

1                   A bill to be entitled  
2           An act relating to Orange County; creating the Town of  
3           Preservation, Florida; providing a charter; providing  
4           purpose and legislative intent; providing powers of  
5           the town, form of government, town boundaries, and  
6           municipal powers; providing for the composition of the  
7           council, eligibility, terms, duties, compensation, and  
8           reimbursement of expenses of council members;  
9           providing for a mayor and vice mayor; prohibiting the  
10          mayor and council members from holding other elected  
11          office during their term; providing scheduling  
12          requirements of council meetings; prohibiting  
13          interference with town employees; providing for  
14          filling of vacancies and forfeiture of office;  
15          providing that the council is the sole judge of  
16          qualifications of its members; authorizing the council  
17          to investigate affairs relating to the town and the  
18          conduct of any town department, office, or agency;  
19          providing for a quorum; providing for appointment of a  
20          town manager, town attorney, and town clerk, and the  
21          qualifications, removal, powers, and duties thereof;  
22          providing for the establishment of town departments,  
23          agencies, personnel, and boards; providing for  
24          community preservation and protection; providing  
25          development restrictions near the Econlockhatchee

26 River and its tributaries; providing for fiscal and  
27 land use sustainability; providing for public  
28 engagement and process; providing for public land  
29 conservation; creating the Town of Preservation  
30 Registry of Protected Public Places; providing for the  
31 adoption of an annual budget; providing requirements;  
32 providing for the establishment of a multi-year  
33 capital program; providing for an annual independent  
34 audit; providing for nonpartisan elections; providing  
35 for initiative, referenda, and recall; providing a  
36 code of ethics; providing for future amendments to the  
37 charter; requiring the city council to appoint an  
38 advisory committee; providing a town transition  
39 schedule and procedures for initial election and  
40 expenses; providing for adoption of transitional  
41 ordinances and resolutions, comprehensive plans, and  
42 land development regulations; providing for  
43 accelerated entitlement to state-shared revenues;  
44 providing for entitlement to specified local revenue  
45 sources; providing for the sharing of communication  
46 services tax revenues; providing for receipt and  
47 distribution of local option fuel tax revenues;  
48 providing for waiver of specified eligibility  
49 provisions; requiring a referendum; providing  
50 severability; providing an effective date.

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

Section 1. Corporate name; purpose of this charter; creation and establishment of the Town of Preservation.—

(1) CORPORATE NAME.—The municipality hereby established shall be known as the Town of Preservation, Florida ("town").

(2) PURPOSE OF THIS CHARTER.—This act, together with any future amendments thereto, may be known as the charter of the Town of Preservation ("charter").

(a) It is in the best interests of the public health, safety, and welfare of the residents of the town area to form a separate municipality with all the powers and authority necessary to provide the benefits of local government responsive to the will and values of its citizens.

(b) It is intended that this charter and the incorporation of the town area will serve to provide an open, responsive government that provides efficient services, meets the needs of the people, abides by the highest ethical standards, preserves and protects the character, natural resources, and quality of life of the community, and the natural environment, and operates as a careful steward of the human, fiscal, and natural resources of the town.

(c) It is the intent of this charter and the incorporation of the town to secure the benefits of self-determination and

76 affirm the values of representative democracy, citizen  
 77 participation, strong community leadership, professional  
 78 management, and regional cooperation.

79 (d) It is the intent of this charter and the incorporation  
 80 of the town to maintain a financially secure and sustainable  
 81 municipal government and to responsibly manage the town's debt  
 82 obligations without causing the state to incur any liability.

83 (3) CREATION AND ESTABLISHMENT OF THE TOWN OF  
 84 PRESERVATION.—

85 (a) This act shall take effect upon approval by a majority  
 86 vote of those qualified electors residing within the corporate  
 87 limits of the proposed town as described in section 3 voting in  
 88 a referendum election to be called by the Supervisor of  
 89 Elections of Orange County to be held in 2019, in accordance  
 90 with the current provisions of law relating to elections.

91 (b) For the purpose of compliance with s. 200.066, Florida  
 92 Statutes, relating to assessment and collection of ad valorem  
 93 taxes, the Town of Preservation, Florida is created and  
 94 established effective December 31, 2019.

95 Section 2. Powers of the town; form of government.—

96 (1) POWERS OF THE TOWN.—The town shall have all powers  
 97 possible for a town to have under the constitution and laws of  
 98 this state as fully and completely as though they were  
 99 specifically enumerated in this charter, including promotion of  
 100 the town's rural character and protection of its environmental

101 resources.

102 (2) CONSTRUCTION.—The powers of the town under this  
 103 charter shall be construed liberally in favor of the town, and  
 104 the specific mention of particular powers in this charter shall  
 105 not be construed as limiting in any way the general power  
 106 granted.

107 (3) FORM OF GOVERNMENT.—The town shall have a council-  
 108 manager form of government, with the council to consist of five  
 109 town council ("council") members elected by the town at large.  
 110 The council shall constitute the governing body of the town,  
 111 with the duties and responsibilities hereinafter provided. The  
 112 council shall appoint a town manager to be the chief  
 113 administrative officer of the town who shall serve at the  
 114 pleasure of the council.

115 (4) INTERGOVERNMENTAL RELATIONS.—The town may participate  
 116 by contract or otherwise with any governmental entity of this  
 117 state or any other state or states of the United States in the  
 118 performance of any activity which one or more of such entities  
 119 has the authority to undertake.

