

Local Bill – Town of Palm Harbor

The local bill provides for a referendum on the creation and establishment of the Town of Palm Harbor. The Town Charter would establish a Council-Manager form of government.

Typically, incorporation efforts are undertaken by a group of citizens, working through their elected state representatives, towards the creation of a new municipality by the people. Incorporation requires a special act of the Florida Legislature. If the Legislature approves the special act, a referendum would be held within the community, and if it passes by a majority vote, then the municipality is created.

The proposed incorporation could include the long established communities of Crystal Beach, Ozona and Palm Harbor of Pinellas County. The choice to join in the creation of the Town of Palm Harbor would also be extended to the voters of the East Lake - Census Designated Place.

The Legislature's approval would be a nod to the powers of Home Rule among the residents, and it is respectful of municipalities being the only level of government in Florida created by the citizens.



It is in the best interests of the public health, safety, and welfare of the residents of the Palm Harbor area to have the choice to form a separate municipality for the Palm Harbor area with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.

It is intended that this charter and the incorporation of the Palm Harbor area will serve to preserve and protect the distinctive characteristics of the community and any communities who wish to join the incorporation.

It is the intent of this charter and the incorporation of the town to secure the benefits of self-determination and affirm the values of representative democracy, citizen participation, strong community leadership, professional management, and regional cooperation.

SUMMARY ANALYSIS

The Local Bill provides for the creation and establishment of the Town of Palm Harbor in Pinellas County. The bill provides a charter for the municipality which describes:

- the town boundaries;
- a council-manager form of government; municipal powers; the duties of the mayor and vice mayor;
- vacancies in office; grounds for forfeiture, suspension and removal; filling of vacancies;
- compensation and expenses; standards of conduct in office;
- appointment of charter officers, including a town manager and attorney;
- meetings; the fiscal year; annual budget and appropriations, and financial audits;
- adoption, distribution and recording of technical codes;
- nonpartisan elections;
- future charter amendments;
- a transitional schedule and procedures for the first election; first-year expenses; adoption of transitional ordinances, resolutions, comprehensive plan and local development regulations; sharing of communications services taxes; an accelerated entitlement to state-shared revenues; gas tax revenues;
- continuation of the Palm Harbor Fire Rescue Municipal Service Taxing Unit;

- continuation of the Palm Harbor Community Services Taxing District;
- continuation of the East Lake Tarpon Fire Rescue Municipal Service Taxing Unit;
- continuation of the Pinellas County Library District or Community Services Overlay District;
- continuation of law enforcement services to be provided by contract with the Pinellas County Sheriff's Office, or contracted with other law enforcement agencies;
- that the act takes effect only upon a referendum.

SECTION DIRECTORY:

Section 1: Provides for corporate existence; form of government; boundary and powers.

Section 2: Provides for town; mayor and vice mayor.

Section 3: Provides for council members, elections and terms of office.

Section 4: Provides for town manager and attorney; appointment; removal; compensation; filling of vacancies; expenditure of town funds; town boards and agencies.

Section 5: Provides for town council meetings and powers.

Section 6: Provides for town budget and appropriations.

Section 7: Provides for town elections.

Section 8: Provides general provisions.

Section 9: Provides a transition schedule.

Section 10: Provides for continuation, merger and dissolution of existing districts and service providers.

Section 11: Provides for effective date.

1 A bill to be entitled

2
3 An act relating to Pinellas County; creating the Town of Palm
4 Harbor; providing a charter; providing legislative intent;
5 providing a council-manager form of government; providing
6 boundaries; providing municipal powers; providing for a town
7 council; providing for membership, qualifications, terms,
8 powers, and duties of its members, including the mayor;
9 providing for a vice mayor; providing general powers and duties;
10 providing circumstances resulting in vacancy in office;
11 providing grounds for forfeiture and suspension; providing for
12 filling of vacancies; providing for compensation and expenses;
13 providing for appointment of charter officers, including a town
14 manager and town attorney; providing for removal, compensation,
15 and filling of vacancies; providing qualifications, powers, and
16 duties; providing for meetings; providing for adoption,
17 distribution, and recording of technical codes; providing for
18 recordkeeping; providing a limitation upon employment of council
19 members; prohibiting certain interference with town employees;
20 establishing the fiscal year; providing for adoption of annual
21 budget and appropriations; providing for supplemental,
22 reduction, and transfer of appropriations; providing for
23 limitations; providing for referendum requirements for revenue
24 bonds and other multiyear contracts; providing for financial
25 audit; providing for nonpartisan elections and matters relative
26 thereto; providing for recall; providing for future amendments
27 of the charter; providing for standards of conduct in office;
28 providing for severability; providing for a personnel system;
29 providing for charitable contributions; providing for land use
30 changes; providing the town a transitional schedule and
31 procedures for first election; providing for first year

32 expenses; providing for adoption of transitional ordinances,
33 resolutions, comprehensive plan, and local development
34 regulations; providing for sharing of communications services
35 tax; providing for accelerated entitlement to state-shared
36 revenues; providing for receipt and distribution of gas tax
37 revenues; providing for continuation of the Palm Harbor Fire
38 Rescue Municipal Service Taxing Unit; providing for continuation
39 of the Palm Harbor Community Services District; ; providing for
40 continuation of the East Lake Tarpon Fire Rescue Municipal
41 Service Taxing Unit; providing for continuation of the Pinellas
42 County Library District; providing for law enforcement;
43 requiring a referendum; providing effective dates.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Charter; creation; form of government;
48 boundaries and powers.--

49 (1) CHARTER; CREATION.--

50 (a) This act, together with any future amendments thereto,
51 may be known as the "Charter of the Town of Palm Harbor" (the
52 "charter"), and the Town of Palm Harbor (the "town") is hereby
53 created.

54 (b) It is in the best interests of the public health,
55 safety, and welfare of the residents of the Palm Harbor area to
56 form a separate municipality for the Palm Harbor area with all
57 the powers and authority necessary to provide adequate and
58 efficient municipal services to its residents.

59 (c) It is intended that this charter and the incorporation
60 of the Palm Harbor area will serve to preserve and protect the
61 distinctive characteristics of the community and any communities
62 who wish to join the incorporation.

63 (d) It is the intent of this charter and the incorporation
64 of the town to secure the benefits of self-determination and
65 affirm the values of representative democracy, citizen
66 participation, strong community leadership, professional
67 management, and regional cooperation.

