

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; providing  
6           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 contracting for traditional municipal  
20          services; providing for council meetings; providing for  
21          adoption of a code of technical regulation; providing for  
22          emergency ordinances and appropriations; providing for  
23          recordkeeping; providing limitations on employment and  
24          officeholding of council members; prohibiting certain  
25          interference with town employees; establishing the fiscal  
26          year; providing for adoption of annual budget and  
27          appropriations; providing for supplemental appropriations;  
28          providing for reduction and transfer of appropriations;

29 providing limitations; providing for a reserve fund;  
 30 providing for referendum requirements for revenue bonds and  
 31 other multiyear contracts; providing for financial audit;  
 32 providing for nonpartisan elections and matters relative  
 33 thereto; providing for recall; providing for a charter  
 34 review committee and future amendments of the charter;  
 35 providing for standards of conduct in office; providing for  
 36 severability; providing for a personnel system; providing  
 37 for charitable contributions; providing for land use  
 38 changes; providing a transitional schedule and procedures  
 39 for a first election; providing for first-year expenses;  
 40 providing for adoption of transitional ordinances,  
 41 resolutions, comprehensive plans, and local development  
 42 regulations; providing for continuation of the  
 43 communications services tax; providing for accelerated  
 44 entitlement to state-shared revenues; providing for receipt  
 45 and distribution of motor fuel tax revenues; providing for  
 46 transferring property, records, and equipment; providing  
 47 for pending matters; providing for transitional ordinances  
 48 and resolutions; providing for participation in the local  
 49 government infrastructure surtax; providing a waiver of  
 50 certain statutory requirements; providing for continuation  
 51 of certain services; providing for law enforcement;  
 52 requiring a referendum; providing effective dates.

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

56 Section 1. Charter; creation; form of government;

57 boundaries and powers.--

58 (1) CHARTER; CREATION.--

59 (a) This act may be known as the "Charter of the Town of  
 60 Palm Harbor" (the "charter"), and the Town of Palm Harbor (the  
 61 "town") is created.

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

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

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

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

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

82  
 83 Begin at the intersection of the centerline of the  
 84 Intracoastal Waterway and the westerly extension of

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

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

117  
 118 (4) MUNICIPAL POWERS.--The town shall be a body corporate  
 119 and politic and shall have all available governmental,  
 120 corporate, and proprietary powers of a municipality under the  
 121 State Constitution and general law, as fully and completely as  
 122 though such powers were specifically enumerated in this charter,  
 123 and may exercise them, except when prohibited by law. Through  
 124 the adoption of this charter, it is the intent of the electors  
 125 of the town that the municipal government established herein has  
 126 the broadest exercise of home rule powers permitted under the  
 127 State Constitution and general law. This charter and the powers  
 128 of the town shall be construed liberally in favor of the town.  
 129 It is recognized that certain services within the municipal  
 130 boundaries are provided by independent special districts created  
 131 by special acts of the Legislature and by Pinellas County.

132 Section 2. Council; mayor; vice mayor.--

133 (1) TOWN COUNCIL.--There shall be a five-member town  
 134 council ("council") vested with all legislative powers of the  
 135 town. Unless otherwise stated within this charter, all charter  
 136 powers shall be exercised by the council.

137 (2) MAYOR; VICE MAYOR; POWERS AND DUTIES.--

138 (a) The council, at its first regular meeting every year,  
 139 shall elect from its members a mayor and vice mayor who shall  
 140 serve for a period of 1 year each and who shall have the same

141 legislative powers and duties as any other council member,  
142 except as provided in this subsection.

143 (b) In addition to carrying out the regular duties of a  
144 council member, the mayor shall preside at the meetings of the  
145 council and shall be recognized as the head of town government  
146 for service of process, ceremonial matters, and the signature or  
147 execution of ordinances, contracts, deeds, bonds, and other  
148 instruments and documents and for purposes of military law. The  
149 mayor shall also serve as the ceremonial head of the town and  
150 the town official designated to represent the town when dealing  
151 with other entities. The mayor shall have no administrative  
152 duties other than those necessary to accomplish these actions or  
153 such other actions as may be authorized by the town council,  
154 consistent with general or special law.

155 (c) In addition to carrying out the regular duties of a  
156 council member, the vice mayor shall, in the absence of the  
157 mayor, act as mayor, preside at the meetings of the council, and  
158 be recognized as the head of town government for service of  
159 process, ceremonial matters, and the signature or execution of  
160 ordinances, contracts, deeds, bonds, and other instruments and  
161 documents and for purposes of military law. The vice mayor  
162 shall, in the absence of the mayor, serve as the ceremonial head  
163 of the town and the town official designated to represent the  
164 town when dealing with other entities. The vice mayor shall have  
165 no administrative duties other than those necessary to  
166 accomplish these actions or such other actions as may be  
167 authorized by the town council, consistent with general or  
168 special law.

169        (d) In the absence of the mayor and vice mayor, the  
 170 remaining council members shall select a council member to serve  
 171 as acting mayor.

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

173        (1) TERM OF OFFICE.--Each council member shall be elected  
 174 for a 4-year term by the electors of the town in the manner  
 175 provided in this section. Council members shall be sworn into  
 176 office at the first regularly scheduled meeting after their  
 177 election. Each council member shall remain in office until his  
 178 or her successor is elected and assumes the duties of the  
 179 position.

180        (2) DESIGNATED COUNCIL SEATS.--The town council shall  
 181 consist of five seats. Seats 1, 2, 3, 4, and 5 will be at-large  
 182 seats and will be elected from and represent the entire town.

