

## CHAPTER 2015-182

### Committee Substitute for House Bill No. 593

An act relating to Wakulla County; creating the City of Panacea; providing a charter; providing legislative intent; providing a council-manager form of government; providing boundaries; providing municipal powers; providing for a city council, mayor, and vice mayor; providing for membership, qualifications, terms, powers, duties, circumstances resulting in vacancy in office, grounds for forfeiture and suspension, filling of vacancies, and compensation and expenses of council members and the mayor and vice mayor; providing for appointment of charter officers, including a city manager, city attorney, and city clerk; providing for removal, compensation, filling of vacancies, qualifications, powers, and duties of charter officers; providing for the expenditure of city funds; providing for city council meetings and specifying requirements relating thereto; providing for adoption, distribution, and recording of technical codes; providing for emergency ordinances and appropriations; providing for recordkeeping; prohibiting dual office holding; prohibiting certain interference with city employees; establishing the fiscal year; providing for adoption of an annual budget and appropriations; providing for supplemental, reduction in, and transfer of appropriations; providing for limitations; providing for an annual financial audit; providing for nonpartisan elections and matters relating thereto; providing for recall; providing for charter amendments; providing for standards of conduct in office; providing for severability; providing for a city personnel system; prohibiting charitable contributions unless authorized by the council; providing for land use changes; providing the city a transitional schedule and procedures for its first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, a comprehensive plan, and local development regulations; providing for sharing of revenues from the communications services tax; providing for accelerated entitlement to state-shared revenues; providing for receipt and distribution of gas tax revenues; providing for continuation of the Wakulla County Fire Rescue Municipal Service Taxing Unit; providing for law enforcement; providing for waivers; requiring a referendum; providing an effective date.

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

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

(1) CHARTER; CREATION.—

(a) This act, together with any future amendments thereto, may be known as the “Charter of the City of Panacea” (the “charter”), and the City of Panacea (the “city”) is created.

(b) The Panacea area in Wakulla County includes a compact and contiguous coastal community of approximately 850 persons who seek to

preserve their coastal community and environment. The residents within the proposed city seek to control the future development of the area and preserve the historic coastal community.

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

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

(2) FORM OF GOVERNMENT.—The city shall have a council-manager form of government.

(3) CORPORATE BOUNDARIES.—The corporate boundaries of the city shall be as described as follows:

Begin at the Northwest corner of the Northeast Quarter of Section 23, Township 5 South, Range 2 West, also being the Northwest corner of Lot 42, Block "A", Twin Lakes Estates Unit No. 1, a subdivision as per map or plat thereof recorded in Plat Book 2, Page 16, of the Public Records of Wakulla County, Florida, and thence run Easterly along the North line of said Section 23 to the Northeast corner of said Section 23 (also being the Northeast corner of Lot 26, Block "A", of said Twin Lakes Estates Unit No. 1 and the Southeast corner of Section 14, Township 5 South, Range 2 West), thence run East along the North boundary of said Section 24 to the Westerly right-of-way boundary of Coastal Highway (U.S. Highway No. 98), thence run Northerly along the Westerly right-of-way boundary of said Coastal Highway to a distance 0.5 miles North thence following the Easterly right-of-way boundary of said Coastal Highway South to the intersection with the Northerly right-of-way boundary of Bottoms Road and the South boundary of the St. Marks National Wildlife Refuge being in Section 13, Township 5 South, Range 2 West, thence run Easterly and Southeasterly said Northerly right-of-way boundary and along said South boundary of said St. Marks National Wildlife Refuge to a point on the East boundary line of said Section 13, Township 5 South, Range 2 West (also the West boundary line of Range 1 West in an unnumbered lot in the Hartsfield Survey of Lands in Wakulla County, Florida) also being the Southwest corner of the property described in Official Records Book 829, Page 235 of said County, thence run North along said Section line and along the West boundary of said property described in Official Records Book 829, Page 235 to the Northwest corner of said property and also on the boundary of said St. Marks National Wildlife Refuge lying in said Range 1 West of an unnumbered lot, thence run Southeasterly along the boundary of said Refuge to a point marking the Southeast corner (also the most Easterly corner) of property described in Official Records Book 265, Page 284, of

