

CHAPTER 2023-344

Committee Substitute for House Bill No. 1565

An act relating to the Town of Fort White, Columbia County; amending ch. 57-1334, Laws of Florida; deleting boundaries; revising general powers to borrow money; revising the election and terms of members of the Town Council; providing council districts; providing for the presiding officer of the council; providing for the salaries of the Mayor and members of the Town Council, powers of the town, and vacancies in Town Council; removing provisions relating to special meetings, ordinances and resolutions, and publication of ordinances and resolutions; removing provisions relating to the municipal court; providing that the Columbia County court system will handle all matters requiring court hearings or appearances; revising provisions relating to the police department and the fire department; providing and revising requirements for the Town Clerk; removing provisions relating to the town auditor, town tax assessor, town treasurer, tax administration, and canvass of election returns; revising requirements for the election of candidates to the office of Town Council; removing a provision requiring elections to be conducted in a specified manner; revising the terms of office of councilmembers; providing an effective date.

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

Section 1. Section 5, subsection (25) of section 7, sections 8, 10, and 11, subsections (8), (9), and (13) of section 12, sections 13, 15, 16, 20, and 22 through 82 of chapter 57-1334, Laws of Florida, are amended to read:

Section 5. BOUNDARIES. The corporate limits of the Town of Fort White, a municipal corporation in Columbia County, Florida, shall extend to and include all certain territories comprehending and comprising within ~~Section 8(4)(a) the following described limits, to-wit: Commence at the center of the intersection of Florida State Highway No. 47 and United States Highway 27 and run due South three-quarters of a mile, thence run due North a mile and a half, thence run due West a mile and a half, thence run due South a mile and a half, thence run due East three-quarters of a mile to the point of beginning.~~

Section 7. GENERAL POWERS. The town shall have the powers, functions and immunities granted to municipal corporations by the constitution and general laws of this state, as now or hereinafter existing, together with the implied powers necessary to carry into execution all the powers granted. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town shall have and exercise all powers which it would be competent for this charter specifically to enumerate. The following are

among the powers of the said town, subject to the limitations hereinafter expressed:

(25) To borrow money for a period not longer than the remainder of the fiscal year in which the loan is made, and this power shall be in addition to the other powers to borrow money set forth in this charter, or granted by the general laws of this state;

Section 8. NUMBER, ELECTION SELECTION, TERM, DISTRICTS.

(1) The Town Council shall consist of five (5) electors who shall be designated as follows:

Mayor

Councilmember ~~Councilman~~ Seat One

Councilmember ~~Councilman~~ Seat Two

Councilmember ~~Councilman~~ Seat Three

Councilmember ~~Councilman~~ Seat Four

(2) The Mayor and the other four councilmen shall be elected at large, and shall hold office for 4 ~~three~~ (3) years. The members of the Town Council shall be elected by a vote of the qualified voters from respective districts in which councilmembers run for office. Councilmembers shall be elected for a term of 4 years. The election of the Mayor and councilmembers shall be in the manner provided for in this charter and under general law except as otherwise provided for in this charter, and shall be elected in the manner provided for in this charter.

(3) The term of office of all members of the Town Council shall commence at the beginning of the next regular or special meeting after the election results are final in accordance with this charter 8:00 O'clock P. M. on the fourth Tuesday of August of the year in which such councilmen are elected.

(4)(a) The districts from which members of the Town Council of the Town of Fort White shall be elected are defined as follows:

District 1. Start on the town's northern boundary at SW State Road 47 and go south on State Road 47 to US Highway 27 to SW County Road 18, thence east on County Road 18 to the Town's boundary, including all property in said northeast quadrant of the Town of Fort White.

District 2. Start on the town's eastern boundary at SW County Road 18, thence west to SW US Highway 27, thence go south on SW US Highway 27 to the town's southern boundary, including all of the property in said southeast quadrant of the Town of Fort White.

District 3. Start on the town’s western boundary as SW Wilson Springs Road and thence go east on Wilson Springs Road to SW Skye Avenue thence go north on SW Skye Avenue to SW Jordan Street, thence go east on SW Jordan Street to SW Highway 237 thence go east and southeast on SW US Highway 27 to the town’s southern boundary, including all of the property in said southwest quadrant of the Town of Fort White.

District 4. Start on the Town’s northern boundary at State Road 47 and thence go south on State Road 47 to US Highway 27, thence go west on US Highway 27 to SW Jordan Street, thence go west on SW Jordan Street to SW Skye Avenue, thence to south on SW Skye Avenue to SW Wilson Springs Road, thence go west on SW Wilson Springs Road to the Town’s western boundary, including all of the property in said north-west quadrant of the Town of Fort White.

(b) The districts provided in subparagraph (a) are intended to be a division of the Town of Fort White into four districts which are to have equal numbers of citizens and equal numbers of voters. It is the further intent of this charter that the boundaries of said districts shall be changed when necessary to provide an approximate numerical equalization of citizens and voters in each of said districts. It is contemplated that the said changes will be made only when differences are substantial and it is not contemplated that said districts will always have, or will ever have, the same number of citizens and voters without any variation. Said changes shall be made in the same manner as other amendments to this charter.