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

188        (a) File a written notice of candidacy with the town clerk  
 189 at such time and in such manner as may be prescribed by  
 190 ordinance and shall make payment to the town of any fees  
 191 required by general law as qualifying fees.

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

193        (c) Have maintained his or her domicile within the town  
 194 for a period of 1 year prior to qualifying for election and, if  
 195 elected, shall maintain such residency throughout his or her  
 196 term of office. Any resident of the town who wishes to become a

197 candidate for a council member seat shall qualify with the town  
 198 clerk no sooner than noon on the second Tuesday in January, nor  
 199 later than noon on the first Tuesday in February, of the year in  
 200 which the election is to be held.

201 (4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING  
 202 OF VACANCIES.--

203 (a) Vacancies.--A vacancy in the office of any council  
 204 member shall occur upon the death of the incumbent, removal from  
 205 office as authorized by law, resignation, appointment to other  
 206 public office which creates dual officeholding, judicially  
 207 determined incompetence, or forfeiture of office as described in  
 208 paragraph (b).

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

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

216 2. Has been convicted of a felony or entered a plea of  
 217 guilty or nolo contendere to a crime punishable as a felony,  
 218 even if adjudication of guilt was withheld;

219 3. Has been convicted of a first degree misdemeanor  
 220 arising directly out of his or her official conduct or duties,  
 221 or entered a plea of guilty or nolo contendere thereto, even if  
 222 adjudication of guilt was withheld;

223 4. Has been found to have violated any standard of conduct  
 224 or code of ethics established by law for public officials and



225 has been suspended from office by the Governor, unless  
 226 subsequently reinstated as provided by law; or  
 227 5. Has been absent from three consecutive regular council  
 228 meetings without good cause or for any other reason established  
 229 in this charter.  
 230  
 231 The council shall be the sole judge of the qualifications of its  
 232 members and shall hear all questions relating to forfeiture of a  
 233 council member's office, including whether or not good cause for  
 234 absence has been or may be established. The burden of  
 235 establishing good cause shall be on the council member in  
 236 question; however, any council member may at any time during any  
 237 duly held meeting move to establish good cause for his or her  
 238 absence or the absence of any other council member from any  
 239 past, present, or future meeting or meetings, which motion, if  
 240 carried, shall be conclusive. A council member whose  
 241 qualifications are in question or who is otherwise subject to  
 242 forfeiture of his or her office shall not vote on any such  
 243 matters. The council member in question shall be entitled to a  
 244 public hearing upon request regarding an alleged forfeiture of  
 245 office. If a public hearing is requested, notice thereof shall  
 246 be published in one or more newspapers of general circulation in  
 247 the town at least 1 week in advance of the hearing. Any final  
 248 determination by the council that a council member has forfeited  
 249 his or her office shall be made by resolution. All votes and  
 250 other acts of the council member in question prior to the  
 251 effective date of such resolution shall be valid regardless of  
 252 the grounds of forfeiture.

253 (c) Suspension from office.--Any council member shall be  
254 suspended from office upon return of an indictment or issuance  
255 of any information charging the council member with any crime  
256 that is punishable as a felony or with any crime arising out of  
257 his or her official duties that is punishable as a first degree  
258 misdemeanor.

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

262 2. If the council member is subsequently found not guilty  
263 of the charge or if the charge is otherwise dismissed, reduced,  
264 or altered in such a manner that suspension would no longer be  
265 required as provided in this paragraph, the suspension shall be  
266 lifted and the council member shall be entitled to receive full  
267 back pay and such other emoluments or allowances to which he or  
268 she would have been entitled had the suspension not occurred.

269 (d) Filling of vacancies.--

270 1. If any vacancy occurs in the office of any council  
271 member, the remaining council members shall, within 30 days  
272 after the occurrence of such vacancy, by majority vote, appoint  
273 a person to fill the vacancy until the next regularly scheduled  
274 town election, at which time an election shall be held to fill  
275 the vacancy. The first choice for this replacement council  
276 member shall be the candidate from that district who received  
277 the second highest number of votes in the last election. If the  
278 council fails to appoint a replacement council member within 45  
279 days after the occurrence of the vacancy, the council shall call  
280 for a special election to fill that vacancy, to be held no

281 sooner than 90 days and no later than 120 days following the  
282 occurrence of the vacancy and as otherwise governed by law.

283 2. Any person appointed to fill a vacancy on the council  
284 shall be required to meet the qualifications of the seat to  
285 which he or she is appointed.

286 3. Notwithstanding any quorum requirements established in  
287 this charter, if at any time the full membership of the council  
288 is reduced to less than a quorum, the remaining members may, by  
289 majority vote, appoint additional members to the extent  
290 otherwise permitted or required under this subsection.

291 4. In the event that all the members of the council are  
292 removed by death, disability, recall, forfeiture of office, or  
293 resignation, or any combination thereof, the Governor shall  
294 appoint interim council members who shall call a special  
295 election within not less than 30 days or more than 60 days after  
296 such appointment. Such election shall be held in the same manner  
297 as the initial elections under this charter. However, if less  
298 than 6 months remain in any unexpired term, the interim council  
299 member appointed by the Governor shall serve out that unexpired  
300 term. Appointees must meet all requirements for candidates as  
301 provided in this charter.

302 (e) Compensation and expenses.--

303 1. Town council members shall be entitled to reimbursement  
304 in accordance with general law for authorized travel and per  
305 diem expenses incurred in the performance of their official  
306 duties.