the Public Records of said County, thence continue Southeasterly along said line to a point lying on the Southerly right-of-way boundary of said Bottoms Road, thence run Southeasterly along said Southerly right-of-way boundary to the Northeast corner of the property described in Official Records Book 434, Page 351 of the Public Records of Wakulla County, Florida, thence run Southwesterly along the Southeasterly boundary of said property described in Official Records Book 434, Page 351 to the approximate mean high water line of Dickerson Bay, thence run Southeasterly along said mean high water line to the Northern boundary of the inlet to Dickerson Bay thence crossing the inlet to the Southern boundary and running Southwesterly along said mean high water line to the Southeast corner of Section 36, Township 5 South, Range 2 West, thence run West along the South boundary of Township 5 South to the Southeast corner of the said St. Marks National Wildlife Refuge lying in Section 35, Township 5 South, Range 2 West, thence run North along the East boundary of said Refuge to the Northeast corner of said Refuge lying in Section 26, Township 5 South, Range 2 West (also on the South boundary of Panacea Park, a subdivision as per map or plat thereof recorded in said county), thence run West along the North boundary of said Refuge to the intersection with the East boundary of said Refuge being in Section 23, Township 5 South, Range 2 West (also being the Southwest corner of said Panacea Park), thence run North along the East boundary of said Refuge to the POINT OF BEGINNING containing 2743 acres, more or less.

The city shall have the power to change its boundaries as authorized by general law.

(4) MUNICIPAL POWERS.—The city shall be a body corporate and politic and shall have all available governmental, corporate, and proprietary powers of a municipality under the State Constitution and laws of the state, as fully and completely as though such powers were specifically enumerated in this charter, and may exercise such powers, except when prohibited by law. Through the adoption of this charter, it is the intent of the electors of the city that the municipal government established by this charter have the broadest exercise of home rule powers permitted under the State Constitution and laws of the state. This charter and the powers of the city shall be construed liberally in favor of the city. It is recognized that certain services within the municipal boundaries are provided by independent special districts created by special acts of the Legislature and by Wakulla County.

Section 2. Council; mayor and vice mayor.—

(1) CITY COUNCIL.—There shall be a five-member city council (“council”) vested with all legislative powers of the city, consisting of five members (“council members”), each elected from and representing the city at large. Unless otherwise stated in this charter, all charter powers shall be exercised by the council.

(2) THE MAYOR; POWERS AND DUTIES.—

(a) The council, at its first regular meeting after each election, shall elect from its members a mayor who shall serve for a period of 2 years and who shall have the same legislative powers and duties as any other council member, except as provided in this charter.

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

(3) THE VICE MAYOR.—

(a) The council, at its first regular meeting after each election, shall elect from its members a vice mayor who shall serve for a period of 2 years and who shall have the same legislative powers and duties while serving as any other council member.

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

Section 3. Election and terms of office.—

(1) TERM OF OFFICE.—Except as detailed in subsection (3) of section 7 for the initial election, each council member shall be elected at large for a 4-year term by the electors of the city in the manner provided in section 9. Except for the initial election, council members shall be sworn into office at the first regularly scheduled meeting after the fourth Tuesday of November after the election. Each council member shall remain in office until his or her successor is elected and assumes the duties of the position.

(2) SEATS.—The city council shall be divided into five separate council seats to be designated as seats 1, 2, 3, 4, and 5, to be voted on citywide, with each qualified elector entitled to vote for one candidate for each seat.

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

(a) Filing.—Each candidate for council member shall file a written notice of candidacy with the city clerk at such time and in such manner as may be prescribed by this charter, and shall make payment to the city of qualifying fees that may be required by general law.

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

(c) Residency.—Each candidate for council member shall have maintained his or her domicile within the boundaries of the city for a period of 1 year before qualifying for election and, if elected, shall maintain such residency throughout his or her term of office.

(d) Deadline.—A resident of the city who wishes to become a candidate for a council member seat shall qualify with the city clerk no sooner than July 2, nor later than July 12, of the year in which the election is to be held.

(4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING OF VACANCIES.—

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

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

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

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

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

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

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

The council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a council member's office, including whether good cause for absence has been or may be established. The burden of establishing good cause shall be on the council member in question; however, a council member may at any time during a duly held meeting move to establish good cause for his or her absence or the absence of any other council member from a past, present, or future meeting or meetings, which motion, if carried, shall be conclusive. A council member

whose qualifications are in question or who is otherwise subject to forfeiture of his or her office shall not vote on such matters. The council member in question shall be entitled to a public hearing on request regarding an alleged forfeiture of office. If a public hearing is requested, notice of the hearing shall be published in one or more newspapers of general circulation in the city at least 1 week before the hearing. A final determination by the council that a council member has forfeited his or her office shall be made by resolution. All votes and other acts of the council member in question before the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

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

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

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

(d) Filling of vacancies.—

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

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

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

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

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

6. In the event that all of the council members are removed by death, disability, recall, forfeiture of office, or resignation, the Governor shall appoint interim council members who shall call a special election at least 30 days, but no more than 60 days, after such appointment. Such election shall be held in the same manner as the initial elections under this charter. However, if there are fewer than 6 months remaining in any unexpired terms, the interim council appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates as provided in this charter.

