

By Senator Fasano

11-00692-09

20092708

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

11-00692-09

20092708

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

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11-00692-09

20092708

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

60
61 Section 1. Charter; creation; form of government;
62 boundaries and powers.-

63 (1) CHARTER; CREATION.-

64 (a) This act may be known as the "Charter of the Town of
65 Palm Harbor" (the "charter"), and the Town of Palm Harbor (the
66 "town") is created.

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

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

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

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

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

11-00692-09

20092708

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

11-00692-09

20092708

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 council
134 ("council") vested with all legislative powers of the town.
135 Unless otherwise stated within this charter, all charter powers
136 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

11-00692-09

20092708

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

11-00692-09

20092708

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 for
194 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 OF
202 VACANCIES.—

203 (a) Vacancies.—A vacancy in the office of any council

11-00692-09

20092708__

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 forfeit
210 his or her office upon determination by the council, acting as a
211 body at a duly noticed public meeting, that he or she:

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

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

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

222 4. Has been found to have violated any standard of conduct
223 or code of ethics established by law for public officials and
224 has been suspended from office by the Governor, unless
225 subsequently reinstated as provided by law; or

226 5. Has been absent from three consecutive regular council
227 meetings without good cause or for any other reason established
228 in this charter.

229
230 The council shall be the sole judge of the qualifications of its
231 members and shall hear all questions relating to forfeiture of a
232 council member's office, including whether or not good cause for

11-00692-09

20092708

233 absence has been or may be established. The burden of
234 establishing good cause shall be on the council member in
235 question; however, any council member may at any time during any
236 duly held meeting move to establish good cause for his or her
237 absence or the absence of any other council member from any
238 past, present, or future meeting or meetings, which motion, if
239 carried, shall be conclusive. A council member whose
240 qualifications are in question or who is otherwise subject to
241 forfeiture of his or her office shall not vote on any such
242 matters. The council member in question shall be entitled to a
243 public hearing upon request regarding an alleged forfeiture of
244 office. If a public hearing is requested, notice thereof shall
245 be published in one or more newspapers of general circulation in
246 the town at least 1 week in advance of the hearing. Any final
247 determination by the council that a council member has forfeited
248 his or her office shall be made by resolution. All votes and
249 other acts of the council member in question prior to the
250 effective date of such resolution shall be valid regardless of
251 the grounds of forfeiture.

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

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

261 2. If the council member is subsequently found not guilty

11-00692-09

20092708

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

268 (d) Filling of vacancies.—

269 1. If any vacancy occurs in the office of any council
270 member, the remaining council members shall, within 30 days
271 after the occurrence of such vacancy, by majority vote, appoint
272 a person to fill the vacancy until the next regularly scheduled
273 town election, at which time an election shall be held to fill
274 the vacancy. The first choice for this replacement council
275 member shall be the candidate from that district who received
276 the second highest number of votes in the last election. If the
277 council fails to appoint a replacement council member within 45
278 days after the occurrence of the vacancy, the council shall call
279 for a special election to fill that vacancy, to be held no
280 sooner than 90 days and no later than 120 days following the
281 occurrence of the vacancy and as otherwise governed by law.

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

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

290 4. In the event that all the members of the council are

11-00692-09

20092708

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

301 (e) Compensation and expenses.-

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

306 2. Town council members shall be compensated at the rate of
307 \$8,000 per year, except that the council member elected by the
308 council to act as mayor shall be compensated at the rate of
309 \$10,000 per year. The town council, by not fewer than four
310 affirmative votes, may elect to provide for any adjustment in
311 such compensation by ordinance. However, no such ordinance
312 increasing compensation shall take effect until the date of
313 commencement of the terms of council members elected at the next
314 regular election following the adoption of such ordinance.

315 Section 4. Administrative provisions.-

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

11-00692-09

20092708

320 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
321 VACANCIES.—

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

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

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

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

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

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

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

11-00692-09

20092708

349 council through the adoption of an appropriate resolution.

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

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

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

365 (e) As the chief administrative officer, the town manager
366 shall:

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

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

11-00692-09

20092708__

378 to subordinates in that officer's department, office, or agency.

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

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

383 5. Attend meetings of the town council.

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

387 7. Sign all licenses issued by the town, issue receipts for
388 all moneys paid to the town, and deposit such moneys in the
389 proper depositories on the first banking day after receipt. The
390 town manager may delegate the responsibilities of this
391 subparagraph to an appropriate town employee who shall be
392 bonded.