307 2. Town council members shall be compensated at the rate  
308 of \$8,000 per year, except that the council member elected by

309 the council to act as mayor shall be compensated at the rate of  
310 \$10,000 per year. The town council, by not fewer than four  
311 affirmative votes, may elect to provide for any adjustment in  
312 such compensation by ordinance. However, no such ordinance  
313 increasing compensation shall take effect until the date of  
314 commencement of the terms of council members elected at the next  
315 regular election following the adoption of such ordinance.

316 Section 4. Administrative provisions.--

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

321 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF  
322 VACANCIES.--

323 (a) The charter officers shall be appointed by a majority  
324 vote of the full council and shall serve at the pleasure of the  
325 council.

326 (b) The charter officers shall be removed from office only  
327 by a supermajority vote of the full council. Upon demand by a  
328 charter officer, a public hearing shall be held prior to such  
329 removal.

330 (c) The compensation of the charter officers shall be  
331 fixed by the town council through the approval of an acceptable  
332 employment contract.

333 (d) The town council shall begin the process to fill a  
334 vacancy in a charter office within 90 days after the vacancy  
335 occurs. An acting town manager or an acting town attorney may be  
336 appointed by the council during a vacancy in such charter

337 office.

338 (e) A charter officer shall not be a member of the town  
339 council or a candidate for town council while holding a charter  
340 officer position.

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

343 (a) The town council shall appoint a town manager who  
344 shall be the administrative head of the municipal government  
345 under the direction and supervision of the town council. The  
346 town manager shall hold office at the pleasure of the town  
347 council. The town manager shall be appointed by resolution  
348 approving an employment contract between the town and the town  
349 manager. The town manager shall receive such compensation as  
350 determined by the town council through the adoption of an  
351 appropriate resolution.

352 (b) The town manager shall have the minimum qualifications  
353 of a combination of a bachelor's degree in public  
354 administration, business administration, or other related field  
355 from an accredited college or university and 3 years' public  
356 administration experience.

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

360 (d) During the absence or disability of the town manager,  
361 the town council may by resolution designate a properly  
362 qualified person to temporarily execute the functions of the  
363 town manager. The person thus designated shall have the same  
364 powers and duties as the town manager and shall, while serving,

365 be known as acting town manager. The town manager or acting town  
 366 manager may be removed by the town council at any time.

367 (e) As the chief administrative officer, the town manager  
 368 shall:

369 1. Direct and supervise the administration of all  
 370 departments, offices, and agencies of the town, except the  
 371 office of town attorney and except as otherwise provided by this  
 372 charter or by general law.

373 2. Appoint, suspend, or remove any employee of the town or  
 374 appointive administrative officer provided for under this  
 375 charter, except the office of town attorney and except as may  
 376 otherwise be provided by law, this charter, or personnel rules  
 377 adopted pursuant to the charter. The town manager may authorize  
 378 any administrative officer who is subject to his or her  
 379 direction and supervision to exercise these powers with respect  
 380 to subordinates in that officer's department, office, or agency.

381 3. Ensure that all laws, provisions of the charter, and  
 382 acts of the council are faithfully executed.

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

385 5. Attend meetings of the town council.

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

389 7. Sign all licenses issued by the town, issue receipts  
 390 for all moneys paid to the town, and deposit such moneys in the  
 391 proper depositories on the first banking day after receipt. The  
 392 town manager may delegate the responsibilities of this

393 subparagraph to an appropriate town employee who shall be  
 394 bonded.

395 8. Provide administrative services in support of the  
 396 official duties of the mayor and the council.

397 9. Keep the council advised as to the financial condition  
 398 and future needs of the town and make recommendations to the  
 399 council concerning the affairs of the town.

400 10. Submit to the council, and make available to the  
 401 public, a complete report on finances and administrative  
 402 activities of the town at the end of each fiscal year.

403 11. Sign contracts on behalf of the town to the extent  
 404 authorized by ordinance.

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

407 (4) TOWN ATTORNEY.--

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

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

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

418 (d) The town attorney shall perform the following  
 419 functions in addition to other functions as designated by the  
 420 town council:

421 1. Serve as chief legal advisor to the town council, the  
 422 charter officers, and all town departments, offices, and  
 423 agencies.

424 2. Attend all regular and special town council meetings,  
 425 unless excused by the town council, and perform such  
 426 professional duties as may be required by law or by the council  
 427 in furtherance of the law.

428 3. Approve all contracts, bonds, and other instruments in  
 429 which the town is concerned and shall endorse on each his or her  
 430 approval of the form and correctness thereof. No contract with  
 431 the town shall take effect until his or her approval is so  
 432 endorsed thereon.

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

436 5. Perform such other professional duties as required of  
 437 him or her by resolution of the council or as prescribed for  
 438 municipal attorneys in general law that are not inconsistent  
 439 with this charter.

440 6. Prepare an annual budget for the operation of the  
 441 office of the town attorney and submit this budget to the town  
 442 manager for inclusion in the annual town budget, in accordance  
 443 with uniform town procedures.

444 (5) TOWN CLERK.--The town manager shall appoint a town  
 445 clerk or a management firm to serve as town clerk (the "clerk").  
 446 The clerk shall give notice of council meetings to council  
 447 members and the public, keep minutes of council proceedings, and  
 448 perform such other duties as the council or town manager may



449 prescribe. The clerk shall report to the town manager.

450 (6) EXPENDITURE OF TOWN FUNDS.--No funds of the town shall  
451 be expended except pursuant to duly approved appropriations or  
452 for the payment of bonds, notes, or other indebtedness duly  
453 authorized by the council and only from such funds so  
454 authorized.