(e) Compensation and expenses.—

1. City council members shall be entitled to receive reimbursement in accordance with general law for authorized travel and per diem expenses incurred in the performance of their official duties if such policy is approved by the city council as an ordinance.

2. The city council, by at least four affirmative votes, may elect to provide for compensation and any increase in such compensation by ordinance. However, no such ordinance increasing compensation shall take effect until the date of commencement of the terms of council members elected at the next regular election after the adoption of such ordinance.

Section 4. Administrative.—

(1) DESIGNATION OF CHARTER OFFICERS.—The city manager and the city attorney are designated as charter officers, except that the office of city attorney may be contracted to an attorney or law firm.

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

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

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

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

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

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

(3) CITY MANAGER.—The city manager shall be the chief administrative officer of the city. The city manager may also serve as the city clerk.

(a) The city council shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city council. The city manager shall hold office at the pleasure of the city council. The city manager shall be appointed by resolution approving an employment contract between the city and the city manager. The city manager shall receive such compensation as determined by the city council through the adoption of an appropriate resolution.

(b) During the absence or disability of the city manager, the city council may by resolution designate a properly qualified person to temporarily execute the functions of the city manager. The person thus designated shall have the same powers and duties as the city manager and shall be known while serving as acting city manager. The city manager or acting city manager may be removed by the city council at any time.

(c) As the chief administrative officer, the city manager shall:

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

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

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

4. Prepare and submit the annual budget and capital improvement plan to the council in the form prescribed by ordinance. The council shall consider the recommended budget and accept or modify the proposed budget. The city manager shall be responsible for implementing the budget as approved by the council.

5. Attend meetings of the city council.



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

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

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

9. Keep the council advised as to the financial condition and future needs of the city and make recommendations to the council concerning the affairs of the city.

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

11. Sign contracts on behalf of the city to the extent authorized by ordinance.

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

(4) CITY ATTORNEY.—

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

(b) The city attorney shall be a member in good standing with The Florida Bar, have been admitted to practice in the state for at least 5 years, and have at least 2 years' experience in the practice of local government or administrative law.

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

(d) The city attorney shall perform the following functions in addition to other functions as designated by the city council:

1. Serve as chief legal advisor to the council, the charter officers, and all city departments, offices, and agencies.

2. Attend all regular and special city council meetings, unless excused by the city council, and perform such professional duties as may be required by general law or by the council in furtherance of the law.

3. Approve all contracts, bonds, and other instruments in which the city is concerned and endorse on each his or her approval of the form and correctness thereof. No contract with the city shall take effect until his or her approval is endorsed on the contract.

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

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

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

(5) CITY CLERK.—The city manager may appoint a city clerk or management firm to serve as city clerk (the “clerk”) or may assume the role of city clerk. The clerk shall give notice of council meetings to its members and the public, keep minutes of its proceedings, and perform such other duties as the council or city manager may prescribe from time to time. The clerk shall report to the city manager or the council, as directed by the council.

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

(7) CITY BOARDS AND AGENCIES.—Except as otherwise provided by law, the council may establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the council. Members of boards and agencies shall be appointed by the council by resolution. The council shall appoint at least three members to any board or agency it creates.

Section 5. Legislative.—

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

(2) SPECIAL MEETINGS.—Special meetings may be held at the call of the mayor or, in his or her absence, at the call of the vice mayor. Special meetings may also be called upon the request of a majority of the council members. Unless the meeting is of an emergency nature, the person or persons calling such a meeting shall provide at least 72 hours’ notice of the meeting to the public.

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

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

(5) QUORUM.—A majority of the full council shall constitute a quorum.

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

(7) LEGISLATIVE POWERS.—Except as otherwise prescribed by this charter or as provided by law, the legislative powers of the city shall be vested in the council. The council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the city by law.