120 Section 3. Corporate boundaries.—The boundaries of the  
 121 town shall be as follows:

122  
 123 Begin at the point of intersection of the centerline  
 124 of County Road 419 (Chuluota Road) and the Seminole  
 125 County line; thence due west along the Orange

126 County/Seminole County line, to the centerline of  
 127 McCulloch Road at the northeast corner of Orange  
 128 County Fire Station 65; thence follow the eastern  
 129 boundary of the University of Central Florida and the  
 130 Central Florida Research Park, to its southern  
 131 terminus with "Tract C" owned by the Orange County  
 132 Board of County Commissioners; thence west and then  
 133 due south along the Tract C property line extended, to  
 134 the centerline of State Route 50 (East Colonial  
 135 Drive); thence east on the center line of State Route  
 136 50 to the west edge of the Tires Plus parcel; thence  
 137 south and east along its property line to the  
 138 centerline of Old Cheney Highway at its point of  
 139 intersection with North Avalon Park Boulevard; thence  
 140 east on the centerline of Old Cheney Road to its point  
 141 of intersection with the Urban Service Area boundary;  
 142 thence south along the Urban Service Area boundary to  
 143 its point of intersection with the western property  
 144 line of Hal Scott Regional Preserve and Park; thence  
 145 south along the western property line of Hal Scott  
 146 Regional Preserve and Park to the centerline of State  
 147 Route 528 (Beachline Expressway); thence east on the  
 148 centerline of State Route 528 (Beachline Expressway)  
 149 to its point of intersection with the southeast corner  
 150 of Hal Scott Regional Park and Preserve; thence

151 northward along its border, including the centerline  
152 of Dallas Boulevard where it is contiguous with Hal  
153 Scott Regional Park and Preserve; thence, at the  
154 northeast corner of Hal Scott Regional Park and  
155 Preserve, proceed due east along the north border of  
156 Wedgfield Rural Settlement; thence east across State  
157 Route 520 to encompass the Orange County Board of  
158 County Commissioners parcel; thence proceed north from  
159 the centerline of SR 520, along the west boundary of  
160 the Robert T. Lopez Trust parcel of 233.7 acres;  
161 thence west along the centerline of State Route 50  
162 (East Colonial Drive) to the centerline of County Road  
163 13; thence south to the north property line of Long  
164 Branch Park; thence proceed due west, then north along  
165 the west property lines of Dietrich Brothers, Inc.,  
166 and 250 Story Partin Road LLC to the centerline of  
167 Story Partin Road; thence proceed north on the  
168 centerline of Story Partin Road to its point of  
169 intersection with the centerline of State Route 50  
170 (East Colonial Drive); then west along its centerline  
171 to the junction with County Road 419 (Chuluota Rd.);  
172 thence north along the centerline of County Road 419  
173 (Chuluota Rd.) to the southern property line of the  
174 David Axle Trust property of 40 acres; thence  
175 eastward, encircling all of the Mandalay Subdivision

176 on both sides of Lake Pickett Road; thence west on the  
 177 centerline of Old Lake Pickett Rd. to the centerline  
 178 of Lake Pickett Rd.; thence north-northwest along the  
 179 centerline of Lake Pickett Road to the point of  
 180 beginning.

181  
 182 Section 4. Town Council.—

183 (1) GENERAL POWERS AND DUTIES.—All powers of the town  
 184 shall be vested in the council, except as otherwise provided by  
 185 law or this charter, and the council shall provide for the  
 186 exercise thereof and for the performance of all duties and  
 187 obligations imposed on the town by law.

188 (2) COMPOSITION, TERMS, AND ELIGIBILITY.—

189 (a) Composition.—The council shall be composed of five  
 190 members elected by the voters of the town at large in accordance  
 191 with the provisions of section 9.

192 (b) Terms.—The term of office of elected officials shall  
 193 be 4 years in accordance with section 9. The mayor and council  
 194 members may serve a maximum of three complete terms and are not  
 195 eligible to run for either mayor or council member after serving  
 196 12 years.

197 (c) Eligibility.—Only registered voters of Orange County  
 198 who have physically resided within the town boundaries for 12  
 199 consecutive months prior to the date of qualifying shall be  
 200 eligible to hold the office of council member or mayor. Elected



201 officials must maintain town residency and voter registration  
 202 during their entire terms of office.

203 (3) MAYOR.—

204 (a) Powers and duties.—The mayor shall be a voting member  
 205 of the council and shall attend and preside at meetings of the  
 206 council, represent the town in intergovernmental relationships,  
 207 present an annual state of the town message, and perform other  
 208 duties specified by the council. The mayor shall be recognized  
 209 as head of the town government for all ceremonial purposes and  
 210 by the governor for purposes of military law, but shall have no  
 211 administrative duties.

212 (b) Election.—The mayor shall be elected at large at the  
 213 general election for a term of 4 years.

214 (4) VICE MAYOR.—At the first regular meeting after the  
 215 swearing in of new council members, the council shall elect from  
 216 among its members a vice mayor who shall serve for a period of  
 217 two years. The vice mayor shall act as mayor during the absence  
 218 or disability of the mayor.

219 (5) COMPENSATION AND EXPENSES.—

220 (a) The council may determine the initial annual salary of  
 221 the mayor and council members by ordinance, but after the  
 222 establishment of this salary, no ordinance increasing such  
 223 salary shall become effective until the date of commencement of  
 224 the new terms of council members elected at the next regular  
 225 election.

226        (b) The mayor and council members shall receive  
227 reimbursement for council-approved expenses in accordance with  
228 applicable law, or as may be otherwise provided by  
229 ordinance, for authorized travel and per diem expenses incurred  
230 in the performance of their official duties.

231        (6) PROHIBITIONS.—

232        (a) Holding other office.—

233        1. Except where authorized by law, the mayor and council  
234 members shall not hold any other elected public office during  
235 the term for which they were elected to the council. Neither the  
236 mayor nor any council member shall hold any other town office or  
237 employment during the term for which they were elected. A former  
238 council member or mayor may not hold any compensated appointive  
239 office or employment with the town until one year after the  
240 expiration of the term for which they were elected.

241        2. Nothing in this section shall prohibit the council from  
242 selecting any current or former elected official to represent  
243 the town on the governing board of any regional or other  
244 intergovernmental agency.

245        (b) Appointments and removals.—Neither the mayor nor any  
246 member of the council shall in any manner control or demand the  
247 appointment or removal of any town administrative officer or  
248 employee whom the town manager or any subordinate of the town  
249 manager is empowered to appoint; however, the mayor and council  
250 members may express their views and fully and freely discuss

251 with the town manager anything pertaining to appointment and  
252 removal of such officers and employees.