455 (7) TOWN BOARDS AND AGENCIES.--Except as otherwise  
456 provided by law, the council may establish or terminate such  
457 boards and agencies as it may deem advisable from time to time.  
458 The boards and agencies shall report to the council. Members of  
459 boards and agencies shall be appointed by the council by  
460 resolution.

461 (8) CONTRACTING FOR TRADITIONAL MUNICIPAL SERVICES.--It is  
462 the intent of the town to provide traditional municipal services  
463 through public and private contract providers. Accordingly,  
464 traditional municipal services shall be rendered through  
465 contract providers, not town employees, unless approved by at  
466 least a four-fifths vote of the town council. If the town  
467 council determines that any traditional municipal service is to  
468 be provided through town employees, the town manager shall be  
469 responsible for the hiring, supervision, and removal of all such  
470 employees. For purposes of this section, "traditional municipal  
471 services" means public safety, public works, administrative  
472 services, community development, and community services.

473 Section 5. Legislative provisions.--

474 (1) REGULAR MEETINGS.--The council shall conduct regular  
475 meetings at such times and places as the council shall prescribe  
476 by resolution. Such meetings shall be public meetings within the

477 meaning of general law and shall be subject to notice and other  
 478 requirements of law applicable to public meetings.

479 (2) SPECIAL MEETINGS.--Special meetings may be held at the  
 480 call of the mayor or, in his or her absence, at the call of the  
 481 vice mayor. Special meetings may also be called upon the request  
 482 of a majority of the council members. Unless the meeting is of  
 483 an emergency nature, the person or persons calling such a  
 484 meeting shall provide not less than 72 hours' prior notice of  
 485 the meeting to the public.

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

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

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

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

495 (7) LEGISLATIVE POWERS.--Except as otherwise prescribed  
 496 herein or as provided by law, the legislative powers of the town  
 497 shall be vested in the council. The council shall provide for  
 498 the exercise of its powers and for the performance of all duties  
 499 and obligations imposed on the town by law.

500 (8) DEPARTMENTS.--The council may establish such other  
 501 departments, offices, or agencies as it determines necessary for  
 502 the efficient administration and operation of the town. Such  
 503 departments, offices, or agencies shall be established by  
 504 ordinance.

505 (9) CODE.--The council may adopt any standard code of  
506 technical regulations by reference thereto in an adopting  
507 ordinance and may amend the code in the adopting ordinance or  
508 later amendatory ordinance. The procedures and requirements  
509 governing such an adopting ordinance shall be as prescribed for  
510 ordinances generally, except that:

511 (a) Requirements regarding distribution and filing of  
512 copies of the ordinance shall not be construed to require  
513 distribution and filing of copies of the adopted code of  
514 technical regulations.

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

518 (10) EMERGENCY ORDINANCES.--

519 (a) To meet a public emergency affecting life, health,  
520 property, or the public peace, the council may adopt, in the  
521 manner provided by general law, one or more emergency  
522 ordinances, but such ordinances may not enact or amend a land  
523 use plan or rezone private property; levy taxes; grant, renew,  
524 or extend any municipal franchise; set service or user charges  
525 for any municipal services; or authorize the borrowing of money,  
526 except as provided in subsection (11) for emergency  
527 appropriations, if applicable. An emergency ordinance shall be  
528 introduced in the form and manner prescribed for ordinances  
529 generally, except that it shall be plainly designated in a  
530 preamble as an emergency ordinance and shall contain, after the  
531 enacting clause, a declaration stating that an emergency exists  
532 and describing the emergency in clear and specific terms.

533        (b) Upon the affirmative vote of a majority of council  
534 members, an emergency ordinance may be adopted with or without  
535 amendment or rejected at the meeting at which it is introduced.  
536 After its adoption, the ordinance shall be advertised and  
537 printed as prescribed for other ordinances.

538        (c) An emergency ordinance shall become effective upon  
539 adoption or at such other date as may be specified in the  
540 ordinance.

541        (d) Every emergency ordinance, except an emergency  
542 appropriation ordinance, shall automatically be repealed as of  
543 the 61st day after its effective date, but this shall not  
544 prevent reenactment of the ordinance under regular procedures  
545 or, if the emergency still exists, in the manner specified in  
546 this section. An emergency ordinance may also be repealed by  
547 adoption of a repealing ordinance in the same manner specified  
548 in this section for adoption of emergency ordinances.

549        (11) EMERGENCY APPROPRIATIONS.--To meet a public emergency  
550 affecting life, health, property, or the public peace, the  
551 council, by resolution, may make emergency appropriations. To  
552 the extent that there are no unappropriated revenues to meet  
553 such appropriation, the council may by such emergency resolution  
554 authorize the issuance of emergency notes, which may be renewed  
555 from time to time, but the emergency notes and renewals in any  
556 fiscal year shall be paid not later than the last day of the  
557 fiscal year succeeding that in which the emergency  
558 appropriations were made.

559        (12) RECORDKEEPING.--The council shall, in a properly  
560 indexed book kept for that purpose, provide for the

561 authentication and recording in full of all minutes of meetings  
 562 and all ordinances and resolutions adopted by the council, and  
 563 the same shall at all times be a public record. The council  
 564 shall further maintain a current codification of all ordinances.  
 565 Such codification shall be printed and shall be made available  
 566 for distribution to the public on a continuing basis. All  
 567 ordinances and resolutions of the council shall be signed by all  
 568 council members and attested to by the town clerk.

569 (13) DUAL OFFICEHOLDING.--No current elected town official  
 570 shall hold any compensated appointive office or employment of  
 571 the town while in office, nor shall any former council member be  
 572 employed by the town until after the expiration of 1 year after  
 573 leaving office.