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

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

72
73 Begin at the intersection of the centerline of the Intercoastal
74 Waterway and the westerly extension of the centerline of
75 Klosterman Road. Thence run East by the Centerline of Klosterman
76 Road and the westerly extension thereof to the West 1/4 corner
77 of Section 19, Township 27 South, Range 16 east; thence S.
78 0°14'32" E. along the West line of said Section 19, 1333.85 feet
79 to the Southwest corner of Lot 56, Tampa and Tarpon Springs Land
80 Company Sub. As recorded in Plat Book H1 Page 116 of the
81 official records of Hillsborough County, of which Pinellas
82 County was formerly a part; thence S. 87°48'12" E. along the
83 South Line of Lots 56 and 52 of said subdivision, 1740.84 feet;
84 thence N. 0°33'31" W. along the Southerly extension of the East
85 line of Lot 51 of said subdivision and the East Line of Lot 51,
86 1385.80 feet to the East and est. centerline of said Section 19,
87 said centerline also being the centerline of Klosterman Road;
88 thence run East by the centerline of Klosterman Road and the
89 Easterly extension thereof to the center of Lake Tarpon; thence
90 southeasterly through the waters of Lake Tarpon and the Lake
91 Tarpon Outfall Canal to the centerline of Curlew Rd. (S.R. 586);
92 thence West by the centerline of Curlew Rd. (S.R. 586) to a
93 point on the North-South centerline of the Northwest 1/4 of

94 Section 14, Township 28 South, Range 15 East; thence North by
95 the North-South centerline of the Northwest 1/4 of said Section
96 14 to the North Section line of said Section 14; thence West on
97 said section line and continuing West on the North Section line
98 of Section 15, Township 28 South, Range 15 East to the
99 centerline of the Intercoastal Waterway; thence North on said
100 centerline of the Intercoastal Waterway to the Point of
101 Beginning.

102
103 If the Ozona community votes No - Less the Ozona Community -
104 [Insert Legal Description for Ozona]

105
106 If the Crystal Beach community votes No - Less the Crystal Beach
107 Community - [Insert Legal Description for Crystal Beach]

108
109 If the East Lake community votes Yes - And the East Lake
110 Community - [Begin at the Northeast Corner of Section 1,
111 Township 27 South, Range 16 East, Pinellas County, Florida;
112 thence run south along the said East Section Line
113 (Hillsborough/Pinellas County Line) to the East-West Half
114 Section Line of Section 1, Township 28 South, Range 16 East;
115 thence West along said Half Section Line to the Easterly right-
116 of-way Line of Florida Power Corporation; thence South along
117 said right-of-way Line to the East-West Half Section Line of
118 Section 12, Township 28 South, Range 16 East; thence East along
119 said Half Section Line to the Northeast Corner of Florida Power
120 Corporation Substation; thence South along the East Line of said
121 Substation to the South Section Line of said Section 12; thence
122 East to the East Section Line of Section 13, Township 28 South,
123 Range 16 East (Hillsborough/Pinellas County Line); thence South
124 along said County Line to the South Line of the Northeast 1/4 of

125 the Southeast 1/4 of said Section 13; thence West along said
126 Line to the Westerly right-of-way Line of Florida Power
127 Corporation; thence North along said right-of-way line to the
128 North Section Line of said Section 13; thence West along said
129 Section Line to the North-South Center Section Line of Section
130 12, Township 28 South, Range 16 East; thence North along said
131 Center Section Line to the South Right-of-way line of Florida
132 Power Corporation; thence West along said right-of-way Line to
133 the West Line of Section 11, township 28 South, Range 16 East;
134 thence North along said West Line to the North right-of-way Line
135 of said Florida Power Corporation; thence East along said right-
136 of-way Line to the East Line of the Northwest 1/4 of the
137 Southwest 1/4 of said Section 12; thence North along said
138 Easterly Line to the East-West Centerline of said Section 12,
139 thence East along said Centerline to the West Line of the East
140 1/2 of the East 1/2 of the Northwest 1/4 of said Section 12;
141 thence North along said line to the North Section Line of said
142 Section 12; thence East along said line to the North-South
143 Centerline of Section 1, Township 28 South, Range 16 East;
144 thence North along said line a distance of 491.97 feet; thence
145 North 75 00'00" east to the West right-of-way Line of Florida
146 Power Corporation; thence North along said right-of-way Line to
147 the East-West Centerline of said Section 1; thence West along
148 said line a distance of 1,837.78 feet; thence North to the South
149 Line of the Northeast 1/4 of the Northwest 1/4 of said Section
150 1; thence West along said line to the West Line of the Northeast
151 1/4 of the Northwest 1/4 of said Section 1; thence North along
152 said line to the North Line of the Southwest 1/4 of the
153 Southwest 1/4 of Section 36, Township 27 South, Range 16 East;
154 thence West along said line to the North-South Centerline of
155 Section 35, Township 27 South, Range 16 East; thence South along

156 said line to the South Section Line of said Section 35; thence
157 West along said Section Line to the Southwest corner of said
158 Section 35; thence South along the West Section Line of Sections
159 2 and Section 11, Township 28 South, Range 16 East to the North
160 Section Line of Section 15, Township 28 South, Range 16 East;
161 thence West along the North Line of said Section 15 to the
162 North-South Centerline of said Section; thence South along said
163 Centerline to the northerly right-of-way line of Tampa Road
164 (S.R.584); thence in a Northwesterly direction along said right-
165 of-way line to the Southerly Line of Florida Power Corporation;
166 thence Southwesterly along said Southerly Line to the centerline
167 of the Lake Tarpon Outfall Canal; thence Northerly along the
168 centerline of the Lake Tarpon Outfall Canal into Lake Tarpon to
169 its North-South Centerline; thence Northerly along the North-
170 South Centerline of Lake Tarpon to the City Limit Line of the
171 City of Tarpon Springs on the Northern shoreline of Lake Tarpon;
172 thence along the City Limit Line of Tarpon Springs around its
173 Easterly point above Lake Tarpon and then Westerly to the North-
174 South Centerline of Salt Lake; thence northerly along the North-
175 South Centerline of Salt Lake to the Centerline of the Anclote
176 River; thence Northeasterly along the Centerline of the Anclote
177 River to the Pasco-Pinellas County Line; thence East along the
178 Pasco/Pinellas County Line to the Point of Beginning.