253 (c) Interference with administration.—Except for the  
254 purpose of inquiries, and investigations under subsection (9),  
255 the mayor, the council, or its members shall deal with town  
256 officers and employees who are subject to the direction and  
257 supervision of the town manager solely through the town manager;  
258 however, the mayor, the council, or its members shall not give  
259 orders to any such officer or employee, either publicly or  
260 privately.

261 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF  
262 VACANCIES.—

263 (a) The office of a council member shall become vacant  
264 upon the member's death, resignation, removal from office, or  
265 forfeiture of office in any manner authorized by law.

266 (b) Forfeiture of office.—The mayor or a council member  
267 shall forfeit that office if the council member or mayor:

- 268 1. Fails to meet the residency requirements;  
269 2. Violates any express prohibition of this charter;  
270 3. Is convicted of a felony involving moral turpitude; or  
271 4. Fails to physically attend three consecutive regular  
272 meetings of the council without being excused by the council.

273 (c) Filling of vacancies.—A vacancy in the council shall  
274 be filled for the remainder of the unexpired term, if any, at  
275 the next regular election. If the next regular election occurs

276 within 90 days, the seat will remain vacant until filled by a  
277 vote of the electors. If the election occurs more than 90 days  
278 from the date the vacancy occurred, the council, by a majority  
279 vote of all its remaining members, shall appoint a qualified  
280 person to fill the vacancy until the election occurs. If the  
281 council fails to do so within 30 days following the occurrence  
282 of the vacancy, the town clerk shall call a special election to  
283 fill the vacancy. This election will be held at least 90 days  
284 and no later than 120 days following the occurrence of the  
285 vacancy and will be governed by law. In case of the death,  
286 resignation, or removal of the mayor, the vice mayor shall  
287 vacate the office of council member and serve as mayor until the  
288 next regular election when the office shall be filled for the  
289 remainder of the term. At that time, the vice mayor will resume  
290 a seat on the council. Notwithstanding any quorum requirements  
291 established herein, if at any time the membership of the council  
292 is reduced to less than three members, the remaining members  
293 may, by unanimous vote, appoint additional members to raise the  
294 membership to a minimum of three.

295 (8) JUDGE OF QUALIFICATIONS.—The council shall be the  
296 judge of the election and qualifications of its members and of  
297 the grounds for forfeiture of their office. A member charged  
298 with conduct constituting grounds for forfeiture of office shall  
299 be entitled to a public hearing on demand, and notice of such  
300 hearing shall be published in a newspaper of general circulation

301 in the town at least one calendar week in advance of the  
302 hearing.

303 (9) INVESTIGATIONS.—The council may make investigations  
304 into the affairs of the town and the conduct of any town  
305 department, office, or agency.

306 (10) PROCEDURES.—

307 (a) Meetings.—The council shall meet regularly at least  
308 once every month at such times and places as the council may  
309 prescribe by rule. Special meetings may be held at the call of  
310 the mayor or of two or more council members and, whenever  
311 practicable, upon at least 48 hours' notice to each member.

312 (b) Emergency meetings.—The mayor or any two members of  
313 the council may convene an emergency council meeting upon  
314 reasonable notice of such meeting given to each council member.  
315 The first order of business at an emergency council meeting  
316 shall be the determination, by affirmative vote of at least  
317 three members of the council, that an emergency situation  
318 involving health, safety, or public welfare warranting council  
319 action exists. Only matters relating to the emergency may be  
320 considered at the emergency meeting and any action taken at such  
321 meeting must be approved by at least three members of the  
322 council, except for emergency ordinances which shall be adopted  
323 in accordance with state law.

324 (c) Rules and minutes.—The council shall determine its own  
325 rules and order of business and shall provide for recordkeeping

326 of its proceedings in accordance with general law.

327 (d) Quorum.—Three members of the council shall constitute  
328 a quorum. No action of the council shall be valid or binding  
329 unless adopted by the affirmative vote of three or more members  
330 of the council.

331 (11) ORDINANCES IN GENERAL.—All ordinances, including  
332 emergency ordinances shall be adopted pursuant to s. 166.041,  
333 Florida Statutes. Every adopted ordinance shall become effective  
334 as provided in the body of the ordinance.

335 Section 5. Town manager.—

336 (1) APPOINTMENT; QUALIFICATIONS; COMPENSATION; AND  
337 REMOVAL.—The council, by a majority vote of its total  
338 membership, shall appoint a town manager for an indefinite term  
339 and fix the manager's compensation. The town manager shall be  
340 appointed solely on the basis of education and experience in the  
341 accepted competencies and practice of local government  
342 management. The manager need not be a resident of the town or  
343 state at the time of appointment, and may reside outside the  
344 town while in office only with the approval of the council.

345 (2) REMOVAL.—If the town manager declines to resign at the  
346 request of the council, the council may suspend the manager by a  
347 resolution approved by a majority of the total membership of the  
348 council. Such resolution shall set forth the reasons for  
349 suspension and proposed removal. A copy of such resolution shall  
350 be served immediately upon the town manager. The town manager

351 shall have 15 calendar days in which to reply thereto in  
352 writing, and upon request, shall be afforded a public hearing,  
353 which shall occur at least 10 calendar days and no later than 15  
354 calendar days after such hearing is requested. After the public  
355 hearing, if one is requested, and after full consideration, the  
356 council by a majority vote of its total membership may adopt a  
357 final resolution of removal. The town manager shall continue to  
358 receive full salary until the effective date of a final  
359 resolution of removal.

360 (3) ACTING TOWN MANAGER.—By letter filed with the town  
361 clerk, the town manager shall designate a town officer or  
362 employee to exercise the powers and perform the duties of town  
363 manager during the manager's temporary absence or disability;  
364 the council may revoke such designation at any time and appoint  
365 another officer of the town to serve until the town manager  
366 returns.