574 (14) NONINTERFERENCE BY TOWN COUNCIL.--Except for the  
 575 purposes of inquiry and information, council members are  
 576 expressly prohibited from interfering with the performance of  
 577 the duties of any employee of the town government who is under  
 578 the direct or indirect supervision of the town manager or town  
 579 attorney. Such action shall be malfeasance within the meaning of  
 580 section 112.51, Florida Statutes. Recommendations for  
 581 improvements in the town government operations shall come  
 582 through the town manager, but each member of the council shall  
 583 be free to discuss with or recommend to the town manager  
 584 improvements in the town government operations, and the council  
 585 is free to direct the town manager to implement specific  
 586 recommendations for improvement in town government operations.

587 Section 6. Budget and appropriations.--

588 (1) FISCAL YEAR.--The town shall have a fiscal year that

589 shall begin on the first day of October and shall end on the  
590 last day of September of the succeeding calendar year, unless  
591 otherwise defined by general law. Such fiscal year shall also  
592 constitute the annual budget and accounting year.

593 (2) BUDGET ADOPTION.--The council shall adopt a budget in  
594 accordance with applicable general law after a minimum of two  
595 public hearings on the proposed budget. A resolution adopting  
596 the annual budget shall constitute appropriation of the amounts  
597 specified therein as expenditures from funds indicated.

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

600 (4) APPROPRIATIONS.--

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

605 (b) If, at any time during the fiscal year, it appears  
606 probable to the town manager that the revenues available will be  
607 insufficient to meet the amount appropriated, the town manager  
608 shall report to the council without delay indicating the  
609 estimated amount of the deficit, any remedial action taken, and  
610 recommendations as to any other steps that should be taken. The  
611 council shall then take such further action as it deems  
612 necessary to prevent or minimize any deficit and, for that  
613 purpose, the council may by resolution reduce one or more  
614 appropriations accordingly.

615 (c) No appropriation for debt service may be reduced or  
616 transferred, and no appropriation may be reduced below any

617 amount required by law to be appropriated or by more than the  
618 unencumbered balance thereof. Other provisions of law to the  
619 contrary notwithstanding, the supplemental and emergency  
620 appropriations and reduction or transfer of appropriations  
621 authorized by this charter may be made effective immediately  
622 upon adoption.

623 (d) The council shall maintain a reserve fund, provided  
624 for as a line item within its budget, to be used only to provide  
625 for the replacement or renewal of capital equipment and for  
626 facilities repair or in cases of unforeseen damage to equipment  
627 or facilities caused by an act of God and not covered by  
628 insurance. This fund shall be annually funded at a minimum of 3  
629 percent of the annual town tax revenues used to calculate the  
630 year's budget and shall accrue to \$10,000,000, at which time the  
631 set-aside funds may be discontinued until the fund drops below  
632 the \$10,000,000 threshold. This provision may only be amended by  
633 a majority vote of the town electors.

634 (5) BONDS; INDEBTEDNESS.--

635 (a) Subject to the referendum requirements of the State  
636 Constitution, if applicable, the town may from time to time  
637 borrow money and issue bonds or other obligations or evidence of  
638 indebtedness (collectively, "bonds") of any type or character  
639 for any of the purposes for which the town is now or hereafter  
640 authorized by law to borrow money, including to finance the cost  
641 of any capital or other project and to refund any and all  
642 previous issues of bonds at or prior to maturity. Such bonds may  
643 be issued pursuant to one or more resolutions adopted by a  
644 majority of the council.

645 (b) The town may assume all outstanding indebtedness  
 646 related to facilities it acquires from other units of local  
 647 government and shall be liable for payment thereon in accordance  
 648 with the terms of such indebtedness.

649 (6) REVENUE BONDS; LEASE-PURCHASE CONTRACTS.--Unless  
 650 authorized by the electors of the town at a duly held referendum  
 651 election, the council shall not authorize or allow to be  
 652 authorized the issuance of revenue bonds or enter into lease-  
 653 purchase contracts or any other unfunded multiyear contracts for  
 654 the purchase of real property or the construction of any capital  
 655 improvement the repayment of which extends in excess of 36  
 656 months unless mandated by state or federal governing agencies.

657 (7) ANNUAL AUDIT.--The council shall provide for an  
 658 independent annual financial audit of all town accounts and may  
 659 provide for more frequent audits as it deems necessary. Such  
 660 audits shall be made by a certified public accountant or a firm  
 661 of such accountants who have no personal interest, direct or  
 662 indirect, in the fiscal affairs of the town government or in any  
 663 of its officers. Residency in the town shall not be construed as  
 664 a prohibited interest.

665 Section 7. Elections.--

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

670 (2) NONPARTISAN ELECTIONS.--All elections for town council  
 671 members shall be conducted on a nonpartisan basis without any  
 672 designation of political party affiliation.



673           (3) ELECTION DATES.--All regularly scheduled elections  
 674 shall be held on the second Tuesday after the first Monday in  
 675 March of even-numbered years, as follows:

676           (a) For the three candidates for at-large council member  
 677 seats 1, 2, and 3 who receive the highest number of votes for  
 678 their respective seats in the March 2010 election, the next  
 679 election to fill these seats shall be held on the second Tuesday  
 680 after the first Monday in March 2014 and every 4 years  
 681 thereafter.

682           (b) For the two candidates for at-large council member  
 683 seats 4 and 5 who receive the highest number of votes for their  
 684 respective seats in the March 2010 election, the next election  
 685 to fill these seats shall be held on the second Tuesday after  
 686 the first Monday in March 2012 and every 4 years thereafter.