Section 10. SALARY. The Town Council shall set the salaries of the Mayor and councilmembers by ordinance enacted pursuant to general law The Mayor may receive a salary to be fixed by the Town Council provided, however, the salary of the Mayor shall not exceed Twenty (\$20.00) Dollars per month.

Section 11. PRESIDING OFFICER, MAYOR, TOWN COUNCIL.

(1) The Mayor shall preside at all meetings of the Town Council and shall be recognized as head of the town government for all ceremonial purposes, and by the governor for purposes of military law, shall, when directed to do so by the Town Council, execute all instruments to which the town is a party, and shall have all other administrative duties provided for in this charter or provided for by ordinance of the Town Council.

(2) The Town Council, immediately after the induction of members elect to the Town Council, shall elect one of their members as the presiding officer and chairperson of the Town Council and one member as vice chairperson. At all meetings of the Town Council the chairperson or, in his or her absence, the vice chairperson, shall preside.

Section 12. POWERS. Except as otherwise provided in this charter, all powers of the town, and the determination of all matters of policy shall be

vested in the Town Council. Without limitation of the foregoing, the Town Council shall have power to:

(8) Remit, upon the recommendation of ~~a county judge~~ the municipal judge, fines or other penalties imposed by the municipal court;

(9) Pass ordinances and laws for the preservation of the public peace and order, and impose penalties for the violation thereof; ~~provided, that the maximum penalty to be imposed shall be a fine of not more than five hundred dollars and imprisonment for a period of time not longer than sixty days;~~

(13) Appoint, remove and fix the compensation of the Town Attorney, ~~municipal judge, town prosecutor, town auditor, town clerk, town tax assessor,~~ and all other town employees;

Section 13. VACANCIES IN TOWN COUNCIL. ~~In the event of a Any vacancy in the office of the Mayor or a member of the Town Council, the remaining members of the Town Council shall appoint a qualified citizen to fill the balance of the term of the vacancy of either the Mayor or the Town Council seat. Such appointment shall be made within 60 days of the vacancy unless such time period is extended by the Town Council. In the event that there is not a quorum to appoint a replacement for a vacancy, within a reasonable time, the seat of Mayor or member of the Town Council be filled until the next regular municipal election by vote of the; provided, that if such vacancy is not filled within ten (10) days after it shall have occurred, it shall be filled by appointment of the Governor. Any such appointments shall continue until the end of the unexpired term of such seat and until a successor is elected and sworn into office.~~

Section 15. INDUCTION OF TOWN COUNCIL INTO OFFICE; MEETING OF TOWN COUNCIL. The first meeting of each newly elected Town Council, for induction into office, shall be held at ~~6:00~~ 8:00 O'clock P. M., on the ~~fourth Monday in the month~~ day following its election, after which the Town Council shall meet regularly at such times as may be prescribed by its rules, ~~but not less frequently than once each month.~~ All meetings of the Town Council shall be open to the public.

Section 16. SPECIAL MEETINGS: HOW CALLED. The Mayor, or any two members of the Town Council may call special meetings of the Town Council, upon ~~reasonable~~ at least six (6) hours written notice to each member, ~~served personally or left at his usual place of residence or place of business.~~ All meetings of the Town Council and of the committee thereof shall be public, and any citizens shall have access to the minutes and records thereof at all reasonable times.

Section 20. ORDINANCES AND RESOLUTIONS. Every proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, but general appropriation ordinance may contain the various subjects and accounts for which moneys are to be

appropriated. The enacting clause of all ordinances shall be "Be It Enacted by The People of the Town of Fort White, Florida." No ordinance, unless it shall be an emergency measure, shall be passed until it shall have been read at two meetings, ~~not less than one week apart, or unless the requirement of such readings has been dispensed with by unanimous vote of the Town Council.~~

Section 22. AUTHENTICATING: PUBLICATION. Every ordinance or resolution shall, upon its final passage be recorded in a book kept for the purpose and shall be authenticated by the signatures of the presiding officer and the clerk of the Town Council. ~~Every ordinance of a general or permanent nature shall be published once within ten (10) days after its final passage in a newspaper of general circulation in the Town of Fort White, Florida, or by posting said ordinance in three (3) separate public places for a period of ten (10) days after its final passage.~~

Section 23. APPOINTMENT; LEGAL ADVISOR TO TOWN; PREPARATION AND APPROVAL OF LEGAL INSTRUMENTS; DEFEND AND PROSECUTE IN BEHALF OF TOWN. The Town Council shall appoint a Town Attorney who shall act as the legal advisor to, and attorney and counselor for the municipality and all of its officers in matters relating to their official duties. ~~The Town Attorney~~ He shall prepare all contracts, bonds and other instruments in writing, in which the municipality is concerned, and shall endorse on each his or her approval of the form and correctness thereof. When required to do so, ~~the Town Attorney~~ he shall prosecute and defend for and in behalf of the town, all complaints, suits, and controversies in which the town is a party. ~~The Town Attorney~~ He shall furnish the Town Council, the head of any department or any officer, not included in any department, his or her opinion on any question of law relating to their respective powers and duties. For these services, ~~the Town Attorney~~ he shall receive such compensation as the Town Council may determine by record vote.