367 (4) POWERS AND DUTIES OF THE TOWN MANAGER.—The town  
368 manager shall be the chief executive officer of the town,  
369 responsible to the council for the management of all town  
370 affairs placed in the manager's charge by or under this charter.  
371 The town manager shall:

372 (a) Appoint and suspend or remove all town employees and  
373 appointed administrative officers provided for, by, or under  
374 this charter, except as otherwise provided by law, this charter,  
375 or personnel rules adopted pursuant to this charter. The town

376 manager may authorize any administrative officer subject to the  
377 manager's direction and supervision to exercise these powers  
378 with respect to subordinates in that officer's department,  
379 office, or agency.

380 (b) Direct and supervise the administration of all  
381 departments, offices and agencies of the town, except as  
382 otherwise provided by this charter or by law.

383 (c) Attend all council meetings. The town manager shall  
384 have the right to take part in discussion, but shall not vote.

385 (d) See that all laws, provisions of this charter, and  
386 acts of the council subject to enforcement by the town manager  
387 or by officers subject to the manager's direction and  
388 supervision are faithfully executed.

389 (e) Prepare and submit the annual budget and capital  
390 program to the council and implement the final budget approved  
391 by the council to achieve the goals of the town.

392 (f) Submit to the council, and make available to the  
393 public, a complete report on the finances and administrative  
394 activities of the town as of the end of each fiscal year.

395 (g) Arrange for an annual strategic planning workshop with  
396 the council and senior staff.

397 (h) Make such other reports as the council may require  
398 concerning operations.

399 (i) Keep the council fully advised as to the financial  
400 condition and future needs of the town.



401        (j) Make recommendations to the council concerning the  
 402 affairs of the town and facilitate the work of the council in  
 403 developing policy.

404        (k) Provide staff support services for the mayor and  
 405 council members.

406        (l) Assist the council to develop long term goals for the  
 407 town and strategies to implement these goals.

408        (m) Encourage and provide staff support for regional and  
 409 intergovernmental cooperation.

410        (n) Promote partnerships among council, staff, and  
 411 citizens in developing public policy and building a sense of  
 412 community.

413        (o) Perform such other duties as are specified in this  
 414 charter or may be required by the council.

415        Section 6. Departments, agencies, and offices.-

416        (1) GENERAL PROVISIONS.-

417        (a) Creation of departments.-The council may establish  
 418 city departments, offices, or agencies in addition to those  
 419 created by this charter and may prescribe the functions of all  
 420 departments, offices, and agencies. Any function assigned by  
 421 this charter to a particular department, office, or agency may  
 422 not be discontinued or, unless this charter specifically  
 423 provides, assigned to any other, unless approved by the council.

424        (b) Direction of town manager.-All departments, offices,  
 425 and agencies under the direction and supervision of the town

426 manager shall be administered by an officer appointed by and  
427 subject to the direction of the manager.

428 (2) PERSONNEL SYSTEM.—

429 (a) Merit principle.—All appointments and promotions of  
430 town officers and employees shall be made solely on the basis of  
431 merit and fitness demonstrated by a valid and reliable  
432 examination or other evidence of competence.

433 (b) Grievance process.—The council shall establish and  
434 maintain a written grievance process for all town employees.

435 (3) TOWN ATTORNEY.—

436 (a) Appointment and removal.—There shall be a town  
437 attorney appointed by the council. The town attorney shall be  
438 appointed and may be removed by a simple majority vote of the  
439 entire council.

440 (b) Role.—The town attorney shall be a member in good  
441 standing of The Florida Bar and serve as chief legal adviser to  
442 the council, the manager and all town departments, offices, and  
443 agencies; represent the town in legal proceedings; and perform  
444 any other duties prescribed by general law, this charter, or  
445 ordinance.

446 (4) TOWN CLERK.—

447 (a) Appointment and removal.—There shall be a town clerk  
448 appointed and removed by the town manager subject to  
449 confirmation by a majority vote of the entire council.

450 (b) Duties.—The town clerk shall give notice of council

451 meetings to its members and the public, keep the journal of its  
452 proceedings, and perform such other duties as are assigned by  
453 this charter, the town manager, or general law.

454 Section 7. Community preservation and protection.—

455 (1) VALUES.—The town is a rural community on the eastern  
456 edge of the greater Orlando metropolitan region that shall be  
457 established to uphold the following values:

458 (a) Conserve and protect its natural resources and the  
459 scenic beauty of the Econlockhatchee River.

460 (b) Complete a wildlife corridor within the town  
461 boundaries.

462 (c) Encourage continued use of its agricultural lands for  
463 the production of food and other agricultural products.

464 (2) The town shall create policies that include adequate  
465 provisions for the abatement of air, water, and light pollution,  
466 and of excessive and unnecessary noise; the protection of  
467 agricultural lands, wetlands, and shorelines; and the  
468 development and regulation of water resources.

469 (3) The town shall also provide for the acquisition of  
470 lands and waters, including improvements thereon and any  
471 interest therein, within the River Corridor Protection Zone and  
472 its neighboring uplands, and the dedication of properties so  
473 acquired, which because of their natural beauty, wilderness  
474 character designation as Outstanding Florida Waters, or  
475 geological, ecological, conservation, or historical

476 significance, shall be preserved and administered for the use  
477 and enjoyment of the people.

478 (4) DEVELOPMENT RESTRICTION.—Any development within 1,100  
479 feet of the Econlockhatchee River or its tributaries within the  
480 boundaries of the town is prohibited.

481 (5) FISCAL AND LAND USE SUSTAINABILITY.—

482 (a) The town will facilitate efficient and cost-effective  
483 provision of services, ensure adequate public facilities are  
484 available concurrently with new development, and be fiscally  
485 conservative in planning for growth.

486 (b) The town will plan in order to protect natural and  
487 manmade resources and maintain through orderly growth and  
488 development, the character, stability, and the quality of life  
489 for present and future residents.

490 (c) Development and redevelopment in the town shall  
491 respect historical patterns, should match the rural character of  
492 the town, and should be organized as a rural community.