393 8. Provide administrative services in support of the
394 official duties of the mayor and the council.

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

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

401 11. Sign contracts on behalf of the town to the extent
402 authorized by ordinance.

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

405 (4) TOWN ATTORNEY.—

406 (a) The town attorney shall be employed under terms and

11-00692-09

20092708

407 conditions deemed advisable by the town council, which may
408 include the appointment of a law firm.

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

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

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

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

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

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

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

434 5. Perform such other professional duties as required of
435 him or her by resolution of the council or as prescribed for

11-00692-09

20092708

436 municipal attorneys in general law that are not inconsistent
437 with this charter.

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

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

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

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

458 (8) CONTRACTING FOR TRADITIONAL MUNICIPAL SERVICES.—It is
459 the intent of the town to provide traditional municipal services
460 through public and private contract providers. Accordingly,
461 traditional municipal services shall be rendered through
462 contract providers, not town employees, unless approved by at
463 least a four-fifths vote of the town council. If the town
464 council determines that any traditional municipal service is to

11-00692-09

20092708

465 be provided through town employees, the town manager shall be
466 responsible for the hiring, supervision, and removal of all such
467 employees. For purposes of this section, "traditional municipal
468 services" means public safety, public works, administrative
469 services, community development, and community services.

470 Section 5. Legislative provisions.-

471 (1) REGULAR MEETINGS.-The council shall conduct regular
472 meetings at such times and places as the council shall prescribe
473 by resolution. Such meetings shall be public meetings within the
474 meaning of general law and shall be subject to notice and other
475 requirements of law applicable to public meetings.

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

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

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

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

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

492 (7) LEGISLATIVE POWERS.-Except as otherwise prescribed
493 herein or as provided by law, the legislative powers of the town

11-00692-09

20092708

494 shall be vested in the council. The council shall provide for
495 the exercise of its powers and for the performance of all duties
496 and obligations imposed on the town by law.

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

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

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

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

515 (10) EMERGENCY ORDINANCES.—

516 (a) To meet a public emergency affecting life, health,
517 property, or the public peace, the council may adopt, in the
518 manner provided by general law, one or more emergency
519 ordinances, but such ordinances may not enact or amend a land
520 use plan or rezone private property; levy taxes; grant, renew,
521 or extend any municipal franchise; set service or user charges
522 for any municipal services; or authorize the borrowing of money,

11-00692-09

20092708

523 except as provided in subsection (11) for emergency
524 appropriations, if applicable. An emergency ordinance shall be
525 introduced in the form and manner prescribed for ordinances
526 generally, except that it shall be plainly designated in a
527 preamble as an emergency ordinance and shall contain, after the
528 enacting clause, a declaration stating that an emergency exists
529 and describing the emergency in clear and specific terms.

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

535 (c) An emergency ordinance shall become effective upon
536 adoption or at such other date as may be specified in the
537 ordinance.

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

546 (11) EMERGENCY APPROPRIATIONS.—To meet a public emergency
547 affecting life, health, property, or the public peace, the
548 council, by resolution, may make emergency appropriations. To
549 the extent that there are no unappropriated revenues to meet
550 such appropriation, the council may by such emergency resolution
551 authorize the issuance of emergency notes, which may be renewed

11-00692-09

20092708

552 from time to time, but the emergency notes and renewals in any
553 fiscal year shall be paid not later than the last day of the
554 fiscal year succeeding that in which the emergency
555 appropriations were made.

556 (12) RECORDKEEPING.—The council shall, in a properly
557 indexed book kept for that purpose, provide for the
558 authentication and recording in full of all minutes of meetings
559 and all ordinances and resolutions adopted by the council, and
560 the same shall at all times be a public record. The council
561 shall further maintain a current codification of all ordinances.
562 Such codification shall be printed and shall be made available
563 for distribution to the public on a continuing basis. All
564 ordinances and resolutions of the council shall be signed by all
565 council members and attested to by the town clerk.

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

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

11-00692-09

20092708

581 improvements in the town government operations, and the council
582 is free to direct the town manager to implement specific
583 recommendations for improvement in town government operations.