Section 24. TO PERFORM DUTIES REQUIRED BY TOWN COUNCIL, STATE LAW AND CHARTER. In addition to the duties, specifically imposed under the preceding section, ~~the Town Attorney~~ he shall perform such other professional duties as may be required of him or her by ordinance or resolution of the Town Council or as prescribed, for Town Attorney under the general laws of the State which are not inconsistent with the charter and with any ordinance or resolution which may be passed by the Town Council. ~~The Town Attorney~~ He shall receive such compensation as the Town Council may determine by record vote.

Section 25. QUALIFICATIONS. The Town Attorney shall be a lawyer ~~with lawyer~~ of at least five years of ~~years'~~ experience, admitted in and having authority to practice in all courts of the State.

ARTICLE IV

COURT MATTERS

MUNICIPAL COURT

~~Section 26. ESTABLISHMENT; APPOINTMENT OF MUNICIPAL JUDGE; POWER OF MAYOR DURING ABSENCE OF JUDGE; SESSIONS OF COURT. All matters requiring court hearings or appearances for any resident of the Town of Fort White will be handled by the Columbia County Clerk of Courts. There shall be and there is hereby established in the Town of Fort White a municipal court to be known as the “Municipal Court of the Town of Fort White, Florida,” for the trial of all offenders against the municipal ordinances. Such court shall be presided over by a municipal judge who shall be the Mayor. Sessions of the municipal court may be held daily except Sundays and holidays.~~

~~Section 27. POWERS AND DUTIES, GENERALLY. The municipal judge shall have power by his warrant to have brought before him any person or persons charged with violation of the town ordinances, and shall have exclusive original jurisdiction over all proceedings of a criminal nature for the violation of any ordinance of the town. In the proper exercise of the functions of the municipal court within its jurisdiction as herein defined, the municipal judge shall have power and is authorized to issue and cause to be served search warrants and any and all other writs and processes such as are issued and used by county judges and justices of peace in the State of Florida, and the police of the Town of Fort White are authorized and it is made their duty to execute and serve any and all such writs and processes issued out of the said municipal court by the municipal judge, and to make proper returns upon the same to such municipal court in the same manner as is required of constables, sheriffs, deputy sheriffs, and any other officer in the execution of similar papers. The municipal judge shall have power and authority to take bail for the appearance of an accused person, if such person fail to appear, to declare such bond or security entreated; to require the attendance of witnesses for the town and for the accused person, to administer oaths, take affidavits; and to inquire into the truth or falsity of all charges preferred; to decide on the guilt or innocence of the accused, and to fix and to impose penalties by sentences as are prescribed and provided for under the ordinances of the town, and to have all powers incidental and usual to the due enforcement of such town ordinances.~~

~~Section 28. AUTHORITY TO PRESERVE ORDER; DISPOSITION OF MONEYS COLLECTED. The municipal court shall have authority to preserve order and decorum and shall be invested with the same powers to that end, by fine and imprisonment, as are possessed and authorized to be exercised by criminal courts of records within the State. All fines, penalties and fees collected in the municipal court and by the police of the town shall be part of the revenue of the town and shall be paid to the finance department on the date on which collected, and receipt taken thereof. The~~

moneys so paid into the Town Treasury may be by ordinance of the Town Council, appropriated to any particular fund and shall thereafter be used in accordance with such ordinance.

~~Section 29.— REMISSION OF FINES AND PENALTIES. The municipal judge may, in his discretion, remit all, or part of any fines, costs or penalties imposed in said court and may suspend the enforcement of any sentence imposed in such court.~~

~~Section 30.— ENTRY ON DOCKET SUFFICIENT FOR TRIAL. Entry of the charge on the docket of the municipal court of the Town of Fort White shall be sufficient for the purpose of trying any person charged with an offense against the town ordinances.~~

~~Section 31.— POLICE DEPARTMENT. The police force of the Town of Fort White shall consist of a Chief of Police and as many subordinate officers, policemen and employees as the Town Council shall by ordinance determine. The Chief of Police shall have exclusive control of the stationing and transfer of all patrolmen and other officers and employees constituting the police force, subject to and under such rules and regulations as the Town Council may prescribe or as may be prescribed by the ordinances of the town. Any police officer of the Town of Fort White shall have and is hereby empowered with the full right and authority to make arrests beyond the corporate limits of said town for violation of Chapters 317, and 901.15, Florida Statutes Annotated, as amended where the violation occurs within the limits of said Town of Fort White and the violator is immediately pursued to a point outside the boundary limits of said town.~~