493 (6) PUBLIC ENGAGEMENT AND PROCESS.—

494 (a) The council and any board making legislative land use  
495 decisions in the town shall provide for public participation in  
496 the decisionmaking process. The town shall provide for broad  
497 dissemination of proposals and alternatives, opportunity for  
498 written comments, public hearings with open discussion,  
499 communications programs, information services, and consideration  
500 of and response to public comment.

501 (b) Information on all legislative land use decisions and  
502 changes shall be made available to the public at least seven  
503 days prior to the meeting at which a vote will be taken on the  
504 matter. No changes may be made to the proposal(s) being  
505 considered during the seven day period.

506 (c) All legislative land use decisions by the City Council  
507 must be approved by a four-fifths majority vote of the council.

508 (7) PUBLIC LAND CONSERVATION.—

509 (a) The Town of Preservation Registry of Protected Public  
510 Places is hereby created to identify real estate owned by the  
511 town with conservation, recreation, or cultural value.

512 (b) The council shall include real estate on the Town of  
513 Preservation Registry of Protected Public Places by ordinance  
514 approved by a four-fifths majority vote of the council. The  
515 ordinance shall identify the real estate by legal description  
516 and shall describe the value that supports the inclusion of the  
517 real estate on the registry. The town shall cause such  
518 ordinances to be recorded in the Orange County official records.

519 (c) The town may not sell or convert to a use that will  
520 result in a loss of value for which a property was placed on the  
521 Town of Preservation Registry of Protected Public Places, any  
522 property, or any portion of a property, listed on the registry  
523 unless such sale or conversion is approved by a majority vote of  
524 the electors of the town voting in a town-wide referendum  
525 election.

526 Section 8. Financial management.—

527 (1) FISCAL YEAR.—The fiscal year of the town shall begin  
528 on the first day of October and end on the last day of  
529 September.

530 (2) SUBMISSION OF BUDGET AND BUDGET MESSAGE.—On or before  
531 the first day of August of each year, the town manager shall  
532 submit to the council a budget for the ensuing fiscal year and  
533 an accompanying message.

534 (3) BUDGET MESSAGE.—The town manager's message shall  
535 explain the budget both in fiscal terms and in terms of the work  
536 programs, linking those programs to organizational goals and  
537 community priorities as established by the council. It shall  
538 outline the proposed financial policies of the town for the  
539 ensuing fiscal year and the impact of those policies on future  
540 years. It shall describe the important features of the budget,  
541 indicate any major changes from the current year in financial  
542 policies, expenditures, and revenues together with the reasons  
543 for such changes, summarize the town's debt position, including  
544 factors affecting the ability to raise resources through debt  
545 issues, and include such other material as the town manager  
546 deems applicable.

547 (4) BUDGET.—The budget shall provide a complete financial  
548 plan of all town funds and activities for the ensuing fiscal  
549 year and, except as required by law or this charter, shall be in  
550 such form as the town manager deems applicable or the council

551 may require for effective management and an understanding of the  
552 relationship between the budget and the town's strategic goals.  
553 The budget shall begin with a clear general summary of its  
554 contents; show in detail all estimated income, indicating the  
555 proposed property tax levy, and all proposed expenditures,  
556 including debt service, for the ensuing fiscal year; and be  
557 arranged to show comparative figures for actual income and  
558 expenditures of the preceding fiscal year. It shall indicate in  
559 separate sections:

560 (a) The proposed goals and expenditures for current  
561 operations during the ensuing fiscal year, detailed for each  
562 fund by department or by other organization unit, and program,  
563 purpose, or activity; method of financing such expenditures; and  
564 methods to measure outcomes and performance related to the  
565 goals.

566 (b) Proposed long-term goals and capital expenditures  
567 during the ensuing fiscal year, detailed for each fund by  
568 department or by other organizational unit when practicable, the  
569 proposed method of financing each such capital expenditure, and  
570 methods to measure outcomes and performance related to the  
571 goals.

572 (c) The proposed goals, anticipated income and expense,  
573 profit and loss for the ensuing year for each utility or other  
574 enterprise fund or internal service fund operated by the town,  
575 and methods to measure outcomes and performance related to the

576 goals. For any fund, the total of proposed expenditures shall  
577 not exceed the total of estimated income plus carried forward  
578 fund balance exclusive of reserves.

579 (5) COUNCIL ACTION ON BUDGET.—The council shall adopt an  
580 annual budget in accordance with all applicable statutory  
581 provisions including, but not limited to, ss. 166.241, 200.001,  
582 200.065, and 200.068, Florida Statutes, as amended.

583 (6) AMENDMENTS AFTER ADOPTION.—Budget amendments after  
584 adoption of an annual budget shall be processed according to ss.  
585 166.241, 200.065, and 218.503, Florida Statutes, as amended.

586 (7) ADMINISTRATION AND FIDUCIARY OVERSIGHT OF THE BUDGET.—  
587 The council shall provide by ordinance the procedures for  
588 administration and fiduciary oversight of the budget.

589 (8) CAPITAL PROGRAM.—The town manager shall prepare and  
590 submit to the council a multi-year capital program in compliance  
591 with state law.

592 (9) INDEPENDENT AUDIT.—

593 (a) The council shall provide for an independent annual  
594 audit of all town accounts and may provide for more frequent  
595 audits as deemed necessary. An independent certified public  
596 accountant or firm of such accountants shall make such audits.  
597 Such audits should be performed in accordance with Generally  
598 Accepted Auditing Standards (GAAS) and Generally Accepted  
599 Governmental Auditing Standards (GAGAS).

600 (b) The council shall, using competitive bidding,



601 designate such accountant or firm annually, or for a period not  
602 exceeding three years. The designation for any particular fiscal  
603 year shall be made no later than 30 days after the beginning of  
604 such fiscal year. The standard for independence is that the  
605 auditor must be capable of exercising objective and impartial  
606 judgment on all issues encompassed within the audit engagement.  
607 No accountant or firm may provide any other services to the town  
608 during the time it is retained to provide independent audits to  
609 the town. The council may waive this requirement by a majority  
610 vote at a public hearing. If the state makes such an audit, the  
611 council may accept it as satisfying the requirements of this  
612 subsection.