(8) DEPARTMENTS.—The council may establish such other departments as it determines necessary for the efficient administration and operation of the city. Such departments shall be established by ordinance.

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

(a) Requirements regarding distributing and filing copies of the ordinance shall not be construed to require distributing and filing copies of the adopted code of technical regulations.

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

(10) EMERGENCY ORDINANCES.—

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

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

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

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

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

(12) RECORDKEEPING.—The council shall, in a properly indexed book kept for such purpose, provide for the authentication and recording in full of all minutes of meetings and all ordinances and resolutions adopted by the council, and the same shall at all times be a public record. The council shall further maintain a current codification of all ordinances. Such codification shall be printed and shall be made available for distribution to the public on a continuing basis. All ordinances or resolutions of the council shall be signed by all council members and attested to by the city clerk.

(13) DUAL OFFICE HOLDING.—No presently elected city official shall hold any compensated appointed office or be employed by the city while in office, nor shall any former council member be employed by the city until 1 year after leaving office.

(14) NONINTERFERENCE BY CITY COUNCIL.—Except for the purposes of inquiry and information, council members are expressly prohibited from interfering with the performance of the duties of an employee of the city government who is under the direct or indirect supervision of the city manager or city attorney. Such action shall be malfeasance within the meaning of s. 112.51, Florida Statutes. Recommendations for improvements in the city government operations shall come through the city manager, but each member of the council shall be free to discuss or recommend improvements to the city manager, and the council is free to direct the

city manager to implement specific recommendations for improvement in city government operations.

Section 6. Budget and appropriations.—

(1) FISCAL YEAR.—The city’s fiscal year shall begin on the first day of October and shall end on the last day of September of the next calendar year, unless otherwise defined by general law. Such fiscal year shall also constitute the annual budget and accounting year.

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

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

(4) APPROPRIATIONS.—

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

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

(c) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the unencumbered balance thereof. Notwithstanding any other provision of law, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(5) BONDS; INDEBTEDNESS.—

(a) Subject to the referendum requirements of the State Constitution, if applicable, the city may from time to time borrow money and issue bonds or other obligations or evidence of indebtedness (collectively, “bonds”) of any type or character for any of the purposes for which the city is now or hereafter authorized by law to borrow money, including to finance the cost of any capital or other project and to refund any and all previous issues of bonds at

or before maturity. Such bonds may be issued pursuant to one or more resolutions adopted by a majority of the council.

(b) The city may assume all outstanding indebtedness related to facilities that it acquires from other units of local government and be liable for payment of such indebtedness in accordance with its terms.

(6) REVENUE BONDS.—Revenue bonds may be issued by the city as authorized by law.

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

Section 7. Elections.—

(1) ELECTORS.—A person who is a resident of the city, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the city.

(2) NONPARTISAN ELECTIONS.—All elections for the city council members shall be conducted on a nonpartisan basis without any designation of political party affiliation.

(3) ELECTION DATES.—An initial special election shall be held on August 18, 2015, and after the initial special election, regular elections shall be held on the second Tuesday in November of each even-numbered election year, provided as follows:

(a) The initial special election held on August 18, 2015, shall fill all five seats. Council members elected to seats 1, 3, and 5 shall initially serve the remainder of 2-year terms and council members elected to seats 2 and 4 shall initially serve the remainder of 4-year terms.

(b) After the initial special election, seats 1, 3, and 5 shall next be filled in November 2016 and council members elected to those seats shall serve 4-year terms, and those seats shall be filled by election every 4 years thereafter.

(c) Seats 2 and 4 shall be filled in November 2018 and council members elected to those seats shall serve 4-year terms, and those seats shall be filled by election every 4 years thereafter.

(d) Such city elections shall be general city elections.

(4) ELECTIONS.—In the event no candidate for an office receives a majority of the votes cast for such office, the person receiving the largest number of votes cast shall be elected. In the event two candidates receive an

equal number of votes, a coin toss shall be used to break the tie and determine the winner.

(5) CITY CANVASSING BOARD.—The city canvassing board shall be composed of those members of the city council who are not candidates for reelection and the city clerk, who shall act as chair. At the close of the polls of a city election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chair and shall proceed to publicly canvass the vote as shown by the returns then on file in the office of the city clerk, and then shall publicly canvass the absentee elector ballots. The canvassing board shall prepare and sign a certificate containing the total number of votes cast for each candidate or other measure voted upon. The certificate shall be placed on file with the city clerk.