~~Section 32.— POLICE DEPARTMENT POWERS AND DUTIES OF CHIEF OF POLICE. The Chief of Police shall attend all meetings of the Town Council and aid in the enforcement of orders under the direction of the presiding officer. He shall execute the commands of the Town Council and all processes issued by authority thereof which shall be issued to him by the Mayor. He shall attend in person or by deputy the municipal court during its sittings, execute the commands and processes of said court, aid in the enforcement of orders therein and perform such other duties appropriate to his office as may be imposed upon him by law, the ordinances of the town, consistent with this Act.~~

~~Section 27. 33. FIRE DEPARTMENT. The fire force of the town shall be provided by Columbia County fire warden and as many subordinate officers, firemen and employees as the Town Council shall by ordinance determine. The Columbia County fire chief shall have exclusive control of the stationing and transfer of all firefighters firemen and other officers and employees of the fire force subject to such rules and regulations as may be prescribed by ordinance of the town; the fire chief he shall have exclusive management and control of such officers and employees as may be employed in the administration of the affairs of the fire chief's his force. In case of riot, conflagration of like emergency, the Mayor may appoint additional firemen for temporary service. The fire chief shall have the right to suspend any~~

officer or employee of the fire force because of incompetency, neglect of duty, drunkenness, failure to obey orders given by proper authority or for any other just or reasonable cause, and he shall immediately report the fact of such suspension to the Town Council for final action.

ARTICLE VI

TOWN AUDITOR, TOWN CLERK, TOWN TAX ASSESSOR AND TOWN TREASURER

Section ~~28.~~ 34. TOWN CLERK. The Town Council shall appoint an officer of the town who shall have the title of Town Clerk. ~~The Town Clerk~~ He shall serve at the pleasure of the Town Council and shall be under its direction and control. ~~The Town Clerk~~ He shall receive a salary to be fixed by the Town Council. ~~The Town Clerk~~ shall have the power and be required to perform each of the following:

(1) ~~Provide~~ He shall give notice of the meetings of the Town Council; shall

(2) Keep the journal of ~~the Town Council's~~ its proceedings; shall be custodian of the town's seal; shall

(3) Authenticate and maintain by his signature and record in full a book kept for that purpose all ordinances and resolutions of ~~the Town Council~~;

(4) Ensure that town elections are conducted in accordance with Florida law;

(5) Exercise budgetary control over every department, board, mission, and agency of the town;

(6) All duties and responsibilities conferred by this charter; and

(7) Perform all other administrative duties of the town.; shall perform the duties of registration officer and shall perform any other duties required by this charter. If a person qualified to fill the positions be available, the office of town clerk may, at the discretion of the Town Council, be combined with that of the town auditor, town tax assessor and town treasurer. Notwithstanding any other provisions of law, or of this charter, the office of the town clerk shall never be combined with any office other than town auditor, town tax assessor, or town treasurer, or given any other duties except those specifically delegated in this charter to either the town auditor, town tax assessor or town treasurer.

Section ~~35.~~ TOWN AUDITOR. The Town Council shall appoint an officer of the town who shall have the title of town auditor. He shall serve at the pleasure of the Town Council and shall be under its direction and control. He shall receive a salary to be fixed by the Town Council. He shall have knowledge of accounting and shall have had experience in budgeting and

~~financial control. If a person qualified to fill the positions be available, the office of the town auditor may, at the discretion of the Town Council, be combined with that of town clerk, town tax assessor and town treasurer. Notwithstanding any other provision of law, or of this charter, the office of town auditor shall never be combined with any office other than that of town clerk, town tax assessor, or town treasurer, or given any other duties except those specifically delegated in this charter to either the town clerk, town tax assessor or town treasurer. The town auditor shall have power and be required to:~~

- ~~(1) Exercise financial budgetary control over every department, board, commission and agency of the town to insure that all moneys are legally expended, and the budget appropriations are not exceeded;~~
- ~~(2) Prescribe the forms of accounting and the forms of receipts, vouchers, bills, claims or other forms to be used by all the offices, departments, boards, commissions, and agencies of the town government, in and about its fiscal affairs;~~
- ~~(3) Audit all bids, invoices, payrolls and other evidences of claims, demands or charges against the town government;~~
- ~~(4) Inspect and audit any accounts or records which may be maintained in any office, department or agency of the town government.~~

~~Section 36. TOWN TAX ASSESSOR. The Town Council shall appoint an officer of the town who shall have the title of town tax assessor. He shall serve at the pleasure of the Town Council and shall be under its direction and control. He shall receive a salary to be fixed by the Town Council. He shall prepare tax maps, assess all properties within the corporate limits of the town for taxation and shall perform all the usual duties of a tax assessor. If a person qualified to fill the positions be available, the office of the town tax assessor may, at the discretion of the Town Council, be combined with that of town clerk, town auditor and town treasurer. Notwithstanding any other provision of law, or of this charter, the office of town tax assessor shall never be combined with any office other than that of town clerk, town auditor, or town treasurer, or given any other duties except those specifically delegated in this charter to either the town clerk, the town auditor, or the town treasurer.~~

~~Section 37. TOWN TREASURER. The Town Council shall appoint an officer of the town who shall have the title of town treasurer. He shall serve at the pleasure of the Town Council and shall be under its direction and control. He shall receive a salary to be fixed by the Town Council. He shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control. If a person qualified to fill the position be available, the office of the town treasurer may, at the discretion of the Town Council, be combined with that of the town auditor, town clerk, and town tax assessor. The town treasurer shall provide a bond with surety and in such amount as the Town Council may require. The town treasurer~~

shall have charge of the administration of the financial affairs of the town under the supervision of the Town Council.