179
180 LESS any areas annexed into the corporate municipal limits of
181 Oldsmar or Tarpon Springs.]

182
183 (4) MUNICIPAL POWERS.--The town shall be a body corporate
184 and politic and shall have all available governmental,
185 corporate, and proprietary powers of a municipality under the
186 State Constitution and laws of the state, as fully and

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

187 completely as though such powers were specifically enumerated in
188 this charter, and may exercise them, except when prohibited by
189 law. Through the adoption of this charter, it is the intent of
190 the electors of the town that the municipal government
191 established herein have the broadest exercise of home rule
192 powers permitted under the State Constitution and laws of the
193 state. This charter and the powers of the town shall be
194 construed liberally in favor of the town. It is recognized that
195 certain services within the municipal boundaries are provided by
196 independent special districts created by special acts of the
197 Legislature and by Pinellas County.

198
199 Section 2. Council; mayor and vice mayor.--

200 (1) TOWN COUNCIL.--There shall be a five-member town
201 council ("council") vested with all legislative powers of the
202 town, consisting of five members ("council members"), each
203 elected from and representing the town at large. Unless
204 otherwise stated within this charter, all charter powers shall
205 be exercised by the council.

206 (2) THE MAYOR; POWERS AND DUTIES.--

207 (a) The council, at its first regular meeting after the
208 fourth Tuesday of each March, shall elect from its members a
209 mayor who shall serve for a period of 1 year and who shall have
210 the same legislative powers and duties as any other council
211 member, except as provided herein.

212 (b) In addition to carrying out the regular duties of a
213 council member, the mayor shall preside at the meetings of the
214 council and shall be recognized as the head of town government
215 for service of process, ceremonial matters, and the signature or
216 execution of ordinances, contracts, deeds, bonds, and other
217 instruments and documents and for purposes of military law. The

218 mayor shall also serve as the ceremonial head of the town and
219 the town official designated to represent the town when dealing
220 with other entities. The mayor shall have no administrative
221 duties other than those necessary to accomplish these actions,
222 or such other actions as may be authorized by the town council,
223 consistent with general or special law.

224 (3) THE VICE MAYOR.--

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

230 (b) The vice mayor shall serve as acting mayor during the
231 absence or disability of the mayor. In the absence of the mayor
232 and the vice mayor, the remaining council members shall select a
233 council member to serve as acting mayor.

234

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

236 (1) TERM OF OFFICE.--Each council member shall be elected
237 at large for a 3-year term by the electors of the town in the
238 manner provided herein. Council members shall be sworn into
239 office at the first regularly scheduled meeting following their
240 election. Each council member shall remain in office until his
241 or her successor is elected and assumes the duties of the
242 position.

243 (2) SEATS.--The town council shall be divided into five
244 separate council seats to be designated as seats 1, 2, 3, 4, and
245 5, to be voted on townwide, with each qualified elector entitled
246 to vote for one candidate for each seat.

247 (3) QUALIFICATION.--Candidates for each council seat must
248 qualify for council elections by seat in accordance with

249 applicable general law, and the council members elected to those
250 seats shall hold the seats 1 through 5, respectively. To qualify
251 for office:

252 (a) Filing.--Each candidate for council member shall file a
253 written notice of candidacy with the town clerk at such time and
254 in such manner as may be prescribed by ordinance and shall make
255 payment to the town of any fees required by general law as a
256 qualifying fee.

257 (b) Registered elector.--Each candidate for council member
258 shall be a registered elector in the state.

259 (c) Residency.--Each candidate for council member shall
260 have maintained his or her domicile within the boundaries of the
261 town for a period of 1 year prior to qualifying for election
262 and, if elected, shall maintain such residency throughout his or
263 her term of office.

264 (d) Deadline.--Any resident of the town who wishes to
265 become a candidate for a council member seat shall qualify with
266 the town clerk no sooner than noon on the last Tuesday in
267 January, nor later than noon on the first Tuesday in February,
268 of the year in which the election is to be held.

269 (4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING OF
270 VACANCIES.--

271 (a) Vacancies.--A vacancy in the office of mayor, vice
272 mayor, or any council member shall occur upon the death of the
273 incumbent, removal from office as authorized by law,
274 resignation, appointment to other public office which creates
275 dual office holding, judicially determined incompetence, or
276 forfeiture of office as described in paragraph (b).

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

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

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

286 3. Is convicted of a first degree misdemeanor arising
287 directly out of his or her official conduct or duties, or enters
288 a plea of guilty or nolo contendere thereto, even if
289 adjudication of guilt has been withheld;

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

294 5. Is absent from three consecutive regular council
295 meetings without good cause, or for any other reason established
296 in this charter.

297

298 The council shall be the sole judge of the qualifications of its
299 members and shall hear all questions relating to forfeiture of a
300 council member's office, including whether good cause for
301 absence has been or may be established. The burden of
302 establishing good cause shall be on the council member in
303 question; however, any council member may at any time during any
304 duly held meeting move to establish good cause for his or her
305 absence or the absence of any other commission member from any
306 past, present, or future meeting or meetings, which motion, if
307 carried, shall be conclusive. A council member whose
308 qualifications are in question or who is otherwise subject to
309 forfeiture of his or her office shall not vote on any such
310 matters. The council member in question shall be entitled to a

311 public hearing on request regarding an alleged forfeiture of
312 office. If a public hearing is requested, notice thereof shall
313 be published in one or more newspapers of general circulation in
314 the town at least 1 week in advance of the hearing. Any final
315 determination by the council that a council member has forfeited
316 his or her office shall be made by resolution. All votes and
317 other acts of the council member in question prior to the
318 effective date of such resolution shall be valid regardless of
319 the grounds of forfeiture.

320 (c) Suspension from office.--Any council member shall be
321 suspended from office upon return of an indictment or issuance
322 of any information charging the council member with any crime
323 which is punishable as a felony or with any crime arising out of
324 his or her official duties which is punishable as a first degree
325 misdemeanor. Pursuant thereto:

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

329 2. If the council member is subsequently found not guilty
330 of the charge, or if the charge is otherwise dismissed, reduced,
331 or altered in such a manner that suspension would no longer be
332 required as provided herein, the suspension shall be lifted and
333 the council member shall be entitled to receive full back pay
334 and such other emoluments or allowances as he or she would have
335 been entitled to had the suspension not occurred.