584 Section 6. Budget and appropriations.-

585 (1) FISCAL YEAR.-The town shall have a fiscal year that
586 shall begin on the first day of October and shall end on the
587 last day of September of the succeeding calendar year, unless
588 otherwise defined by general law. Such fiscal year shall also
589 constitute the annual budget and accounting year.

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

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

597 (4) APPROPRIATIONS.-

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

602 (b) If, at any time during the fiscal year, it appears
603 probable to the town manager that the revenues available will be
604 insufficient to meet the amount appropriated, the town manager
605 shall report to the council without delay indicating the
606 estimated amount of the deficit, any remedial action taken, and
607 recommendations as to any other steps that should be taken. The
608 council shall then take such further action as it deems
609 necessary to prevent or minimize any deficit and, for that

11-00692-09

20092708

610 purpose, the council may by resolution reduce one or more
611 appropriations accordingly.

612 (c) No appropriation for debt service may be reduced or
613 transferred, and no appropriation may be reduced below any
614 amount required by law to be appropriated or by more than the
615 unencumbered balance thereof. Other provisions of law to the
616 contrary notwithstanding, the supplemental and emergency
617 appropriations and reduction or transfer of appropriations
618 authorized by this charter may be made effective immediately
619 upon adoption.

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

631 (5) BONDS; INDEBTEDNESS.—

632 (a) Subject to the referendum requirements of the State
633 Constitution, if applicable, the town may from time to time
634 borrow money and issue bonds or other obligations or evidence of
635 indebtedness (collectively, "bonds") of any type or character
636 for any of the purposes for which the town is now or hereafter
637 authorized by law to borrow money, including to finance the cost
638 of any capital or other project and to refund any and all

11-00692-09

20092708__

639 previous issues of bonds at or prior to maturity. Such bonds may
640 be issued pursuant to one or more resolutions adopted by a
641 majority of the council.

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

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

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

662 Section 7. Elections.—

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

667 (2) NONPARTISAN ELECTIONS.—All elections for town council

11-00692-09

20092708

668 members shall be conducted on a nonpartisan basis without any
669 designation of political party affiliation.

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

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

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

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

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

11-00692-09

20092708

697 (6) SPECIAL ELECTIONS.—Special municipal elections, when
698 required, shall be scheduled by the council at such times and in
699 such manner as shall be consistent with this charter and general
700 law.

701 (7) GENERAL ELECTION.—

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

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

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

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

722 (e) The election laws of the state shall apply to all
723 elections.

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

11-00692-09

20092708

726 recall established by general law.

727 Section 8. General provisions.—

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

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

740 (3) CHARITABLE CONTRIBUTIONS.—The town shall not make any
741 charitable contribution to any person or entity unless
742 authorized by the council.

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

749 (5) CALENDAR DAY.—For the purpose of this charter, a “day”
750 means a calendar day.

751 (6) CHARTER REVIEW COMMITTEE.—

752 (a) At its first regular meeting in April 2014 and every
753 10th year thereafter, the town council shall appoint a charter
754 review committee consisting of 15 individuals who are not

11-00692-09

20092708

755 members of the town council to serve in an advisory capacity to
756 the town council.

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

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

764 (d) The town clerk and the town attorney shall advise the
765 town council in advance of the date when such appointments may
766 be made.

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

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

780 (g) The town council shall consider the recommendations of
781 the charter review committee at the regular meeting in November
782 and the regular meeting in December of the year after
783 appointment of the charter review committee.

11-00692-09

20092708

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

789 (8) INITIATION BY PETITION.—The electors of the town may
790 propose amendments to this charter by petition submitted to the
791 council to be placed before the electors, as provided by general
792 law.

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

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

807 Section 9. Transition schedule.—

808 (1) REFERENDUM.—The Pinellas County Commission shall hold
809 the referendum election called for by this act on November 3,
810 2009, at which time the following question shall be placed upon
811 the ballot:

812 "Shall the creation of the Town of Palm Harbor and its

11-00692-09

20092708

813 charter be approved?" Yes No

814

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

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

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

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

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

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

841 (3) CREATION AND ESTABLISHMENT OF THE TOWN.-For the purpose

11-00692-09

20092708

842 of compliance with section 200.066, Florida Statutes, relating
843 to assessment and collection of ad valorem taxes, the town is
844 hereby created and established effective December 1, 2009;
845 notwithstanding anything to the contrary contained in this
846 charter, the town, although created and established as of
847 December 1, 2009, shall not be operational until March 25, 2010.