~~Section 38. PROPERTY SUBJECT TO TAX; METHOD OF ASSESSMENT.~~ All property within the town, not expressly exempted by law, shall be subject to annual taxation at its true cash value. For the purpose of assessment, the soil shall be known as "Land," and everything attached thereto shall be known as "Improvements," and such "Improvements," when owned by the tenant, may be assessed in his or her name, apart from the land. Articles other than "Land" or "Improvements" shall be known as "Personal Property." All property shall be assessed as of the 1st day of January of the fiscal year for which such assessment is made, and the town tax assessor shall begin his work of assessing real property on such date. On or before the 1st day of May of each fiscal year, he shall present to the treasurer and collector a true copy of the assessment roll of the property taxable within the town, to be known as the assessor's duplicate. The treasurer and collector shall make such copy of the assessment roll available for public inspection during the period from the 1st day of May to the 15th day of May.

~~Section 39. ASSESSMENT OF PROPERTY OF PUBLIC UTILITY COMPANIES.~~ Public utility companies shall be subjected to taxation on all real and personal property owned or operated by them within the limits of the municipal corporation, in the same manner and at the same rate of valuation as all other property. Franchises and privileges owned by public utility companies and other corporations, part of which is, and part of which is not, subject to taxation for the various purposes other than ordinary municipal purposes, shall be so assessed as to show the valuation or part of the whole valuation subject to taxation for each purpose. The town tax assessor shall specify what portion of the property assessed is used for right of way and depot purposes, by such description as will clearly define the property covered by that assessment, and their property, other than that so described, shall be separately assessed by sufficient description as is other property, each lot, part of lot, or tract being assessed separately, except that the town tax assessor may, at the request of the company or its agents, assess several pieces together.

~~Section 40. CORRECTION OF ASSESSMENT.~~ If the town tax assessor shall discover that any land in the town was omitted in the assessment roll of either or all of the three previous years, or that any land was illegally sold for taxation and is then liable to taxation, he shall assess such lands for the next fiscal year, and shall also assess the same separately for each such year or years as may have been omitted, or was illegally sold for taxes, at the cash value thereof at the time, noting distinctly the year or years when such omission occurred, and such assessment was omitted, and taxes shall be levied and collected thereon in like manner, together with the taxes for the year in which assessment is being made; but no land shall be assessed for more than three years arrears of taxes, and all land shall be subject to be assessed into whosoever's hands they may come.

~~Section 41.— BOARD OF EQUALIZATION. There shall be an equalizing board of the town composed of the members of the Town Council, and it shall meet on the first Monday in July each year. The town clerk shall be the clerk of such board, and shall keep an accurate record of all the changes made in the valuation of the property, and all other proceedings of such board.~~

~~Section 42.— THE EQUALIZING BOARD; POWERS AND DUTIES. The equalizing board shall have power to review all complaints of property owners assessed for the purpose of taxation of real property within the town made by the town tax assessor, administer oaths, take testimony, hold hearings, and adopt regulations regarding the procedure of assessment review.~~

~~Section 43.— MEETINGS. The equalizing board may adjourn from day to day until its work is completed, and three members shall constitute a quorum to transact business. If no quorum is present, the town clerk may adjourn the board from day to day, and publicly announce the time to which the meeting is to be adjourned.~~

~~Section 44.— PUBLIC HEARING ON COMPLAINTS; NOTICE. Beginning on the first Monday of July of each fiscal year, and as long thereafter as may be necessary, the equalizing board shall hear and determine the complaint of any person in relation to the assessment roll. Complaints to the equalizing board shall be in writing. The procedure before such board shall be informal, and of a nature calculated to effect justice as simply as possible. Hearings on such complaints shall be held in the order as received and as promptly after the filing thereof as possible, and the determination of the equalizing board shall be made within twenty days after such filing. Such determination shall be immediately certified by the equalizing board to the town tax assessor, whose duty it shall be to make such corrections upon the assessment roll and duplicate as the board may determine.~~

~~Section 45.— NOTICE. Not earlier than fifteen days and not later than five days prior to the annual meeting of the equalizing board, the town clerk shall cause to be published in a newspaper of the town a notice that the town assessment roll is open to the public for inspection, and that the assessment roll will be submitted to the equalizing board for approval on the date and at the time and place fixed for such meeting.~~

~~Section 46.— EQUALIZATION AND CORRECTION OF ASSESSMENT ROLL. The equalizing board shall have the right to change the valuation or assessment of any real or personal property upon the roll, by increasing or decreasing the assessed valuation thereof as shall be reasonable and just to render taxation uniform, provided, that the valuation of any real or personal property as assessed by the town tax assessor shall not be increased without first giving the owner notice of the intention of the board to so increase it. Such notice shall be by personal service upon the owner, or by leaving a copy of the written notice at his usual place of business, or last place of residence, and if a non-resident by mailing such notice of his last known address, and~~

such notice shall state therein the time when the board will be in session to act upon the matter.