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

(7) GENERAL ELECTION.—

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

(b) No election for a council member seat shall be required in an election if there is only one duly qualified candidate for the council member seat.

(c) If more than one candidate for a designated council member seat receives an equal and highest number of votes, the candidates for the office receiving the highest vote in the general election shall determine the winner by coin toss.

(d) The candidate receiving the highest number of votes cast for the designated council member seat in the runoff election shall be elected to the designated council member seat.

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

(f) All elected officers, before entering upon their duties, shall take and subscribe to the following oath of office: “I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the state, and the charter of the City of Panacea; that I am duly qualified to hold office under the Constitution of the State and the charter of the City of Panacea; and that I will well and faithfully perform the duties of council member upon which I am now about to enter.”

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

(h) A member of the city council may be removed from office by the electors of the city following the procedures for recall established by general law.

Section 8. General provisions.—

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

(2) CITY PERSONNEL SYSTEM.—All new employments, appointments, and promotions of city officers and employees shall be made pursuant to personnel procedures to be established by the city manager from time to time.

(3) CHARITABLE CONTRIBUTIONS.—The city shall not make a charitable contribution to a person or entity unless authorized by the council.

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

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

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

(7) INITIATION BY PETITION.—The electors of the city may propose amendments to this charter by petition to be submitted to the council to be placed before the electors, as provided by general law.

(8) EDUCATIONAL FACILITIES AND MUSEUMS.—The city values educational facilities and museums that are located in its jurisdiction and shall use its best efforts to protect and preserve such establishments when addressing issues that impact educational facilities and museums.

Section 9. Transition schedule.—



(1) REFERENDUM.—The Supervisor of Elections of Wakulla County shall hold the referendum election called for by this act on June 30, 2015, at which time the following question shall be placed upon the ballot:

“Shall the creation of the City of Panacea and its charter be approved?”

\_\_\_ Yes

\_\_\_ No

For the purpose of compliance with general law, the city is created and established on July 1, 2015, if approved at the June 30, 2015, election and upon the filing of the election results with the Secretary of State in the manner prescribed by law.

(2) Until otherwise modified or replaced by this charter or the city commission, all codes, ordinances, and resolutions of Wakulla County in effect on the day of adoption of this charter shall, to the extent applicable to the city, remain in force and effect as municipal codes, ordinances, and resolutions of the city. Until otherwise determined by the city commission, such codes, ordinances, and resolutions shall be applied, interpreted, and implemented by the city in a manner consistent with established policies of Wakulla County on the date of the adoption of this charter.

(3) INITIAL ELECTION OF COUNCIL MEMBERS; DATES.—

(a) After the adoption of this charter, the Supervisor of Elections of Wakulla County shall call a special election to be held on August 18, 2015. Candidates for the election shall qualify for seat 1, seat 2, seat 3, seat 4, and seat 5. The candidate receiving the highest number of votes for each seat shall be elected. If more than one candidate for a designated council member seat receives an equal and highest number of votes, the candidates receiving the highest votes shall determine the winner by coin toss.

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

(c) The Board of County Commissioners of Wakulla County shall appoint a canvassing board that shall certify the results of the election.

(d) Those candidates who are elected on August 18, 2015, shall be sworn in and take office at the initial city council meeting, which shall be held at 7 p.m. on September 15, 2015.

(4) CREATION AND ESTABLISHMENT OF THE CITY.—For the purpose of compliance with s. 200.066, Florida Statutes, the city is created and established effective July 1, 2015.

(5) FIRST YEAR EXPENSES.—The council, in order to provide moneys for the expenses and support of the city, shall have the power to borrow

money necessary for the operation of city government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this charter.

(6) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—All applicable county ordinances currently in place at the time of passage of the referendum, unless specifically referenced in this charter, shall remain in place unless and until rescinded by action of the city council, except that a county ordinance, rule, or regulation that is in conflict with an ordinance, rule, or regulation of the city shall not be effective to the extent of such conflict.

Any existing Wakulla County ordinances, rules, and regulations as of September 1, 2015, shall not be altered, changed, rescinded, or added to, nor shall any variance be granted thereto insofar as such action would affect the city without the approval of the city council.