336 (d) Filling of vacancies.--

337 1. If any vacancy occurs in the office of any council
338 member and the remainder of the council member's unexpired term
339 is less than 1 year and 81 days, the remaining council members
340 shall, within 30 days following the occurrence of such vacancy,

341 by majority vote, appoint a person to fill the vacancy for the
342 remainder of the unexpired term.

343 2. If any vacancy occurs in the office of any council
344 member and the remainder of the unexpired term is equal to or
345 exceeds 1 year and 81 days, the remaining council members shall,
346 within 30 days following the occurrence of such vacancy, by
347 majority vote, appoint a person to fill the vacancy until the
348 next regularly scheduled town election, at which time an
349 election shall be held to fill the vacancy.

350 3. If a vacancy occurs in the office of mayor and fewer
351 than 120 days remain in the term of the council member who was
352 elected mayor, the vice mayor shall serve as mayor until a new
353 mayor is elected by the council and assumes the duties of his or
354 her office. If a vacancy occurs in the office of mayor and 120
355 days or more remain in the term of the mayor, the vice mayor
356 shall serve as mayor until a new council member is elected and
357 the council elects a new mayor and vice mayor as provided by
358 this charter.

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

362 5. Notwithstanding any quorum requirements established
363 herein, if at any time the full membership of the council is
364 reduced to less than a quorum, the remaining members may, by
365 majority vote, appoint additional members to the extent
366 otherwise permitted or required under this subsection.

367 6. In the event that all the members of the council are
368 removed by death, disability, recall, forfeiture of office, or
369 resignation, or any combination thereof, the Governor shall
370 appoint interim council members who shall call a special
371 election within not fewer than 30 days or more than 60 days

372 after such appointment. Such election shall be held in the same
373 manner as the initial elections under this charter. However, if
374 there are fewer than 6 months remaining in any unexpired terms,
375 the interim council appointed by the Governor shall serve out
376 the unexpired terms. Appointees must meet all requirements for
377 candidates as provided in this charter.

378 (e) Compensation and expenses.--

379 1. Town council members shall be entitled to receive
380 reimbursement in accordance with general law for authorized
381 travel and per diem expenses incurred in the performance of
382 their official duties.

383 2. The council members shall be compensated at the rate of
384 \$8,000 per year. The mayor shall be compensated at the rate of
385 \$10,000 per year. The town council, by not fewer than four
386 affirmative votes, may elect to provide for any adjustment in
387 such compensation by ordinance. However, no such ordinance
388 increasing compensation shall take effect until the date of
389 commencement of the terms of council members elected at the next
390 regular election which follows the adoption of such ordinance.

391

392 Section 4. Administrative.--

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

397 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
398 VACANCIES.--

399 (a) The charter officers shall be appointed by a majority
400 vote of the full council and shall serve at the pleasure of the
401 council.

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

406 (c) The compensation of the charter officers shall be fixed
407 by the town council through the approval of an acceptable
408 employment contract.

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

413 (e) A charter officer shall not be a member of the town
414 council or a candidate for town council while holding a charter
415 officer position.

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

418 (a) The town council shall appoint a town manager who shall
419 be the administrative head of the municipal government under the
420 direction and supervision of the town council. The
421 town manager shall hold office at the pleasure of the town
422 council. The town manager shall be appointed by resolution
423 approving an employment contract between the town and the town
424 manager. The town manager shall receive such compensation as
425 determined by the town council through the adoption of an
426 appropriate resolution.

427 (b) The town manager shall have the minimum qualifications
428 of a combination of a bachelor's degree in public
429 administration, business administration, or other related fields
430 from an accredited college or university and 3 years' public
431 administration experience or 6 years' experience in a city
432 manager or assistant city manager position, preferably in an

433 International City/County Management Association-recognized
434 local government.

435 (c) It is preferred that the town manager be an
436 International City/County Management Association-credentialed
437 manager or obtain such credential within 2 years after being
438 appointed.

439 (d) During the absence or disability of the town manager,
440 the town council may by resolution designate some properly
441 qualified person to temporarily execute the functions of the
442 town manager. The person thus designated shall have the same
443 powers and duties as the town manager and shall be known while
444 serving as acting town manager. The town manager or acting town
445 manager may be removed by the town council at any time.

446 (e) As the chief administrative officer, the town manager
447 shall:

448 1. Direct and supervise the administration of all
449 departments, offices, and agencies of the town, except the
450 office of town attorney, and except as otherwise provided by
451 this charter or by law.

452 2. Appoint, suspend, or remove any employee of the town or
453 appointive administrative officer provided for, by, or under
454 this charter, except the office of town attorney, and except as
455 may otherwise be provided by law, this charter, or personnel
456 rules adopted pursuant to the charter. The town manager may
457 authorize any administrative officer who is subject to his or
458 her direction and supervision to exercise these powers with
459 respect to subordinates in that officer's department, office, or
460 agency.

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

- 463 4. Prepare and submit the annual budget and capital program
464 to the council in the form prescribed by ordinance.
- 465 5. Attend meetings of the town council.
- 466 6. Draw and sign vouchers upon depositories as provided by
467 ordinance and keep, or cause to be kept, a true and accurate
468 account of same.
- 469 7. Sign all licenses issued by the town, issue receipts for
470 all moneys paid to the town, and deposit such moneys in the
471 proper depositories on the first banking day after receipt. The
472 town manager may delegate the responsibilities of this
473 subparagraph to an appropriate town employee who shall be
474 bonded.
- 475 8. Provide administrative services in support of the
476 official duties of the mayor and the council.
- 477 9. Keep the council advised as to the financial condition
478 and future needs of the town and make recommendations to the
479 council concerning the affairs of the town.
- 480 10. Submit to the council, and make available to the
481 public, a complete report on finances and administrative
482 activities of the town as of the end of each fiscal year.
- 483 11. Sign contracts on behalf of the town to the extent
484 authorized by ordinance.
- 485 12. Perform such other duties as are specified in this
486 charter or as may be required by the council.
- 487 (4) TOWN ATTORNEY.--
- 488 (a) The town attorney shall be employed under terms and
489 conditions deemed advisable by the town council, which may
490 include the appointment of a law firm.
- 491 (b) The town attorney shall be a member in good standing
492 with The Florida Bar, have been admitted to practice in the

493 state for at least 5 years, and have not less than 2 years'
494 experience in the practice of local government law.