~~Section 47. — SESSIONS TO BE OPEN.~~ The sessions of the equalizing board shall be open to the public.

~~Section 48. — COMPLETION OF THE ROLL.~~ All changes made by the equalizing board shall be noted in the preliminary assessment roll by the town tax assessor, and, within 10 days after the equalizing board shall have concluded its examination and correction of the assessment roll, it shall be submitted in corrected form, duly Certified to by the town tax assessor as having been corrected and equalized by the equalizing board to the Town Council, and shall stand as the assessment for the year of the taxable property within the town.

~~Section 49. — OMISSIONS FROM ASSESSMENT ROLL.~~ The equalizing board must place upon and add to the assessment roll any property, real or personal, subject to taxation, which has been omitted therefrom by the town tax assessor, and enter the same at such valuation that will bear an equal and just proportion of taxation.

~~Section 50. — APPEAL TO THE COURTS.~~ Any person feeling aggrieved by any decision of the equalizing board in any matter that he is called upon by such board to correct, alter or change with reference to the listing of valuation of his own property, may appeal to the Circuit Court not later than thirty days after the certification to the town tax assessor.

~~Section 51. — TAXES; WHEN PAYABLE.~~ All taxes shall be due and payable on the first day of November, in each year, or as soon thereafter as the assessment roll may come into the hands of the town treasurer and collector, of which he shall give notice in a newspaper published in said town, or published in the county where said town is situated, that the taxes are then due and payable. The same discounts shall be allowed on tax payments due the town, as are allowed on tax payments due the counties under the general statutes of the State of Florida.

~~Section 52. — WHEN TAX BOOKS CLOSE.~~ The tax books shall close on the 31st day of March, in each year, and the town treasurer and collector shall proceed as hereinafter provided.

~~Section 53. — MAY ISSUE DISTRESS WARRANTS.~~ The town treasurer and collector shall have power to issue distress warrants in the name of the state and town to enforce collection of taxes on personal property and privileges. Such warrants may be executed by the chief of police, or by any constable or sheriff, according to the method provided by law for the collection of state and county taxes lawfully assessed on personal property.

~~Section 54. — CONSTITUTE A LIEN.~~ Taxes and assessments, together with the interest imposed for delinquency and cost of collection, shall be and

continue a lien upon the property assessed, superior to all other liens or claims until the same shall be paid.

~~Section 55.— COLLECTION OF TAXES. The town treasurer and collector shall, unless otherwise provided, proceed substantially in the same manner in the collection of taxes, and sale of personal property for non-payment of taxes and licenses as is provided for state collectors under the state law, and he shall be subject to the same penalties as are prescribed by the laws of Florida for any violation of the duties imposed upon him by this charter. Delinquent taxes due the town on real estate shall be collected in the manner provided by the laws of Florida, and the amount thereof shall be certified to the Town Attorney for that purpose, after the tax books shall close. Such delinquent taxes may be paid to said Town Attorney at any time after such certification, and before sale, upon payment of the amount of such tax, and also all costs and expenses incurred to the date of such payment, including a reasonable attorney fee for such collection. The amount of all taxes, real and personal, shall bear interest at the rate of one per cent per month after the tax books shall close, and the amount of such interest shall be collected when such tax is collected.~~

~~Section 56.— LICENSES. The Town Council is authorized to levy and impose license taxes by ordinance, for the purpose of regulation and revenue, upon all occupations, and upon any and all privileges, and to create and fix the amounts to be paid; to provide for the collection of the same, and to provide penalties for failure to pay such license taxes; all such license taxes, so imposed, shall constitute a legal indebtedness to the town, which may be recovered in any court of competent jurisdiction. The Town Council may, by ordinance, provide for licensing the keeping of dogs, and for the destruction of dogs, the owner and keeper whereof shall not comply with the regulations prescribed by ordinance in effect thereto, and for the punishment of persons violating the ordinances on this subject.~~

~~Section 57.— PERIOD COVERED BY LICENSES. Licenses shall be issued for the periods and be transferable as provided by the general law for state licenses. The agent or agents of non-resident proprietors shall be severally responsible for carrying on business in like manner as if they were proprietors. The fact that any person, firm or corporation reporting himself or itself as engaged in any business calling, profession or occupation for the transaction of which a license is required, or that person, firm or corporation exhibiting a sign or advertisement indicating engagement in such business calling, profession or occupation, shall be conclusive evidence of the liability of such person, firm, or corporation to pay a license.~~

~~Section 29 58. AUTHORITY OF TOWN TO PURCHASE, OWN AND OPERATE CERTAIN PUBLIC UTILITIES. The Town of Fort White, Florida, is hereby authorized by and through its officers, agents, employees, and representatives, to purchase, build, construct, own, control, repair, lease, operate, manage, extend, or sell an electric light plant, a water works plant, and an ice plant, and any and all other public utility plants, and to prescribe and enforce rates, rules and regulations necessary thereto.~~

Section ~~30.~~ 59. SERVICE OF UTILITIES TO CONSUMERS OUTSIDE OF TOWN. ~~That~~ The Town Council shall have the power to supply water, electricity, and gas for domestic and other purposes to individuals or corporations outside of said town and to charge and collect reasonable rates, prices and compensation therefor, but the Town Council shall charge a higher rate to such consumers than it charges for a like class of consumers within the corporate limits of said town.