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

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

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

867 (7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
868 REGULATIONS.—

869 (a) Until such time as the town adopts a comprehensive
870 plan, the Pinellas County Future Land Use Map, the Pinellas

11-00692-09

20092708

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

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

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

896 (9) STATE-SHARED REVENUES.—The Town of Palm Harbor shall be
897 entitled to participate in all shared revenue programs of the
898 state available to municipalities effective April 1, 2010. The
899 provisions of section 218.23(1), Florida Statutes, shall be

11-00692-09

20092708

900 waived for the purpose of eligibility to receive revenue sharing
901 funds from the date of incorporation through the state fiscal
902 year 2011-2012. Initial population estimates for calculating
903 eligibility for shared revenues shall be determined by the
904 University of Florida Bureau of Economic and Business Research.
905 Should the bureau be unable to provide an appropriate population
906 estimate, the Pinellas County Planning Division estimate shall
907 be used. For the purposes of qualifying for revenue sharing, the
908 following revenue sources shall be considered: municipal service
909 taxing units, fire municipal service taxing units, ad valorem
910 taxes, communications services tax, and franchise fees.

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

917 (11) DEPARTMENTS, OFFICES, AND AGENCIES.—

918 (a) From and after the effective date of incorporation of
919 the Town of Palm Harbor, and during the transition period and
920 until such time as the town council becomes operative, Pinellas
921 County shall continue to provide the town residents with all of
922 the same services it provided just prior to the approval of the
923 referendum and adoption of the charter.

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

11-00692-09

20092708

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

935 (13) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—

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

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

950 (14) CONTRACTUAL SERVICES AND FACILITIES.—Services deemed
951 necessary for the operation of the Town of Palm Harbor,
952 including, but not limited to, services for fire protection,
953 police, emergency management, public works, parks and
954 recreation, planning and zoning, building inspection,
955 development review, animal control, and solid waste collection,
956 may be supplied through a contractual agreement between the Town
957 of Palm Harbor and Pinellas County, special districts,

11-00692-09

20092708

958 municipalities, or private or public enterprises until such time
959 as the town council establishes such independent services.
960 Facilities for housing the newly formed municipal operations may
961 be rented or leased until the Town of Palm Harbor is in the
962 financial position to obtain its own facilities.

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

979 (16) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—The Town of
980 Palm Harbor shall be entitled effective April 1, 2010, to
981 participate in the local government infrastructure surtax, a
982 local discretionary sales surtax levied pursuant to section
983 212.055(2), Florida Statutes. If the Town of Palm Harbor is
984 unable to participate in the interlocal agreement between the
985 county's governing body and the governing bodies of the
986 municipalities representing a majority of the county's municipal

11-00692-09

20092708

987 population, the default distribution method, which is to be
988 based on the local government half-cent sales tax formulas
989 provided in section 218.62, Florida Statutes, shall apply.

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

993 Section 10. Continuation, merger, and dissolution of
994 existing districts and service providers.—

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

1003 (2) PALM HARBOR COMMUNITY SERVICES DISTRICT; CONTINUATION.—
1004 Notwithstanding the incorporation of the Town of Palm Harbor,
1005 that portion of the Palm Harbor Community Services District, a
1006 municipal services taxing unit created in 1985 pursuant to
1007 Pinellas County Ordinance 85-28 to provide library and
1008 recreation services to the residents within the boundaries of
1009 the Town of Palm Harbor is authorized to continue in existence
1010 until the town adopts an ordinance to the contrary. However, the
1011 Palm Harbor Community Services Agency shall not be abolished
1012 without a referendum.

1013 (3) LAW ENFORCEMENT.—Law enforcement services shall be
1014 provided by contract with the Pinellas County Sheriff's Office
1015 or by contract with other law enforcement agencies until the

11-00692-09

20092708__

1016 town adopts an ordinance to the contrary.

1017 Section 11. This act shall take effect only upon approval
1018 by a majority of those qualified electors residing within the
1019 proposed corporate limits of the proposed Town of Palm Harbor as
1020 described in section 1 voting in a referendum election to be
1021 called by the Board of County Commissioners of Pinellas County
1022 and to be held on November 3, 2009, in accordance with the
1023 provisions relating to elections currently in force, except that
1024 subsection (1) of section 9 and this section shall take effect
1025 upon becoming a law.