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

498 (d) The town attorney shall perform the following functions
499 in addition to other functions as designated by the town
500 council:

501 1. Serve as chief legal advisor to the town council, the
502 charter officers, and all town departments, offices, and
503 agencies.

504 2. Attend all regular and special town council meetings,
505 unless excused by the town council, and perform such
506 professional duties as may be required by law or by the council
507 in furtherance of the law.

508 3. Approve all contracts, bonds, and other instruments in
509 which the town is concerned and shall endorse on each his or her
510 approval of the form and correctness thereof. No contract with
511 the town shall take effect until his or her approval is so
512 endorsed thereon.

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

516 5. Perform such other professional duties as required of
517 him or her by resolution of the council or as prescribed for
518 municipal attorneys in the general laws of the state which are
519 not inconsistent with this charter.

520 6. Prepare an annual budget for the operation of the office
521 of the town attorney and submit this budget to the town manager
522 for inclusion in the annual town budget, in accordance with
523 uniform town procedures.

524 (5) TOWN CLERK.--The town manager shall appoint a town
525 clerk or management firm to serve as town clerk (the "clerk").
526 The clerk shall give notice of council meetings to its members
527 and the public, keep minutes of its proceedings, and perform
528 such other duties as the council or town manager may prescribe
529 from time to time. The clerk shall report to the town manager.

530 (6) EXPENDITURE OF TOWN FUNDS.--No funds of the town shall
531 be expended except pursuant to duly approved appropriations or
532 for the payment of bonds, notes, or other indebtedness duly
533 authorized by the council and only from such funds so
534 authorized.

535 7) TOWN BOARDS AND AGENCIES.--Except as otherwise provided
536 by law, the council may establish or terminate such boards and
537 agencies as it may deem advisable from time to time. The boards
538 and agencies shall report to the council. Members of boards and
539 agencies shall be appointed by the council by resolution.

540 Section 5. Legislative.--

541 (1) REGULAR MEETINGS.--The council shall conduct regular
542 meetings at such times and places as the council shall prescribe
543 by resolution. Such meetings shall be public meetings within the
544 meaning of state law and shall be subject to notice and other
545 requirements of law applicable to public meetings.

546 (2) SPECIAL MEETINGS.--Special meetings may be held at the
547 call of the mayor or, in his or her absence, at the call of the
548 vice mayor. Special meetings may also be called upon the request
549 of a majority of the council members. Unless the meeting is of
550 an emergency nature, the person or persons calling such a
551 meeting shall provide not less than 72 hours' prior notice of
552 the meeting to the public.

553 (3) COMMENCEMENT.--All meetings shall be scheduled to
554 commence no earlier than 7 a.m. nor later than 10 p.m.

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

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

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

562 (7) LEGISLATIVE POWERS.--Except as otherwise prescribed
563 herein or as provided by law, the legislative powers of the town
564 shall be vested in the council. The council shall provide for
565 the exercise of its powers and for the performance of all duties
566 and obligations imposed on the town by law.

567 (8) DEPARTMENTS.--The council may establish such other
568 departments as it determines necessary for the efficient
569 administration and operation of the town. Such departments,
570 offices, or agencies shall be established by ordinance.

571 (9) CODE.--The council may adopt any standard code of
572 technical regulations by reference thereto in an adopting
573 ordinance and may amend the code in the adopting ordinance or
574 later amendatory ordinance. The procedures and requirements
575 governing such an adopting ordinance shall be as prescribed for
576 ordinances generally, except that:

577 (a) Requirements regarding distribution and filing of
578 copies of the ordinance shall not be construed to require
579 distribution and filing of copies of the adopted code of
580 technical regulations.

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

584 (10) EMERGENCY ORDINANCES.--

585 (a) To meet a public emergency affecting life, health,
586 property, or the public peace, the council may adopt, in the
587 manner provided by general law, one or more emergency
588 ordinances, but such ordinances may not enact or amend a land
589 use plan or rezone private property; levy taxes; grant, renew,
590 or extend any municipal franchise; set service or user charges
591 for any municipal services; or authorize the borrowing of money,
592 except as provided under the emergency appropriations provisions
593 of this charter, if applicable. An emergency ordinance shall be
594 introduced in the form and manner prescribed for ordinances
595 generally, except that it shall be plainly designated in a
596 preamble as an emergency ordinance and shall contain, after the
597 enacting clause, a declaration stating that an emergency exists
598 and describing it in clear and specific terms.

599 (b) Upon the affirmative vote of four council members, an
600 emergency ordinance may be adopted with or without amendment or
601 rejected at the meeting at which it is introduced. After its
602 adoption, the ordinance shall be advertised and printed as
603 prescribed for other ordinances.

604 (c) Emergency ordinances shall become effective upon
605 adoption or at such other date as may be specified in the
606 ordinance.

607 (d) Every emergency ordinance, except emergency
608 appropriation ordinances, shall automatically be repealed as of
609 the 61st day following its effective date, but this shall not
610 prevent reenactment of the ordinance under regular procedures
611 or, if the emergency still exists, in the manner specified in
612 this section. An emergency ordinance may also be repealed by
613 adoption of a repealing ordinance in the same manner specified
614 in this section for adoption of emergency ordinances.

615 (11) EMERGENCY APPROPRIATIONS.--To meet a public emergency
616 affecting life, health, property, or the public peace, the
617 council, by resolution, may make emergency appropriations. To
618 the extent that there are no unappropriated revenues to meet
619 such appropriation, the council may by such emergency resolution
620 authorize the issuance of emergency notes, which may be renewed
621 from time to time, but the emergency notes and renewals in any
622 fiscal year shall be paid not later than the last day of the
623 fiscal year succeeding that in which the emergency
624 appropriations were made.

625 (12) RECORDKEEPING.--The council shall, in a properly
626 indexed book kept for the purpose, provide for the
627 authentication and recording in full of all minutes of meetings
628 and all ordinances and resolutions adopted by the council, and
629 the same shall at all times be a public record. The council
630 shall further maintain a current codification of all ordinances.
631 Such codification shall be printed and shall be made available
632 for distribution to the public on a continuing basis. All
633 ordinances or resolutions of the council shall be signed by all
634 council members and attested to by the town clerk.