Section ~~31.~~ 60. AUTHORITY OF TOWN TO SELL PUBLIC UTILITY PLANTS; PROCEDURE. The Town Council may sell the public utility plants owned by the Town of Fort White, or any one or all of them, after the Town Council shall have first passed an ordinance in which is stated the terms of purchase, and after such ordinance has been submitted to the qualified electors of said town, who are freeholders, for a period of at least sixty days prior to said election, and such action as is provided, in and by such ordinance is ratified by a majority of those voting at such election. In all other respects not herein specially provided for, such election shall be called and held as is provided by law for calling and holding bond elections of said town.

Section ~~32.~~ 61. CONTRACT WITH PERSONS OUTSIDE TOWN TO FURNISH TOWN WITH ELECTRICITY. The Town Council together with the Mayor are hereby authorized and empowered to contract with persons, firms or corporations beyond the limits of said town to furnish electric current to said town, and to construct such lines, wires, poles, towers and conduits as may be necessary to obtain such current.

Section ~~33.~~ 62. GRANTING OF FRANCHISES. The town shall have power to grant a franchise to any private corporation for the use of streets and other public places in the furnishing of any public utility service to the town and to its inhabitants. All franchises and any renewals, extensions and amendments thereto, shall be granted only by ordinance.

Section ~~34.~~ 63. FRANCHISES NOT AFFECTED. The provisions of this charter shall not apply to any franchise granted any public utility company prior to the effective date of this charter.

Section ~~35.~~ 64. ELECTIONS. The provisions of the general election laws of the state pertaining to municipal elections shall apply. All elections shall be conducted by the election authorities established by law. The Town Council shall, by ordinance, make all regulations which it considers needful or desirable, not inconsistent with this charter, for the conduct of municipal elections, and for the prevention of fraud therein. Inspectors and clerks of elections shall be appointed by the Town Council.

Section ~~36.~~ 65. ELECTORS. Any person who is a qualified elector of the State of Florida and resident of the town, and who has resided in the town for one year, shall be an elector of the this town.

Section 37. 66. REGISTRATION OF VOTERS. All persons eligible to vote shall be registered in accordance with the Florida Election Code. The town clerk shall be the registration officer for the town and shall register all persons applying to him whose names are not already borne upon the registration book and who are qualified as electors under the provisions of this charter. For this purpose The registration book shall always be open at the office of the town clerk, except that same shall be closed for five days before and during the day of any town election. Each person applying to be registered shall make the following oath, which will be administered by the registration officer or his duly appointed deputy: "I do solemnly swear that I am a bona fide resident of the Town of Fort White and possess all of the qualifications of an elector of said town." Any person taking such oath who shall swear falsely shall be guilty of perjury. The name of each person so registered shall be entered in a book prepared for that purpose, which book shall show, under appropriate heading, the age, color, occupation and exact place of residence of each person so registered, and whether the registrant is a free holder. The Town Council may, by ordinance, provide for revision of the registration list of voters when, in their opinion, a revision is necessary.

Section 67. NOMINATIONS. Any qualified elector of the town may be nominated for the council by petition. A petition for this purpose shall be signed by not less than 10 qualified electors. Each petition shall designate the seat for which the candidate is nominated. The form of the nominating petition shall be substantially as follows:

~~We, the undersigned electors of the Town of Fort White, hereby nominate, whose residence is, for the office of Councilman, Seat No....., Mayor (strike out portion not applicable), to be voted for at the election to be held on the day of, 19 ; and we individually certify that our names appear on the rolls of registered voters, that we are qualified to vote for a candidate for the council.~~

~~Name Street and Address from which last Date of Number Registered (if different) Signing~~

(SPACES FOR SIGNATURES AND REQUIRED DATA)

Thereafter, each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the town clerk. The town clerk shall make a record of the exact time at which each petition is filed, and shall take and preserve the name and address of the person by whom it is filed. The town clerk shall check the signatures on the petitions to verify their status as voters in the Town. If a petition is found insufficient, the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. No later than the 7th day before the first day of the qualifying period, the town clerk shall certify the number of valid signatures.

