 875 publicly canvass the vote as shown by the returns then on file
 876 in the office of the town clerk, and then shall publicly canvass
 877 the absentee elector ballots. The canvassing board shall prepare
 878 and sign a certificate containing the total number of votes cast
 879 for each candidate or other measure voted upon. The certificate
 880 shall be placed on file with the town clerk.

881 (6) SPECIAL ELECTIONS.--Special municipal elections, when
 882 required, shall be held in the same manner as regular elections,
 883 except that the town council, by ordinance, shall fix the time

884 for holding such elections consistent with this charter and
 885 state law.

886 (7) GENERAL ELECTION.--

887 (a) The ballot for the general election shall contain the
 888 names of all qualified candidates for each respective council
 889 member seat and shall instruct electors to cast one vote for
 890 each council member seat, with a maximum of one vote per
 891 candidate. The candidate for each council member seat receiving
 892 the most votes shall be the duly elected council member for that
 893 designated council member seat.

894 (b) No election for any council member seat shall be
 895 required in any election if there is only one duly qualified
 896 candidate for the council member seat.

897 (c) If two or more candidates for a designated council
 898 member seat receive an equal and the highest number of votes,
 899 those candidates shall run again in the runoff election.

900 (d) The candidate receiving the highest number of votes
 901 cast for the designated council member seat in the runoff
 902 election shall be elected to the designated council member seat.
 903 If the vote at the runoff election results in a tie, the outcome
 904 shall be determined by lot.

905 (e) The term of office of any elected official shall
 906 commence immediately after the election.

907 (f) All elected officers, before entering upon their
 908 duties, shall take and subscribe to the following oath of
 909 office:

910

911 "I do solemnly swear (or affirm) that I will support, protect,
 912 and defend the Constitution and Government of the United States
 913 and of the state and the charter of the Town of Palm Harbor;
 914 that I am duly qualified to hold office under the Constitution
 915 of the State and the charter of the Town of Palm Harbor; and
 916 that I will well and faithfully perform the duties of council
 917 member upon which I am now about to enter."

918
 919 (g) The election laws of the state shall apply to all
 920 elections.

921 (h) Any member of the town council may be removed from
 922 office by the electors of the town following the procedures for
 923 recall established by general law.

924 Section 8. General provisions.--

925 (1) SEVERABILITY.--If any section or part of any section
 926 of this charter is held invalid by a court of competent
 927 jurisdiction, such holding shall not affect the remainder of
 928 this charter or the context in which such section or part of a
 929 section so held invalid may appear, except to the extent that an
 930 entire section or part of a section may be inseparably connected
 931 in meaning and effect with the section or part of a section to
 932 which such holding directly applies.

933 (2) TOWN PERSONNEL SYSTEM.--All new employments,
 934 appointments, and promotions of town officers and employees
 935 shall be made pursuant to personnel procedures to be established
 936 by the town manager from time to time.

937 (3) CHARITABLE CONTRIBUTIONS.--The town shall not make any
938 charitable contribution to any person or entity unless
939 authorized by the council.

940 (4) VARIATION OF PRONOUNS.--All pronouns and any
941 variations thereof used in this charter shall be deemed to refer
942 to masculine, feminine, neutral, singular, or plural as the
943 identity of the person or persons shall require and are not
944 intended to describe, interpret, define, or limit the scope,
945 extent, or intent of this charter.

946 (5) CALENDAR DAY.--For the purpose of this charter, a
947 "day" means a calendar day.

948 (6) CHARTER REVIEW COMMITTEE.--

949 (a) At its first regular meeting in March 2014, and every
950 10th year thereafter, the town council may appoint a charter
951 review committee consisting of 15 individuals who are not
952 members of the town council to serve in an advisory capacity to
953 the town council.

954 (b) Each council member shall recommend and nominate three
955 individuals to serve on the committee as regular members, which
956 appointments shall be approved by a majority vote of the town
957 council. Individuals appointed to the charter review committee
958 shall be citizens of the town.

959 (c) The charter review committee shall appoint its own
960 chair and vice chair and adopt its own rules and procedures.

961 (d) The town clerk and the town attorney shall advise the
962 town council in advance of the date when such appointments may
963 be made.