687           (4) RUNOFF ELECTIONS.--In the event no candidate for an  
 688 office receives a majority of the votes cast for such office,  
 689 the person receiving the largest number of votes cast will be  
 690 elected. In the event two candidates receive an equal number of  
 691 votes and the vote total exceeds all other candidates, a runoff  
 692 election for the two candidates with the largest vote total  
 693 shall be held on the fourth Tuesday in March. In the event that  
 694 the runoff election results in a tie, the outcome shall be  
 695 determined by lot.

696           (5) TOWN CANVASSING BOARD.--The Pinellas County canvassing  
 697 board shall serve as the Town of Palm Harbor's canvassing board  
 698 and shall canvass and certify all municipal elections and  
 699 referenda unless otherwise provided for by future ordinance.

700           (6) SPECIAL ELECTIONS.--Special municipal elections, when

701 required, shall be scheduled by the council at such times and in  
 702 such manner as shall be consistent with this charter and general  
 703 law.

704 (7) GENERAL ELECTION.--

705 (a) The ballot for the general election shall contain the  
 706 names of all qualified candidates and shall instruct electors to  
 707 cast one vote for each at-large council member seat. The  
 708 candidate for each council member seat receiving the most votes  
 709 shall be the duly elected council member for that designated  
 710 council member seat.

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

714 (c) The term of office of any elected official shall  
 715 commence immediately after the election.

716 (d) All elected officers, before entering upon their  
 717 duties, shall take and subscribe to the following oath of  
 718 office: "I do solemnly swear (or affirm) that I will support,  
 719 protect, and defend the Constitution and Government of the  
 720 United States and of the state and the charter of the Town of  
 721 Palm Harbor; that I am duly qualified to hold office under the  
 722 Constitution of the State and the charter of the Town of Palm  
 723 Harbor; and that I will well and faithfully perform the duties  
 724 of council member upon which I am now about to enter."

725 (e) The election laws of the state shall apply to all  
 726 elections.

727 (f) Any member of the town council may be removed from  
 728 office by the electors of the town following the procedures for

729 recall established by general law.

730 Section 8. General provisions.--

731 (1) SEVERABILITY.--If any section or part of any section  
 732 of this charter is held invalid by a court of competent  
 733 jurisdiction, such holding shall not affect the remainder of  
 734 this charter or the context in which such section or part of a  
 735 section so held invalid may appear, except to the extent that an  
 736 entire section or part of a section may be inseparably connected  
 737 in meaning and effect with the section or part of a section to  
 738 which such holding directly applies.

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

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

746 (4) VARIATION OF PRONOUNS.--All pronouns and any  
 747 variations thereof used in this charter shall be deemed to refer  
 748 to masculine, feminine, neutral, singular, or plural as the  
 749 identity of the person or persons require and are not intended  
 750 to describe, interpret, define, or limit the scope, extent, or  
 751 intent of this charter.

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

754 (6) CHARTER REVIEW COMMITTEE.--

755 (a) At its first regular meeting in April 2014 and every  
 756 10th year thereafter, the town council shall appoint a charter

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757 review committee consisting of 15 individuals who are not  
758 members of the town council to serve in an advisory capacity to  
759 the town council.

760 (b) Each council member shall recommend and nominate three  
761 individuals to serve on the committee as regular members, which  
762 appointments shall be approved by a majority vote of the town  
763 council. Individuals appointed to the charter review committee  
764 shall be citizens of the town.

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

767 (d) The town clerk and the town attorney shall advise the  
768 town council in advance of the date when such appointments may  
769 be made.

770 (e) If appointed, the charter review committee shall  
771 commence its proceedings within 30 days after the committee is  
772 appointed by the town council. The committee shall review the  
773 charter and provide input to the town council to modernize and  
774 improve the charter. The public shall be given an opportunity to  
775 speak and participate at charter review committee meetings in  
776 accordance with the rules of the charter review committee.

777 (f) All recommendations by the charter review committee  
778 shall be forwarded to the town council in ordinance form for  
779 consideration no later than the 1st day of March of the year  
780 after the appointment of the charter review committee and in  
781 sufficient time for any recommendations to be considered by the  
782 town council as provided in this subsection.

783 (g) The town council shall consider the recommendations of  
784 the charter review committee at the regular meeting in November

785 and the regular meeting in December of the year after  
 786 appointment of the charter review committee.

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

792 (8) INITIATION BY PETITION.--The electors of the town may  
 793 propose amendments to this charter by petition submitted to the  
 794 council to be placed before the electors, as provided by general  
 795 law.

796 (9) STANDARDS OF CONDUCT.--All elected officials and  
 797 employees of the town shall be subject to the standards of  
 798 conduct for public officers and employees set by general law. In  
 799 addition, the town council shall, no later than 6 months after  
 800 the effective date of incorporation, establish by ordinance a  
 801 code of ethics for officials and employees of the town which may  
 802 be supplemental to general law, but in no case may such an  
 803 ordinance diminish the provisions of general law. The intent of  
 804 this subsection is to require more stringent standards than  
 805 those provided under general law.

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

810 Section 9. Transition schedule.--

811 (1) REFERENDUM.--The Pinellas County Commission shall hold  
 812 the referendum election called for by this act on November 3,

813 2009, at which time the following question shall be placed upon  
 814 the ballot:

815 "Shall the creation of the Town of Palm Harbor and its  
 816 charter be approved?"      Yes      No

817  
 818 In the event this question is answered affirmatively by a  
 819 majority of electors voting in the referendum, the provisions of  
 820 the charter shall take effect as provided for in this charter.  
 821 The referendum election shall be conducted by the Supervisor of  
 822 Elections of Pinellas County in accordance with the Florida  
 823 Election Code, and the cost of such election shall be funded by  
 824 Pinellas County.