~~Section 68.— ELECTIONS. A regular or general election of candidates to the office of Town Council shall be held each year on the second Tuesday in August for each seat on the Town Council which shall become vacant at 8:00 O’Clock P. M. on the fourth Tuesday in August of the same year. The candidate for each seat to be filled receiving the greatest number of votes in said election shall be declared elected. In the event of a tie between two candidates for any seat upon the Town Council in the general election, another general election shall be held on the Tuesday following the general election and the two candidates receiving the equal votes shall be the only candidates on the ballot for such general election.~~

~~Section 69.— ELECTIONS; GOVERNED BY STATE LAW OR ORDINANCE. Except as herein specifically provided, all elections in the town shall be conducted substantially on the principles governing state elections, or as the Town Council shall by ordinance prescribe.~~

~~Section 70.— ELECTIONS; CANVASS OF RETURNS.— The polls shall open at seven o’clock A. M. and shall close at seven o’clock P. M. the result of the voting, when ascertained, shall be certified by return in duplicate, signed by the clerk and a majority of the inspectors of election, one copy being delivered by such clerk, and inspectors to the mayor and the other to the town clerk, both of whom shall transmit such returns to the Town Council. At such meeting the Town Council shall canvass the returns and the results as shown by such returns shall be by the Town Council declared as the result of the election. The town clerk shall, not later than noon of the second day after the canvass of said election, furnish a certificate of election to each person shown to have been elected.~~

~~Section 71.— FIRST ELECTION; DUTIES TO CALL. It shall be the duty of the Town Council now in office to call and hold the first election for Town Councilmen under this charter, which shall be held on the Second Tuesday in August, 1957, for the election of a Town Councilman for Seats One, Two, Three and Four and for Mayor. The election of the Councilman for Seats One and Two shall be for a two year term, commencing at 8: 00 O’Clock P. M. on the fourth Tuesday in August, 1957, and the election of Councilman for Seats Three and Four and Mayor shall be for a three year term, commencing at 8: 00 O’Clock P. M. on the fourth Tuesday in August, 1957. Thereafter all members of the Town Council shall be elected for a three year term.~~

~~Section 38. 72. PUBLICITY OF RECORDS. All records and accounts of every office, department or agency of the town shall be open to inspection by any citizen, any representative of a citizens’ organization or any representative of the press at all reasonable times and under reasonable regulations established by the Town Council.~~

~~Section 39. 73. OFFICIAL BONDS. The Town Council shall determine whether or not each officer, clerk, or employee shall give bond, and the amount thereof, but all officers, clerks and employees handling any funds or property of the town shall be required to give bond to the town, which bonds shall be procured from a regularly accredited surety company authorized to~~

do business under the laws of Florida, the premiums on such bonds to be paid by the town. All such bonds shall be filed in the office of the Town Clerk ~~treasurer and collector~~.

Section ~~40.~~ 74. OATH OF OFFICE. Every officer of the town shall, before entering upon the duties of his or her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

“I do solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Florida, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Fort White, and will faithfully discharge the duties of the office of

Section ~~41.~~ 75. EFFECT OF THIS CHARTER ON EXISTING LAW. All laws and parts of laws relating to or affecting the town in force when this charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this charter.

Section ~~42.~~ 76. WHEN GENERAL LAWS OF STATE APPLICABLE. All general laws of the state, applicable to municipal corporations now or which may hereafter be enacted, and which are not in conflict with the provisions of this charter or with the ordinances and resolutions hereafter enacted by the Town Council shall be applicable to this town; provided, however, that nothing contained in this charter shall be construed as limiting the power of the Town Council to enact any ordinance or resolution not in conflict with the Constitution of the state or with the express provisions of this charter.

Section ~~43.~~ 77. GENERAL LAW OF STATE GOVERNING CITY COUNCILS TO APPLY TO TOWN COUNCILS. That any right or authority given or permitted by the Constitution and laws of the State of Florida to City Councils not inconsistent with the provisions of this Act shall be given, permitted and extended to the Town Councilmembers ~~Councilmen~~ of the Town of Fort White.

Section ~~44.~~ 78. DEDICATION OF STREETS. No street or alley hereinafter dedicated to public use by the owner of any land within the town shall be deemed a public street or alley, under the care or control of the town, unless the dedication be accepted and confirmed by ordinance passed for such purpose.

Section ~~45.~~ 79. FISCAL YEAR. The fiscal year of the town shall be from October January 1st to September 30th ~~December 31st~~ of each year.

Section ~~46.~~ 80. EXECUTION OF CONTRACTS AND VALIDATION OF TOWN WARRANTS FOR EXPENDITURE OF FUNDS. In addition to all other requirements of this charter regarding contracts, no contract entered into by the town shall be valid until executed on behalf of the town by the Mayor or a Councilmember and Town Clerk. In addition to all other requirements under this charter regarding the disbursement or payment of

town funds, no warrant for the payment of town funds shall be valid unless signed by the Mayor and the Town Clerk Treasurer. In addition to the requirements of this section regarding the disbursement of funds, the Town Council may, by ordinance, prescribe additional requirements.

Section ~~47. 81.~~ **SHORT TITLE.** This charter, adopted by the people of the Town of Fort White, shall be known and may be cited as the “Fort White Charter.”

Section ~~48. 82.~~ **SEPARABILITY CLAUSE.** If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so hold invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 28, 2023.

Filed in Office Secretary of State June 28, 2023.