(7) TEMPORARY EMERGENCY ORDINANCES.—The city council may adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first council meeting may be passed as emergency ordinances. These transitional ordinances, passed as emergency ordinances, shall be effective for no longer than 90 days after adoption and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

(8) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS.—

(a) Until such time as the city adopts a comprehensive plan, the Wakulla County Future Land Use Map, the Wakulla County Zoning Map, and all other provisions applicable to the city, of the Comprehensive Plan and Land Development Regulations of Wakulla County, as they exist on the day that the city commences corporate existence, shall remain in effect as the city's transitional comprehensive plan and land development regulations. However, all planning functions, duties, and authority may, upon a vote of four members of the city council, be vested in the Panacea City Council, which shall also be deemed the local planning agency until the council establishes a separate local planning agency.

(b) Upon this act becoming a law, no changes in the future land use map or the zoning districts within the boundaries of the city shall be considered for alteration, amendment, or other modification in any way until such time as the city adopts appropriate procedures as referenced in this act.

(c) All powers and duties of the planning commission, zoning authority, any boards of adjustment, and the Board of County Commissioners of Wakulla County, as set forth in these transitional zoning and land use regulations, shall be vested in the City Council of Panacea until such time as the city council delegates all or a portion thereof to another entity.

(d) Upon the passage of this act, no subsequent amendment of the comprehensive plan or land development regulations enacted by the Board of County Commissioners of Wakulla County shall be deemed as an amendment of the city's transitional comprehensive plan or land development regulations or otherwise take effect within the city's corporate limits, except in accordance with the requirements and upon adoption of the procedures specified in this act.

(9) COMMUNICATIONS SERVICES TAX.—The communications services tax imposed under s. 202.19, Florida Statutes, by Wakulla County shall continue within the city boundaries during the period commencing with the date of incorporation. Revenues from the tax shall be shared by Wakulla County with the city in proportion to the projected city population estimate of the Wakulla County Planning Division compared with the unincorporated population of Wakulla County before the incorporation of the City of Panacea.

(10) STATE-SHARED REVENUES.—The City of Panacea shall be entitled to participate in all shared revenue programs of the state available to municipalities effective July 1, 2015. The provisions of s. 218.23(1), Florida Statutes, shall be waived for the purpose of eligibility to receive revenue-sharing funds from the date of incorporation through December 31, 2019. Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. If the bureau is unable to provide an appropriate population estimate, the Wakulla County Planning Division estimate shall be used. For the purposes of qualifying for municipal revenue sharing, the following revenue sources shall be considered: municipal service taxing units, water control district revenues, occupational license taxes, public utility service taxes, communications services tax, and franchise fees.

(11) GAS TAX REVENUES.—Notwithstanding the requirements of s. 336.025, Florida Statutes, the city shall be entitled to receive local option gas tax revenues beginning on October 1, 2015. These revenues shall be distributed in accordance with general law or by any interlocal agreement negotiated with Wakulla County.

(12) WAIVER.—The provisions of s. 218.23(1), Florida Statutes, shall be waived for the purpose of conducting audits and financial reporting through fiscal year 2015-2016.

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

(1) WAKULLA COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING UNIT; CONTINUATION.—Notwithstanding the incorporation of the City of Panacea, that portion of the Wakulla County Fire Rescue Municipal Service Taxing Unit, a special taxing district created by the Board of County Commissioners of Wakulla County that lies within the boundaries of the City of Panacea, is authorized to continue in existence until the city

adopts an ordinance to the contrary. However, the city shall not establish a city fire department without a referendum.

(2) LAW ENFORCEMENT.—Law enforcement services shall be provided by the Wakulla County Sheriff's Office until the city adopts an ordinance to the contrary.

Section 11. Waivers.—The thresholds established by s. 165.061, Florida Statutes, for incorporation have been met with the following exceptions:

(1) A waiver is granted to the provisions of s. 165.061(1)(b), Florida Statutes, relating to requirements for a minimum population of 1,500, due to the historic coastal character of the city.

(2) A waiver is granted to the provisions of s. 165.061(1)(c), Florida Statutes, relating to requirements for a minimum average population density of 1.5 persons per acre, to protect the historic, coastal character of the city.

Section 12. This act shall take effect upon approval by a majority of those qualified electors residing within the proposed corporate limits of the proposed City of Panacea as described in section 1 voting in a referendum election to be called by the Supervisor of Elections of Wakulla County and to be held on June 30, 2015, in accordance with the provisions relating to elections currently in force, except that subsection (1) of section 9 and this section shall take effect upon this act becoming a law.

Approved by the Governor May 14, 2015.

Filed in Office Secretary of State May 14, 2015.