964 (e) If appointed, the charter review committee shall
 965 commence its proceedings within 30 days after the committee is
 966 appointed by the town council. The committee shall review the
 967 charter and provide input to the town council to modernize and
 968 improve the charter. The public shall be given an opportunity to
 969 speak and participate at charter review committee meetings in
 970 accordance with the rules of the charter review committee.

971 (f) All recommendations by the charter review committee
 972 shall be forwarded to the town council in ordinance form for
 973 consideration no later than the 1st day of March of the year
 974 after the appointment of the charter review committee and in
 975 sufficient time for any recommendations to be considered by the
 976 town council as provided in this subsection.

977 (g) The town council shall consider the recommendations of
 978 the charter review committee at the regular meeting in November
 979 and the regular meeting in December of the year after
 980 appointment of the charter review committee.

981 (7) CHARTER AMENDMENTS.--This charter may be amended in
 982 accordance with the provisions for charter amendments as
 983 specified in general law or as may otherwise be provided by
 984 general law. The form, content, and certification of any
 985 petition to amend shall be established by ordinance.

986 (8) INITIATION BY PETITION.--The electors of the town may
 987 propose amendments to this charter by petition submitted to the
 988 council to be placed before the electors, as provided by general
 989 law.

990 (9) STANDARDS OF CONDUCT.--All elected officials and
 991 employees of the town shall be subject to the standards of

992 conduct for public officers and employees set by general law. In
 993 addition, the town council shall, no later than 6 months after
 994 the effective date of incorporation, establish by ordinance a
 995 code of ethics for officials and employees of the town which may
 996 be supplemental to general law, but in no case may such an
 997 ordinance diminish the provisions of general law. The intent of
 998 this subsection is to require more stringent standards than
 999 those provided under general law.

1000 (10) LAND USE; REZONING.--Any change to the town's future
 1001 land use map or any change to the zoning designation for any
 1002 parcel within the town shall require the affirmative vote of no
 1003 fewer than four members of the town council.

1004 Section 9. Transition schedule.--

1005 (1) REFERENDUM.--The Pinellas County Commission shall hold
 1006 the referendum election called for by this act on November 4,
 1007 2008, at which time the following question shall be placed upon
 1008 the ballot:

1009
 1010 Palm Harbor Community:

1011
 1012 "Shall the creation of the Town of Palm Harbor and its charter
 1013 be approved?"

1014
 1015 Yes

1016 No

1017
 1018 Crystal Beach and Ozona Communities:

1019

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1020 "Shall the community of [insert one of the above communities]
 1021 join in the creation of the Town of Palm Harbor and its charter
 1022 be approved?"

1023
 1024 Yes

1025 No

1026
 1027 East Lake Community:

1028
 1029 "Shall the community of East Lake join in the creation of the
 1030 Town of Palm Harbor and its charter be approved?"

1031
 1032 Yes

1033 No

1034
 1035 (2) INITIAL ELECTION OF COUNCIL MEMBERS; DATES.--

1036 (a) Following the adoption of this charter, the Pinellas
 1037 County Commission shall call a special election for the election
 1038 of the five town council members to be held on March 10, 2009.
 1039 Candidates for the election shall qualify for seat 1, seat 2,
 1040 seat 3, seat 4, and seat 5. The candidate receiving the highest
 1041 number of votes for that seat shall be elected. If two or more
 1042 candidates for a designated council member seat receive an equal
 1043 and the highest number of votes, those candidates shall run
 1044 again in the runoff election to be held on March 24, 2009.

1045 (b) Any individual who wishes to run for one of the five
 1046 initial seats on the council shall qualify as a candidate with

1047 the Pinellas County Supervisor of Elections in accordance with
 1048 the provisions of this charter and general law.

1049 (c) The Pinellas County Commission shall appoint a
 1050 canvassing board to certify the results of the election.

1051 (d) Those candidates who are elected on March 10, 2009,
 1052 and March 24, 2009, shall take office at the initial town
 1053 council meeting, which shall be held at 7 p.m. on March 26,
 1054 2009.