635 (13) DUAL OFFICE HOLDING.--No present elected town official
636 shall hold any compensated appointive office or employment of
637 the town while in office, nor shall any former council member be
638 employed by the town until after the expiration of 1 year from
639 the time of leaving office.

640 (14) NONINTERFERENCE BY TOWN COUNCIL.--Except for the
641 purposes of inquiry and information, council members are
642 expressly prohibited from interfering with the performance of
643 the duties of any employee of the town government who is under
644 the direct or indirect supervision of the town manager or town
645 attorney. Such action shall be malfeasance within the meaning of

646 section 112.51, Florida Statutes. Recommendations for
647 improvements in the town government operations shall come
648 through the town manager, but each member of the council shall
649 be free to discuss or recommend improvements to the town
650 manager, and the council is free to direct the town manager to
651 implement specific recommendations for improvement in town
652 government operations.

653 Section 6. Budget and appropriations.--

654 (1) FISCAL YEAR.--The town shall have a fiscal year which
655 shall begin on the first day of October and shall end on the
656 last day of September of the following calendar year, unless
657 otherwise defined by general law. Such fiscal year shall also
658 constitute the annual budget and accounting year.

659 (2) BUDGET ADOPTION.--The council shall adopt a budget in
660 accordance with applicable general law, following a minimum of
661 two public hearings on the proposed budget. A resolution
662 adopting the annual budget shall constitute appropriation of the
663 amounts specified therein as expenditures from funds indicated.

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

666 (4) APPROPRIATIONS.--

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

671 (b) If, at any time during the fiscal year, it appears
672 probable to the town manager that the revenues available will be
673 insufficient to meet the amount appropriated, the town manager
674 shall report to the council without delay, indicating the
675 estimated amount of the deficit, any remedial action taken, and
676 recommendations as to any other steps that should be taken. The

677 council shall then take such further action as it deems
678 necessary to prevent or minimize any deficit and, for that
679 purpose, the council may by resolution reduce one or more
680 appropriations accordingly.

681 (c) No appropriation for debt service may be reduced or
682 transferred, and no appropriation may be reduced below any
683 amount required by law to be appropriated, or by more than the
684 unencumbered balance thereof. Other provisions of law to the
685 contrary notwithstanding, the supplemental and emergency
686 appropriations and reduction or transfer of appropriations
687 authorized by this section may be made effective immediately
688 upon adoption.

689 (5) BONDS; INDEBTEDNESS.--

690 (a) Subject to the referendum requirements of the State
691 Constitution, if applicable, the town may from time to time
692 borrow money and issue bonds or other obligations or evidence of
693 indebtedness (collectively, "bonds") of any type or character
694 for any of the purposes for which the town is now or hereafter
695 authorized by law to borrow money, including to finance the cost
696 of any capital or other project and to refund any and all
697 previous issues of bonds at or prior to maturity. Such bonds may
698 be issued pursuant to one or more resolutions adopted by a
699 majority of the council.

700 (b) The town may assume all outstanding indebtedness
701 related to facilities it acquires from other units of local
702 government and be liable for payment thereon in accordance with
703 its terms.

704 (6) REVENUE BONDS; LEASE-PURCHASE CONTRACTS.—Unless
705 authorized by the electors of the town at a duly held referendum
706 election, the council shall not authorize or allow to be
707 authorized the issuance of revenue bonds or enter into lease

708 purchase contracts or any other unfunded multiyear contracts for
709 the purchase of real property or the construction of any capital
710 improvement, the repayment of which extends in excess of 36
711 months, unless mandated by state or federal governing agencies.

712 (7) ANNUAL AUDIT.--The council shall provide for an
713 independent annual financial audit of all town accounts and may
714 provide for more frequent audits as it deems necessary. Such
715 audits shall be made by a certified public accountant or a firm
716 of such accountants who have no personal interest, direct or
717 indirect, in the fiscal affairs of the town government or in any
718 of its officers. Residency in the town shall not be construed as
719 a prohibited interest.

720
721 Section 7. Elections.--

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

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

728 (3) ELECTION DATES.--A special election shall be held on
729 the second Tuesday in March 2009, and regular elections shall be
730 held on the second Tuesday in March of each election year,
731 provided as follows:

732 (a) For the two council member seats that received the
733 highest number of votes in the March 2009 election, the next
734 election to fill the council member seats shall be held on the
735 second Tuesday in March after the first Monday in March in 2012,
736 and every 3 years thereafter.

737 (b) For the two council member seats that received the next
738 highest number of votes in the March 2007 election, the next

739 election to fill the council member seats shall be held on the
740 second Tuesday in March after the first Monday in March in 2011,
741 and every 3 years thereafter.

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

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

747 (4) RUNOFF ELECTIONS.--In the event no candidate for an
748 office receives a majority of the votes cast for such office,
749 the person receiving the largest number of votes cast will be
750 elected. In the event two candidates receive an equal number of
751 votes, a runoff election shall be held on the fourth Tuesday in
752 March.

753 (5) TOWN CANVASSING BOARD.--The town canvassing board shall
754 be composed of those members of the town council who are not
755 candidates for reelection and the town clerk, who shall act as
756 chair. At the close of the polls of any town election, or as
757 soon thereafter as practicable, the canvassing board shall meet
758 at a time and place designated by the chair and shall proceed to
759 publicly canvass the vote as shown by the returns then on file
760 in the office of the town clerk, and then shall publicly canvass
761 the absentee elector ballots. The canvassing board shall prepare
762 and sign a certificate containing the total number of votes cast
763 for each candidate or other measure voted upon. The certificate
764 shall be placed on file with the town clerk.

765 (6) SPECIAL ELECTIONS.--Special municipal elections, when
766 required, shall be held in the same manner as regular elections,
767 except that the town council, by ordinance, shall fix the time
768 for holding such elections consistent with this charter and
769 state law.

770 (7) GENERAL ELECTION.--

771 (a) The ballot for the general election shall contain the
772 names of all qualified candidates for each respective council
773 member seat and shall instruct electors to cast one vote for
774 each council member seat, with a maximum of one vote per
775 candidate. The candidate for each council member seat receiving
776 the most votes shall be the duly elected council member for that
777 designated council member seat.

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

781 (c) If more than one candidate for a designated council
782 member seat receive an equal and highest number of votes, the
783 candidates for the office receiving the highest vote in the
784 general election shall run again in the runoff election.