613 Section 9. Elections.—

614 (1) TOWN ELECTIONS.—

615 (a) Regular elections.—The regular town election shall be  
616 held the second Tuesday in March in conjunction with county  
617 elections, in even numbered years, every two years. In years  
618 when there is a presidential preference primary, the town  
619 election will be held in conjunction with it.

620 (b) Conduct of elections.—The provisions of the general  
621 election laws of this state shall apply to elections held under  
622 this charter. Candidates shall run for office without party  
623 designation.

624 (2) FIRST ELECTION: TERMS OF OFFICE.—The first election  
625 under this charter will be held in 2019, at which time, the

626 mayor shall be elected for a 4-year term of office. The two  
627 council members receiving the greatest number of votes shall be  
628 elected to 4-year terms of office. The next two candidates  
629 receiving the greatest number of votes will be elected to 2-year  
630 terms of office. Commencing at the next regular election and at  
631 all subsequent elections, all council members shall serve for  
632 terms of 4 years.

633 (3) TAKING OFFICE.—The first council shall take office  
634 upon certification of the election results. Subsequently, newly  
635 elected officials shall take office at the next regular council  
636 meeting following certification of the election results.

637 (4) INITIATIVE, CITIZEN REFERENDUM, AND RECALL.—

638 (a) General authority for initiative, citizen referendum,  
639 and recall.—

640 1. Initiative.—The qualified voters of the town shall have  
641 the power to propose ordinances to the council and, if the  
642 council fails to adopt an ordinance so proposed without any  
643 change in substance, to adopt or reject it at a town election,  
644 provided that such power shall not extend to the budget or  
645 capital program or any emergency ordinance or ordinance relating  
646 to appropriation of money, levy of taxes, or salaries of city  
647 officers or employees.

648 2. Referendum.—The qualified voters of the town shall have  
649 power to require reconsideration by the council of any adopted  
650 ordinance and, if the council fails to repeal an ordinance so

651 reconsidered, to approve or reject it at a town election,  
652 provided that such power may not extend to the budget or capital  
653 program or any emergency ordinance or ordinance relating to the  
654 appropriation of money, levy of taxes, or salaries of city  
655 officers or employees.

656 3. Recall.—The electors of the town shall have the power  
657 to remove from office any elected official of the town in  
658 accordance with state law.

659 (b) Commencement of proceeding; petitioners' committee;  
660 affidavit.—Any five registered voters may commence initiative or  
661 referendum proceedings by filing with the town clerk an  
662 affidavit stating they will constitute the petitioners'  
663 committee; be responsible for circulating the petition and  
664 filing it in proper form, stating their names and addresses and  
665 specifying a chair, and the address to which all notices to the  
666 committee are to be sent; and set out in full the proposed  
667 initiative ordinance or citing the ordinance sought to be  
668 reconsidered. Promptly after the affidavit of the petitioners'  
669 committee is filed, the clerk may, at the committee's request,  
670 issue the appropriate petition blanks to the petitioners'  
671 committee at the committee's expense.

672 (c) Petitions.—

673 1. Number of signatures.—Initiative or referendum  
674 petitions must be signed by qualified voters of the town equal  
675 in number to at least 10 percent of the total number of

676 qualified voters registered to vote in the last regular  
677 election.

678 2. Form and content.—All papers of a petition shall be  
679 uniform in size and style and shall be assembled as one  
680 instrument for filing. Each signature shall be executed in ink  
681 or indelible pencil and shall be followed by the address of the  
682 person signing, the date, and the person's voting precinct.  
683 Petitions shall contain or have attached thereto throughout  
684 their circulation the full text of the ordinance proposed or  
685 sought to be reconsidered.

686 3. Affidavit of circulator.—Each paper of a petition shall  
687 have attached to it when filed an affidavit executed by the  
688 circulator thereof stating that he or she personally circulated  
689 the paper, the number of signatures thereon, that all the  
690 signatures were affixed in his or her presence, that he or she  
691 believes the signatures to be the genuine signatures of the  
692 persons whose names they purport to be, and that each person had  
693 an opportunity before signing to read the full text of the  
694 ordinance proposed or sought to be reconsidered.

695 4. Time for filing initiative and referendum petitions.—  
696 Initiative petitions must be filed within 120 days after  
697 receiving petition blanks from the town clerk. Referendum  
698 petitions must be filed within 60 days after adoption by the  
699 council of the ordinance sought to be reconsidered.

700 (d) Procedure after filing.—

701        1. Certificate of clerk; amendment.—Within 20 days after  
702 the initiative petition is filed, the town clerk shall complete  
703 a certificate as to its sufficiency, specifying, if it is  
704 insufficient, the particulars wherein it is defective and shall  
705 promptly send a copy of the certificate to the petitioners'  
706 committee by registered mail. A petition certified insufficient  
707 for lack of the required number of valid signatures may be  
708 amended one time if the petitioners' committee files a notice of  
709 intention to amend it with the clerk within seven days after  
710 receiving a copy of the certificate and files a supplementary  
711 petition with additional papers within 30 days after receiving a  
712 copy of the certificate. The supplementary petition shall comply  
713 with the form and content and affidavit of circulator  
714 requirements of paragraph (c), and within 5 days after it is  
715 filed the clerk shall complete a certificate as to the  
716 sufficiency of the petition as amended and promptly send a copy  
717 of such certificate to the petitioners' committee by registered  
718 mail as in the case of an original petition. If a petition or  
719 amended petition is certified sufficient, or if a petition or  
720 amended petition is certified insufficient and the petitioners'  
721 committee does not elect to amend or request council review  
722 under subparagraph 2. within the time required, the clerk shall  
723 promptly present the certificate to the council and the  
724 certificate shall then be a final determination as to the  
725 sufficiency of the petition.

726        2. Council review.—If a petition has been certified  
727 insufficient and the petitioners' committee does not file notice  
728 of intention to amend it or if an amended petition has been  
729 certified insufficient, the committee may, within two days after  
730 receiving the copy of such certificate, file a request that it  
731 be reviewed by the council. The council shall review the  
732 certificate at its next meeting following the filing of such  
733 request and approve or disapprove it. The council's  
734 determination shall be the final determination as to the  
735 sufficiency of the petition.