1055 (3) CREATION AND ESTABLISHMENT OF THE TOWN.--For the
 1056 purpose of compliance with section 200.066, Florida Statutes,
 1057 relating to assessment and collection of ad valorem taxes, the
 1058 town is hereby created and established effective December 1,
 1059 2008; notwithstanding anything to the contrary contained in this
 1060 charter, the town, although created and established as of
 1061 December 1, 2008, shall not be operational until March 27, 2009.

1062 (4) FIRST-YEAR EXPENSES.--The town council, in order to
 1063 provide moneys for the expenses and support of the town, shall
 1064 have the power to borrow money necessary for the operation of
 1065 town government until such time as a budget is adopted and
 1066 revenues are raised in accordance with the provisions of this
 1067 charter.

1068 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All
 1069 applicable county ordinances currently in place at the time of
 1070 passage of the referendum, unless specifically referenced in
 1071 this charter, shall remain in place until and unless rescinded
 1072 by action of the town council.

1073 (6) TEMPORARY EMERGENCY ORDINANCES.--The town council
 1074 shall adopt ordinances and resolutions required to effect the

1075 transition. Ordinances adopted within 60 days after the first
 1076 council meeting may be passed as emergency ordinances. These
 1077 emergency ordinances shall be effective for no longer than 90
 1078 days after adoption and thereafter may be readopted, renewed, or
 1079 otherwise continued only in the manner normally prescribed for
 1080 ordinances.

1081 (7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
 1082 REGULATIONS.--

1083 (a) Until such time as the town adopts a comprehensive
 1084 plan, the Pinellas County Future Land Use Map, the Pinellas
 1085 County Zoning Map, and all other provisions applicable to the
 1086 town of the Comprehensive Plan and Land Development Regulations
 1087 of Pinellas County, as the same exist on the day the town
 1088 commences corporate existence, shall remain in effect as the
 1089 town's transitional comprehensive plan and land development
 1090 regulations. However, all planning functions, duties, and
 1091 authority shall thereafter be vested in the Town Council of Palm
 1092 Harbor, which shall also be deemed the local planning agency
 1093 until the council establishes a separate local planning agency.

1094 (b) All powers and duties of the planning commission,
 1095 zoning authority, any boards of adjustment, and the County
 1096 Commission of Pinellas County, as set forth in these
 1097 transitional zoning and land use regulations, shall be vested in
 1098 the Town Council of Palm Harbor until such time as the town
 1099 council delegates all or a portion thereof to another entity.

1100 (8) COMMUNICATIONS SERVICES TAX.--The communications
 1101 services tax imposed under section 202.19, Florida Statutes, by
 1102 Pinellas County will continue within the town boundaries during

1103 the period commencing with the date of incorporation through
 1104 December 31, 2009. Revenues from the tax shall be shared by
 1105 Pinellas County with the town in proportion to the projected
 1106 town population estimate of the Pinellas County Planning
 1107 Division compared with the unincorporated population of Pinellas
 1108 County before the incorporation of Palm Harbor.

1109 (9) STATE SHARED REVENUES.--The Town of Palm Harbor shall
 1110 be entitled to participate in all shared revenue programs of the
 1111 state available to municipalities effective April 1, 2009. The
 1112 provisions of section 218.23(1), Florida Statutes, shall be
 1113 waived for the purpose of eligibility to receive revenue sharing
 1114 funds from the date of incorporation through the state fiscal
 1115 year 2011-2012. Initial population estimates for calculating
 1116 eligibility for shared revenues shall be determined by the
 1117 University of Florida Bureau of Economic and Business Research.
 1118 Should the bureau be unable to provide an appropriate population
 1119 estimate, the Pinellas County Planning Division estimate shall
 1120 be used. For the purposes of qualifying for revenue sharing, the
 1121 following revenue sources shall be considered: municipal service
 1122 taxing units, fire municipal service taxing units, ad valorem
 1123 taxes, communications services tax, and franchise fees.

1124 (10) FUEL TAX REVENUES.--Notwithstanding the requirements
 1125 of section 336.025, Florida Statutes, to the contrary, the town
 1126 shall be entitled to receive local option fuel tax revenues
 1127 beginning October 1, 2009. These revenues shall be distributed
 1128 in accordance with the interlocal agreements with Pinellas
 1129 County.