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

826 (a) Following the adoption of this charter, the Pinellas  
 827 County Commission shall call a special election for the election  
 828 of the five town council members to be held on March 9, 2010.  
 829 Candidates for the election shall qualify for seat 1, seat 2,  
 830 seat 3, seat 4, and seat 5. The candidate receiving the highest  
 831 number of votes for that seat shall be elected. If two or more  
 832 candidates for a designated council member seat receive an equal  
 833 and the highest number of votes, those candidates shall run  
 834 again in the runoff election to be held on March 23, 2010.

835 (b) Any individual who wishes to run for one of the five  
 836 initial seats on the council shall qualify as a candidate with  
 837 the Pinellas County Supervisor of Elections in accordance with  
 838 the provisions of this charter and general law.

839 (c) The Pinellas County canvassing board shall canvass and  
 840 certify the results of the election.

841 (d) Those candidates who are elected on March 9, 2010, and  
842 March 23, 2010, shall take office at the initial town council  
843 meeting, which shall be held at 7 p.m. on March 25, 2010.

844 (3) CREATION AND ESTABLISHMENT OF THE TOWN.--For the  
845 purpose of compliance with section 200.066, Florida Statutes,  
846 relating to assessment and collection of ad valorem taxes, the  
847 town is hereby created and established effective December 1,  
848 2009; notwithstanding anything to the contrary contained in this  
849 charter, the town, although created and established as of  
850 December 1, 2009, shall not be operational until March 25, 2010.

851 (4) FIRST-YEAR EXPENSES.--The town council, in order to  
852 provide moneys for the expenses and support of the town, shall  
853 have the power to borrow money necessary for the operation of  
854 town government until such time as a budget is adopted and  
855 revenues are raised in accordance with the provisions of this  
856 charter.

857 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All  
858 applicable county ordinances currently in place at the time of  
859 passage of the referendum, unless specifically referenced in  
860 this charter, shall remain in place until and unless rescinded  
861 by action of the town council.

862 (6) TEMPORARY EMERGENCY ORDINANCES.--The town council  
863 shall adopt ordinances and resolutions required to effect the  
864 transition. Ordinances adopted within 90 days after the first  
865 council meeting may be passed as emergency ordinances. These  
866 emergency ordinances shall be effective for no longer than 90  
867 days after adoption and thereafter may be readopted, renewed, or  
868 otherwise continued only in the manner normally prescribed for

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869 ordinances.

870 (7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT  
871 REGULATIONS.--

872 (a) Until such time as the town adopts a comprehensive  
873 plan, the Pinellas County Future Land Use Map, the Pinellas  
874 County Zoning Map, and all other provisions of the Comprehensive  
875 Plan and Land Development Regulations of Pinellas County that  
876 are applicable to the town, as the same exist on the day the  
877 town commences corporate existence, shall remain in effect as  
878 the town's transitional comprehensive plan and land development  
879 regulations. However, all planning functions, duties, and  
880 authority shall thereafter be vested in the Town Council of Palm  
881 Harbor, which shall also be deemed the local planning agency  
882 until the council establishes a separate local planning agency.

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

889 (8) COMMUNICATIONS SERVICES TAX.--The communications  
890 services tax imposed pursuant to section 202.19, Florida  
891 Statutes, by Pinellas County will continue within the town  
892 boundaries during the period commencing with the date of  
893 incorporation through December 31, 2010. Revenues from the tax  
894 shall be shared by Pinellas County with the town in proportion  
895 to the projected town population estimate of the Pinellas County  
896 Planning Division compared with the unincorporated population of



897 Pinellas County before the incorporation of the Town of Palm  
 898 Harbor.

899 (9) STATE-SHARED REVENUES.--The Town of Palm Harbor shall  
 900 be entitled to participate in all shared revenue programs of the  
 901 state available to municipalities effective April 1, 2010. The  
 902 provisions of section 218.23(1), Florida Statutes, shall be  
 903 waived for the purpose of eligibility to receive revenue sharing  
 904 funds from the date of incorporation through the state fiscal  
 905 year 2011-2012. Initial population estimates for calculating  
 906 eligibility for shared revenues shall be determined by the  
 907 University of Florida Bureau of Economic and Business Research.  
 908 Should the bureau be unable to provide an appropriate population  
 909 estimate, the Pinellas County Planning Division estimate shall  
 910 be used. For the purposes of qualifying for revenue sharing, the  
 911 following revenue sources shall be considered: municipal service  
 912 taxing units, fire municipal service taxing units, ad valorem  
 913 taxes, communications services tax, and franchise fees.

914 (10) MOTOR FUEL TAX REVENUES.--Notwithstanding the  
 915 requirements of section 336.025, Florida Statutes, to the  
 916 contrary, the town shall be entitled to receive local option  
 917 motor fuel tax revenues beginning October 1, 2010. These  
 918 revenues shall be distributed in accordance with the interlocal  
 919 agreements with Pinellas County.

920 (11) DEPARTMENTS, OFFICES, AND AGENCIES.--

921 (a) From and after the effective date of incorporation of  
 922 the Town of Palm Harbor, and during the transition period and  
 923 until such time as the town council becomes operative, Pinellas  
 924 County shall continue to provide the town residents with all of

925 the same services it provided just prior to the approval of the  
 926 referendum and adoption of the charter.

927 (b) The property, records, and equipment of any  
 928 department, office, or agency of Pinellas County existing when  
 929 this charter is adopted may, at the discretion of the Pinellas  
 930 County Commission, be transferred to the department, office, or  
 931 agency of the town assuming its powers and duties.