785 (d) The candidate receiving the highest number of votes
786 cast for the designated council member seat in the runoff
787 election shall be elected to the designated council member seat.
788 If the vote at the runoff election results in a tie, the outcome
789 shall be determined by lot.

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

792 (f) All elected officers, before entering upon their
793 duties, shall take and subscribe to the following oath of
794 office:

795
796 "I do solemnly swear (or affirm) that I will support,
797 protect, and defend the Constitution and Government of the
798 United States and of the state, and the charter of the Town
799 of Palm Harbor; that I am duly qualified to hold office
800 under the Constitution of the State and the charter of the

801 Town of Palm Harbor; and that I will well and faithfully
802 perform the duties of council member upon which I am now
803 about to enter."

804
805 (g) The election laws of the state shall apply to all
806 elections.

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

810
811 Section 8. General provisions.--

812 (1) SEVERABILITY.--If any section or part of any section of
813 this charter shall be held invalid by a court of competent
814 jurisdiction, such holding shall not affect the remainder of
815 this charter or the context in which such section or part of a
816 section so held invalid may appear, except to the extent that an
817 entire section or part of a section may be inseparably connected
818 in meaning and effect with the section or part of a section to
819 which such holding shall directly apply.

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

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

827 (4) VARIATION OF PRONOUNS.--All pronouns and any variations
828 thereof used in this charter shall be deemed to refer to
829 masculine, feminine, neutral, singular, or plural as the
830 identity of the person or persons shall require and are not

831 intended to describe, interpret, define, or limit the scope,
832 extent, or intent of this charter.

833 (5) CALENDAR DAY.--For the purpose of this charter, a day
834 shall mean a calendar day.

835 (6) CHARTER REVIEW COMMITTEE.--

836 (a) At its first regular meeting in March 2014, and every
837 10th year thereafter, the town council may appoint a charter
838 review committee consisting of 15 individuals who are not
839 members of the town council to serve in an advisory capacity to
840 the town council.

841 (b) Each council member shall recommend and nominate three
842 individuals to serve on the committee as regular members, which
843 appointments shall be approved by a majority vote of the town
844 council. Individuals appointed to the charter review committee
845 shall be citizens of the town.

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

848 (d) The town clerk and the town attorney shall advise the
849 town council in advance of the date when such appointments may
850 be made.

851 (e) If appointed, the charter review committee shall
852 commence its proceedings within 30 days after the committee is
853 appointed by the town council. The committee shall review the
854 charter and provide input to the town council to modernize and
855 improve the charter. The public shall be given an opportunity to
856 speak and participate at charter review committee meetings in
857 accordance with the rules of the charter review committee.

858 (f) All recommendations by the charter review committee
859 shall be forwarded to the town council in ordinance form for
860 consideration no later than the 1st day of March of the year
861 following the appointment of the charter review committee, and

862 in sufficient time for any recommendations to be considered by
863 the town council as provided herein.

864 (g) The town council shall consider the recommendations of
865 the charter review committee at the regular meeting in November
866 and the regular meeting in December of the year following
867 appointment of the charter review committee.

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

873 (8) INITIATION BY PETITION.--The electors of the town may
874 propose amendments to this charter by petition to be submitted
875 to the council to be placed before the electors, as provided by
876 general law.

877 (9) STANDARDS OF CONDUCT.--All elected officials and
878 employees of the town shall be subject to the standards of
879 conduct for public officers and employees set by general law. In
880 addition, the town council shall, no later than 6 months from
881 the effective date of incorporation, establish by ordinance a
882 code of ethics for officials and employees of the town which may
883 be supplemental to general law, but in no case may such an
884 ordinance diminish the provisions of general law. The intent of
885 this subsection is to require more stringent standards than
886 those provided under general law.

887 (10) LAND USE, REZONING.--Any change to the town's future
888 land use map, or any change to the zoning designation for any
889 parcel within the town shall require the affirmative vote of no
890 fewer than four members of the town council.

891
892 Section 9. Transition schedule.--

893 (1) REFERENDUM.--The Pinellas County Commission shall hold
894 the referendum election called for by this act on November 4,
895 2008, at which time the following question shall be placed upon
896 the ballot:

897

898 Palm Harbor Community:

899

900 "Shall the creation of the Town of Palm Harbor and its
901 charter be approved?"

902

903 Yes

904

905 No

906

907 Crystal Beach and Ozona Communities:

908

909 "Shall the community of [insert one of the above
910 communities] join in the creation of the Town of Palm
911 Harbor and its charter be approved?"

912

913 Yes

914

915 No

916

917 East Lake Community:

918

919 "Shall the community of East Lake join in the creation of
920 the Town of Palm Harbor and its charter be approved?"

921

922 Yes

923

924 No

925

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

927 (a) Following the adoption of this charter, the Pinellas
928 County Commission shall call a special election for the election
929 of the five town council members to be held on March 10, 2009.
930 Candidates for the election shall qualify for seat 1, seat 2,
931 seat 3, seat 4, and seat 5. The candidate receiving the highest
932 number of votes for that seat shall be elected. If more than one
933 candidate for a designated council member seat receives an equal
934 and highest number of votes, then the candidates receiving the
935 highest votes in the general election shall run again in the
936 runoff election which shall be held on March 24, 2009.

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

941 (c) The Pinellas County Commission shall appoint a
942 canvassing board which shall certify the results of the
943 election.

944 (d) Those candidates who are elected on March 10, 2009, and
945 March 24, 2009, shall take office at the initial town council
946 meeting, which shall be held at 7 p.m. on March 26,
947 2009.

948 (3) CREATION AND ESTABLISHMENT OF THE TOWN.--For the
949 purpose of compliance with section 200.066, Florida Statutes,
950 relating to assessment and collection of ad valorem taxes, the
951 town is hereby created and established effective December 1,
952 2008; notwithstanding anything to the contrary contained herein,
953 the town, although created and established as of December 1,
954 2008, shall not be operational until March 27, 2009.

955 (4) FIRST YEAR EXPENSES.--The town council, in order to
956 provide moneys for the expenses and support of the town, shall
957 have the power to borrow money necessary for the operation of
958 town government until such time as a budget is adopted and
959 revenues are raised in accordance with the provisions of this
960 charter.

961 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All applicable
962 county ordinances currently in place at the time of passage of
963 the referendum, unless specifically referenced herein, shall
964 remain in place until and unless rescinded by action of the town
965 council.