1130 (11) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--The Town of
 1131 Palm Harbor shall be entitled effective April 1, 2009, to
 1132 participate in the local government infrastructure surtax, a
 1133 local discretionary sales surtax levied pursuant to section
 1134 212.055(2), Florida Statutes. If the Town of Palm Harbor is
 1135 unable to participate in the interlocal agreement between the
 1136 county's governing body and the governing bodies of the
 1137 municipalities representing a majority of the county's municipal
 1138 population, the default distribution method, which is to be
 1139 based on the local government half-cent sales tax formulas
 1140 provided in section 218.62, Florida Statutes, shall apply.

1141 (12) WAIVER.--The provisions of section 218.23(1), Florida
 1142 Statutes, shall be waived for the purpose of conducting audits
 1143 and financial reporting through fiscal year 2009-2010.

1144 Section 10. Continuation, merger, and dissolution of
 1145 existing districts and service providers.--

1146 (1) PALM HARBOR SPECIAL FIRE CONTROL DISTRICT;
 1147 CONTINUATION.--Notwithstanding the incorporation of the Town of
 1148 Palm Harbor, that portion of the Palm Harbor Special Fire
 1149 Control District, a special taxing district created by chapter
 1150 82-369, Laws of Florida, that lies within the boundaries of the
 1151 Town of Palm Harbor is authorized to continue in existence until
 1152 the town adopts an ordinance to the contrary. However, the town
 1153 shall not establish a town fire department without a referendum.

1154 (2) PALM HARBOR COMMUNITY SERVICES DISTRICT;
 1155 CONTINUATION.--Notwithstanding the incorporation of the Town of
 1156 Palm Harbor, that portion of the Palm Harbor Community Services
 1157 District, a municipal services taxing unit created in 1985

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1158 pursuant to Pinellas County Ordinance 85-28 to provide library
 1159 and recreation services to the residents of the Palm Harbor,
 1160 that lies within the boundaries of the Town of Palm Harbor is
 1161 authorized to continue in existence until the town adopts an
 1162 ordinance to the contrary. However, the Palm Harbor Community
 1163 Services Agency shall not be abolished without a referendum.

1164 (3) EAST LAKE TARPON SPECIAL FIRE CONTROL DISTRICT;
 1165 CONTINUATION.--Notwithstanding the incorporation of the Town of
 1166 Palm Harbor, that portion of the East Lake Tarpon Special Fire
 1167 Control District, a special taxing district created by chapter
 1168 2000-477, Laws of Florida, that lies within the boundaries of
 1169 the Town of Palm Harbor is authorized to continue in existence
 1170 until the town adopts an ordinance to the contrary. However, the
 1171 town shall not establish a town fire department without a
 1172 referendum.

1173 (4) PINELLAS COUNTY LIBRARY SERVICES DISTRICT;
 1174 CONTINUATION OF COMMUNITY SERVICES.--That portion of the
 1175 Pinellas County Library Services District, a municipal services
 1176 taxing unit created in 1989 pursuant to Pinellas County
 1177 Ordinance 89-5, as authorized under section 125.01(5), Florida
 1178 Statutes, that lies within the boundaries of the Town of Palm
 1179 Harbor shall be replaced with a separate Community Services
 1180 Overlay District of equal millage to provide library and
 1181 recreation services to the residents of the East Lake Tarpon
 1182 area.

1183 (5) LAW ENFORCEMENT.--Law enforcement services shall be
 1184 provided by contract with the Pinellas County Sheriff's Office,

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1185 or by contract with other law enforcement agencies, until the
1186 town adopts an ordinance to the contrary.

1187 Section 11. This act shall only take effect upon approval
1188 by a majority of those qualified electors residing within the
1189 proposed corporate limits of the proposed Town of Palm Harbor as
1190 described in section 1 voting in a referendum election to be
1191 called by the Board of County Commissioners of Pinellas County
1192 and to be held on November 4, 2008, in accordance with the
1193 provisions relating to elections currently in force, except that
1194 subsection (1) of section 9 and this section shall take effect
1195 upon becoming a law.