736        (e) Referendum petitions; suspension of effect of  
737 ordinance.—When a referendum petition is filed with the town  
738 clerk, the ordinance sought to be reconsidered shall be  
739 suspended from taking effect. Such suspension shall terminate  
740 when:

741            1. There is a final determination of insufficiency of the  
742 petition;

743            2. The petitioners' committee withdraws the petition;

744            3. The council repeals the ordinance; or

745            4. After a vote of the town on the ordinance has been  
746 certified.

747        (f) Action on petitions.—

748            1. Action by council.—When an initiative or referendum  
749 petition has been finally determined sufficient, the council  
750 shall promptly consider the proposed initiative ordinance in the

751 manner provided by general law or reconsider the referred  
752 ordinance by voting its repeal. If the council fails to adopt a  
753 proposed initiative ordinance without any change in substance  
754 within 60 days or fails to repeal the referred ordinance within  
755 30 days after the date the petition was finally determined  
756 sufficient, it shall submit the proposed or referred ordinance  
757 to the voters of the town.

758 2. Submission to voters of proposed or referred  
759 ordinances.—The vote of the town on a proposed or referred  
760 ordinance shall be held not less than 30 days and not later than  
761 six months from the date of the final council vote thereon. If a  
762 regular town election is not held within the period prescribed  
763 in this subsection, the council shall provide for a special  
764 election; otherwise, the vote shall be held in conjunction with  
765 the regular election, except that the council may, in its  
766 discretion, provide for a special election at an earlier date  
767 within the prescribed period. Copies of the proposed or referred  
768 ordinance shall be made available at the polls.

769 3. Withdrawal of petitions.—An initiative or referendum  
770 petition may be withdrawn at any time prior to the fifteenth day  
771 preceding the day scheduled for a vote of the town by filing  
772 with the town clerk a request for withdrawal signed by at least  
773 two-thirds of the petitioners' committee. Upon the filing of  
774 such request, the petition shall have no further force or effect  
775 and all proceedings thereon shall be terminated.

776 (g) Results of election.—

777 1. Initiative.—If a majority of the qualified electors  
778 voting on a proposed initiative ordinance vote in its favor, it  
779 shall be considered adopted upon certification of the election  
780 results and shall be treated in all respects in the same manner  
781 as ordinances of the same kind adopted by the council. If  
782 conflicting ordinances are approved at the same election, the  
783 one receiving the greatest number of affirmative votes shall  
784 prevail to the extent of such conflict.

785 2. Referendum.—If a majority of the qualified electors  
786 voting on a referred ordinance vote against it, it shall be  
787 considered repealed upon certification of the election results.

788 Section 10. General provisions.—All elected officials and  
789 employees of the town shall be subject to the standards of  
790 conduct for public officers and employees set by part III of  
791 chapter 112.

792 Section 11. Charter review and amendment.—

793 (1) CHARTER REVIEW.—This charter shall be reviewed no  
794 later than three years from the date the town is established.  
795 After the initial review, this charter shall be reviewed at  
796 least every 10 years. The city council shall appoint an advisory  
797 committee consisting of at least seven and no more than nine  
798 citizens to review this charter. This committee shall be  
799 appointed at least nine months before the next scheduled  
800 election.



801       (2) CHARTER AMENDMENT.—This charter may be amended in  
 802 accordance with general law.

803       Section 12. Transition.—

804       (1) CREATION AND ESTABLISHMENT OF THE TOWN.—For the  
 805 purpose of compliance with general law relating to the  
 806 assessment and collection of ad valorem taxes, the town is  
 807 hereby created and established effective when approved by the  
 808 electors at a special election and filed with the Secretary of  
 809 State in the manner prescribed by law.

810       (2) INITIAL ELECTION OF MAYOR AND COUNCIL MEMBERS.—The  
 811 Orange County Supervisor of Elections shall call a special  
 812 election for the election of the four council members and the  
 813 mayor to be held in 2019. The mayor will be elected for a 4-year  
 814 term of office. Two council members receiving the greatest  
 815 number of votes will be elected to 4-year terms of office. The  
 816 next two candidates receiving the greatest number of votes will  
 817 be elected to 2-year terms of office.

818       (3) INITIAL EXPENSES.—The council, in order to provide  
 819 moneys for the expenses and support of the town, shall have the  
 820 power to borrow money necessary for the operation of government  
 821 until such time as a budget is adopted and revenues are raised  
 822 in accordance with the provisions of this charter.

823       (4) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—

824       (a) All applicable county ordinances currently in place at  
 825 the time of passage of the referendum, unless specifically

826 referenced in this charter, shall remain in place until and  
827 unless rescinded by action of the council, except that a county  
828 ordinance, rule, or regulation which is in conflict with an  
829 ordinance, rule, or regulation of the town shall not be  
830 effective to the extent of such conflict. Any existing Orange  
831 County ordinances, rules, and regulations, as of November 5,  
832 2019, shall not be altered, changed, rescinded, or added to, nor  
833 shall any variance be granted, if such action would affect the  
834 town without the approval of the council.

835 (b) The council shall adopt ordinances and resolutions  
836 required to effect the transition. Ordinances adopted within 60  
837 days after the first regular council meeting may be passed as  
838 emergency ordinances. These transitional ordinances shall be  
839 effective for no longer than 90 days after adoption and  
840 thereafter may be readopted, renewed, or otherwise continued  
841 only in the manner normally prescribed for ordinances.

842 (5) TRANSITIONAL COMPREHENSIVE PLAN.—Until such time as  
843 the town adopts a comprehensive plan, the Orange County  
844 Comprehensive Plan, as it exists on the day that the town  
845 commences corporate existence, shall remain in effect as the  
846 town's transitional comprehensive plan. However, all planning  
847 functions, duties, and authority shall thereafter be vested in  
848 the council, which shall be deemed the local planning agency  
849 until the council establishes a separate local planning agency.