966 (6) TEMPORARY EMERGENCY ORDINANCES.--The town council shall
967 adopt ordinances and resolutions required to effect the
968 transition. Ordinances adopted within 60 days after the first
969 council meeting may be passed as emergency ordinances. These
970 transitional ordinances, passed as emergency ordinances, shall
971 be effective for no longer than 90 days after adoption and
972 thereafter may be readopted, renewed, or otherwise continued
973 only in the manner normally prescribed for ordinances.

974 (7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
975 REGULATIONS.--

976 (a) Until such time as the town adopts a comprehensive
977 plan, the Pinellas County Future Land Use Map, the Pinellas
978 County Zoning Map, and all other applicable provisions
979 applicable to the town, of the Comprehensive Plan and Land
980 Development Regulations of Pinellas County, as the same exist on
981 the day the town commences corporate existence, shall remain in
982 effect as the town's transitional comprehensive plan and land
983 development regulations. However, all planning functions,
984 duties, and authority shall thereafter be vested in the Town
985 Council of Palm Harbor which shall also be deemed the local

986 planning agency until the council establishes a separate local
987 planning agency.

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

994 (8) COMMUNICATIONS SERVICES TAX.--The communications
995 services tax imposed under s. 202.19, F.S., by Pinellas County
996 will continue within the town boundaries during the period
997 commencing with the date of incorporation through December 31,
998 2009. Revenues from the tax shall be shared by Pinellas County
999 with the town in proportion to the projected town population
1000 estimate of the Pinellas County Planning Division compared with
1001 the unincorporated population of Pinellas County before the
1002 incorporation of Palm Harbor.

1003 (9) STATE SHARED REVENUES.--The Town of Palm Harbor shall
1004 be entitled to participate in all shared revenue programs of the
1005 state available to municipalities effective April 1, 2009. The
1006 provisions of section 218.23(1), Florida Statutes, shall be
1007 waived for the purpose of eligibility to receive revenue sharing
1008 funds from the date of incorporation through the state fiscal
1009 year 2011-2012. Initial population estimates for calculating
1010 eligibility for shared revenues shall be determined by the
1011 University of Florida Bureau of Economic and Business Research.
1012 Should the bureau be unable to provide an appropriate population
1013 estimate, the Pinellas County Planning Division estimate should
1014 be utilized. For the purposes of qualifying for revenue sharing,
1015 the following revenue sources shall be considered: municipal

1016 service taxing units, fire municipal service taxing units, ad
1017 valorem taxes, communications services tax, and franchise fees.

1018 (10) GAS TAX REVENUES.---Notwithstanding the requirements
1019 of section 336.025, Florida Statutes, to the contrary, the town
1020 shall be entitled to receive local option gas tax revenues
1021 beginning October 1, 2009. These revenues shall be distributed
1022 in accordance with the interlocal agreements with Pinellas
1023 County.

1024 (11) WAIVER.--The provisions of section 218.23(1), Florida
1025 Statutes, shall be waived for the purpose of conducting audits
1026 and financial reporting through fiscal year 2009-2010.

1027
1028 Section 10. Continuation, merger, and dissolution of
1029 existing districts and service providers.--

1030 (1) PALM HARBOR SPECIAL FIRE CONTROL AND RESCUE DISTRICT;
1031 CONTINUATION.-- Notwithstanding the incorporation of the Town of
1032 Palm Harbor, that portion of the Palm Harbor Special Fire
1033 Control and Rescue District, a special taxing district created
1034 by a special act of the Legislature that lies within the
1035 boundaries of the Town of Palm Harbor, is authorized to continue
1036 in existence until the town adopts an ordinance to the contrary.
1037 However, the town shall not establish a town fire department
1038 without a referendum.

1039 (2) PALM HARBOR COMMUNITY SERVICES DISTRICT; CONTINUATION.--
1040 Notwithstanding the incorporation of the Town of Palm Harbor,
1041 that portion of the Palm Harbor Community Services District, a
1042 municipal services taxing unit, created in 1985 per Pinellas
1043 County Ordinance 85-28 to provide library and recreation
1044 services to the residents of the Palm Harbor, that lies within
1045 the boundaries of the Town of Palm Harbor, is authorized to
1046 continue in existence until the town adopts an ordinance to the

1047 contrary. However, the Palm Harbor Community Services Agency
1048 shall not be abolished without a referendum.

1049 (3) EAST LAKE TARPON SPECIAL FIRE CONTROL AND RESCUE
1050 DISTRICT; CONTINUATION.-- Notwithstanding the incorporation of
1051 the Town of Palm Harbor, that portion of the East Lake Special
1052 Fire Control and Rescue District, a special taxing district
1053 created by a special act of the Legislature that lies within the
1054 boundaries of the Town of Palm Harbor, is authorized to continue
1055 in existence until the town adopts an ordinance to the contrary.
1056 However, the town shall not establish a town fire department
1057 without a referendum.

1058 (4) PINELLAS COUNTY LIBRARY DISTRICT;CONTINUATION OF
1059 COMMUNITY SERVICES.--Notwithstanding the incorporation of the
1060 Town of Palm Harbor, that portion of the Pinellas County Library
1061 District, a dependent district of Pinellas County created by
1062 chapter _____, Laws of Florida, that lies within the
1063 boundaries of the Town of Palm Harbor, is authorized but not
1064 required to continue in existence, provided that in order to be
1065 excluded from the county library district the town shall
1066 establish a separate Community Services Overlay District of
1067 equal millage to provide library and recreation services to the
1068 residents.

1069 (5) LAW ENFORCEMENT.--Law enforcement services will be
1070 provided by contract with the Pinellas County Sheriff's Office,
1071 or contracted with other law enforcement agencies, until the
1072 town adopts an ordinance to the contrary, provided that the town
1073 shall not establish a town police department without a
1074 referendum.

1075

1076 Section 11. This act shall only take effect upon approval
1077 by a majority of those qualified electors residing within the
1078 proposed corporate limits of the proposed Town of Palm Harbor as
1079 described in section 1, voting in a referendum election to be
1080 called by the Board of County Commissioners of Pinellas County
1081 and to be held on November 4, 2008, in accordance with the
1082 provisions relating to elections currently in force, except that
1083 section 10(1) and this section shall take effect upon this act
1084 becoming a law.