932 (12) PENDING MATTERS.--All rights, claims, actions,  
 933 orders, contracts, and administrative proceedings affecting the  
 934 area incorporated into the Town of Palm Harbor shall continue  
 935 with the county or state agency having jurisdiction over such  
 936 matters, except as modified, pursuant to the provisions of this  
 937 charter.

938 (13) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--

939 (a) The initial town council shall have the authority and  
 940 power to enter into contracts, arrange for the hiring of interim  
 941 legal counsel, begin recruiting applicants for the position of  
 942 town manager, provide for necessary town offices and facilities,  
 943 and do such other tasks as deemed necessary and appropriate for  
 944 the town to become operational on March 25, 2010.

945 (b) The initial council shall adopt ordinances and  
 946 resolutions required to effect the transition. Ordinances  
 947 adopted within 90 days after the first council meeting may be  
 948 passed as emergency ordinances as provided in this charter,  
 949 except that the transitional ordinances shall be effective for  
 950 no longer than 90 days after adoption and, thereafter, may be  
 951 readopted, renewed, or otherwise continued only in the manner  
 952 normally prescribed for ordinances.

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953        (14) CONTRACTUAL SERVICES AND FACILITIES.--Services deemed  
954 necessary for the operation of the Town of Palm Harbor,  
955 including, but not limited to, services for fire protection,  
956 police, emergency management, public works, parks and  
957 recreation, planning and zoning, building inspection,  
958 development review, animal control, and solid waste collection,  
959 may be supplied through a contractual agreement between the Town  
960 of Palm Harbor and Pinellas County, special districts,  
961 municipalities, or private or public enterprises until such time  
962 as the town council establishes such independent services.  
963 Facilities for housing the newly formed municipal operations may  
964 be rented or leased until the Town of Palm Harbor is in the  
965 financial position to obtain its own facilities.

966        (15) INDEPENDENT SPECIAL DISTRICTS.--It is recognized that  
967 certain services within the municipal boundaries are provided by  
968 independent special districts created by special acts of the  
969 Legislature. The town is empowered to merge the functions of  
970 said districts with those of the town only upon majority vote of  
971 the town council and an affirmative vote of the majority of the  
972 council or board governing the district after meeting all  
973 requirements for merger or dissolution in the district's  
974 enabling legislation and chapter 189, Florida Statutes. It is  
975 recognized that certain planning and interlocal agreements may  
976 be necessary between the Town of Palm Harbor and such districts,  
977 and the town council shall endeavor to maximize the benefits of  
978 the districts to the fullest extent possible. In the event the  
979 town council desires to supplement or duplicate services  
980 determined to be inadequate, the council is fully empowered to

981 do so.

982 (16) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--The Town of  
 983 Palm Harbor shall be entitled effective April 1, 2010, to  
 984 participate in the local government infrastructure surtax, a  
 985 local discretionary sales surtax levied pursuant to section  
 986 212.055(2), Florida Statutes. If the Town of Palm Harbor is  
 987 unable to participate in the interlocal agreement between the  
 988 county's governing body and the governing bodies of the  
 989 municipalities representing a majority of the county's municipal  
 990 population, the default distribution method, which is to be  
 991 based on the local government half-cent sales tax formulas  
 992 provided in section 218.62, Florida Statutes, shall apply.

993 (17) WAIVER.--The provisions of section 218.23(1), Florida  
 994 Statutes, shall be waived for the purpose of conducting audits  
 995 and financial reporting through fiscal year 2009-2010.

996 Section 10. Continuation, merger, and dissolution of  
 997 existing districts and service providers.--

998 (1) PALM HARBOR SPECIAL FIRE CONTROL DISTRICT;  
 999 CONTINUATION.--Notwithstanding the incorporation of the Town of  
 1000 Palm Harbor, that portion of the Palm Harbor Special Fire  
 1001 Control District, a special taxing district created by chapter  
 1002 61-2661, Laws of Florida, that lies within the boundaries of the  
 1003 Town of Palm Harbor is authorized to continue in existence until  
 1004 the town adopts an ordinance to the contrary. However, the town  
 1005 shall not establish a town fire department without a referendum.

1006 (2) PALM HARBOR COMMUNITY SERVICES DISTRICT;  
 1007 CONTINUATION.--Notwithstanding the incorporation of the Town of  
 1008 Palm Harbor, that portion of the Palm Harbor Community Services

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1009 District, a municipal services taxing unit created in 1985  
1010 pursuant to Pinellas County Ordinance 85-28 to provide library  
1011 and recreation services to the residents within the boundaries  
1012 of the Town of Palm Harbor is authorized to continue in  
1013 existence until the town adopts an ordinance to the contrary.  
1014 However, the Palm Harbor Community Services Agency shall not be  
1015 abolished without a referendum.

1016 (3) LAW ENFORCEMENT.--Law enforcement services shall be  
1017 provided by contract with the Pinellas County Sheriff's Office  
1018 or by contract with other law enforcement agencies until the  
1019 town adopts an ordinance to the contrary.

1020 Section 11. This act shall take effect only upon approval  
1021 by a majority of those qualified electors residing within the  
1022 proposed corporate limits of the proposed Town of Palm Harbor as  
1023 described in section 1 voting in a referendum election to be  
1024 called by the Board of County Commissioners of Pinellas County  
1025 and to be held on November 3, 2009, in accordance with the  
1026 provisions relating to elections currently in force, except that  
1027 subsection (1) of section 9 and this section shall take effect  
1028 upon becoming a law.