850 (6) TRANSITIONAL LAND DEVELOPMENT REGULATIONS.—To

851 implement the transitional comprehensive land use plan when  
852 adopted, the town shall, in accordance with the procedures  
853 required by the laws of the state, adopt ordinances providing  
854 for land use development regulations within the corporate  
855 limits. Until the town adopts the ordinances:

856 (a) The comprehensive land use plan and land use  
857 development regulations of Orange County, as they exist on the  
858 date that the town commences corporate existence, shall remain  
859 in effect as the town's transitional land use development  
860 regulations and comprehensive land use plan.

861 (b) All powers and duties of the Orange County Department  
862 of Community Development, the Orange County Hearing Examiner,  
863 and Board of County Commissioners of Orange County, as set forth  
864 in these transitional land use development regulations, shall be  
865 vested in the council until such time as the council delegates  
866 all powers and duties, or a portion thereof, to another agency,  
867 department, or entity.

868 (c) Subsequent to the adoption of a local comprehensive  
869 land use plan and subject to general law, the council is fully  
870 empowered to amend, supersede, enforce, or repeal the  
871 transitional land use development regulations, or any portion  
872 thereof, by ordinance.

873 (d) Subsequent to the commencement of the town's corporate  
874 existence, an amendment of the comprehensive land use plan or  
875 land use development regulations enacted by the Board of County

876 Commissioners of Orange County shall not be deemed an amendment  
877 of the town's transitional comprehensive land use plan or land  
878 use development regulations or otherwise take effect within the  
879 town's municipal boundaries.

880 (7) REVENUE SOURCE TRANSITION.—Until otherwise modified by  
881 the council, all municipal taxes and fees, including  
882 communication services taxes, imposed within the town boundaries  
883 by the county as the municipal government for unincorporated  
884 Orange County, which taxes and fees are in effect on the date of  
885 adoption of this charter, shall continue at the same rate and  
886 under the same conditions as if those taxes and fees had been  
887 adopted and assessed by the town.

888 (8) CONTINUITY OF SERVICES.—To ensure that there is  
889 continuity in the provision, level, or quality of municipal  
890 service delivery to the proposed town, and until such time as  
891 the town may enter into interlocal agreements with Orange County  
892 regarding provision of municipal services, all municipal  
893 services currently provided by Orange County shall continue at  
894 the service levels existing at the time of municipal  
895 incorporation. All federal, state, grant, and other funding  
896 sources existing prior to the time the town is incorporated  
897 shall continue to be applied in the manner and at the level  
898 anticipated and projected by the Orange County budget prior to  
899 the incorporation of the town. The future cost and level of  
900 municipal services delivery provided to the town by Orange

901 County beyond fiscal year 2019-2020 shall be negotiated and  
902 determined through an interlocal agreement between the town and  
903 appropriate representatives of Orange County.

904 (9) STATE-SHARED REVENUES.—The town shall be entitled to  
905 participate in all shared revenue programs of the state,  
906 effective immediately following the ratification of the  
907 incorporation referendum. The provisions of s. 218.23, Florida  
908 Statutes, shall be waived for the purpose of eligibility to  
909 receive revenue sharing funds from date of referendum  
910 ratification through the end of state fiscal year 2019-2020 the  
911 provisions of s. 218.26(3), Florida Statutes, shall be waived  
912 through state fiscal year 2019-2020, and the apportionment  
913 factors for the municipalities and counties shall be  
914 recalculated pursuant to s. 218.245, Florida Statutes. The  
915 initial population estimates for calculating eligibility for  
916 shared revenues shall be determined by the University of Florida  
917 Bureau of Economic and Business Research as of the effective  
918 date of this charter. Should the bureau be unable to provide an  
919 appropriate population estimate, (the initial population at the  
920 level of 17,466 as projected in the incorporation feasibility  
921 study) the Orange County Planning Division estimate shall be  
922 used.

923 (10) FUEL TAX REVENUES.—Notwithstanding the requirements  
924 of s. 336.025, Florida Statutes, to the contrary, the town shall  
925 be entitled to receive local option fuel tax revenues upon

926 ratification of the referendum results establishing the town as  
 927 an incorporated municipality in accordance with the interlocal  
 928 agreements with Orange County.

929 (11) SHARED REVENUES.—Beginning fiscal year 2019, Orange  
 930 County shall distribute to the town, from taxes, franchise fees,  
 931 and ad valorem taxes, which include communication services  
 932 taxes, revenues collected within the municipal boundaries of the  
 933 town. This calculation shall be based upon the population  
 934 projection of 17,466 residents for the city as estimated for the  
 935 feasibility study in anticipation of the year 2020 census.

936 Section 13. Waiver.—The thresholds established by s.  
 937 165.061, Florida Statutes, for incorporation shall apply except  
 938 that a waiver is granted to the provisions of s. 165.061(1)(c),  
 939 Florida Statutes, relating to the requirement for a minimum  
 940 average population density of 1.5 persons per acre, to protect  
 941 the character, natural resources, and quality of life of the  
 942 town. It is recognized that excluding uninhabited conservation  
 943 areas, the town exceeds the population density requirement. It  
 944 is further recognized that continuation of population growth  
 945 trends will result in the town exceeding the minimum average  
 946 population density for its entire area within a few decades.

947 Section 14. Severability.—If any section or part of a  
 948 section of this charter shall be held invalid by a court of  
 949 competent jurisdiction, such holding shall not affect the  
 950 remainder of this charter nor the context in which such section

951 or partial section so held invalid may appear, except to the  
952 extent that an entire section or a partial section may be  
953 inseparably connected in meaning and effect with the section or  
954 partial section to which such holding shall directly apply.

955       Section 15. This act shall take effect only upon approval  
956 by a majority vote of those qualified electors residing within  
957 the area described in section 3 voting in a referendum which  
958 shall be called by the Orange County Supervisor of Elections to  
959 be held in the fall of 2019, except that this section shall take  
960 effect upon becoming a law.