



CHARTER REVIEW COMMITTEE

January 18, 2017

3:30 P.M.

*Lakeland Electric – Conference Rooms 1A & 1B
501 E. Lemon St.*

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In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Coordinator, David Uria, P.E., no later than forty-eight (48) hours prior to the proceeding, at (863) 834-8447, Email: david.uria@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-800-955-8771 (TDD-Telecommunications Device for the Deaf) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance

Call to Order – Chairman Joe Mawhinney

Approval of Minutes – [January 4, 2017](#)

Comments from the Public

Consent Agenda

All items listed with an asterisk (*) are considered routine by the Committee and will be enacted by one motion. There will be no separate discussion of these items unless a Committee member requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

- * **Sec. 51. - Resolution relative to special assessments.**
[Existing Text](#)
Recommended Changes

When the city commission may determine to make any local improvements and provide for the payment of the cost thereof, in whole or in part, by special assessment, declaration thereof shall be made by resolution stating the nature of the proposed improvement, designating the location of such improvement and what portion of the expense thereof is to be made by special assessment, the manner in which said assessment shall be made and when said assessment shall be paid, and what part shall be apportioned to be paid from the improvement fund of the city, if any; this provision, however, shall in no wise require the city to pay any portion of said

improvements; said resolution shall also designate the lands upon which special assessments shall be levied and the estimated amount thereof. The resolution shall be considered at a public hearing at a time a place to be determined by the city commission. Notice of the public hearing at which the resolution will be considered shall be mailed by first class mail to the effected property owners ten (10) days prior to consideration by the city commission. ~~.;- said lands deemed to be specially benefited abutting upon and contiguous to the contemplated improvements shall be sufficiently described as "all lots and lands adjoining and contiguous or abounding and abutting upon such improvements or is deemed to be benefited thereby."~~ Said resolution shall also be published once in a local newspaper, or in such other manner as prescribed by law, at least fifteen (15) days before said improvement is started.

Sec. 83. - Commission to make arrangements for holding; inspectors and precinct clerks.

EXISTING TEXT

RECOMMENDED CHANGES

The city commission shall make all the necessary arrangements for holding all municipal elections, and shall declare the result thereof. Inspectors and the clerks of ~~precincts~~elections shall be appointed by the city clerk who shall be responsible for their training and supervision.~~commission, except that if the commission shall fail to appoint them at least two (2) days before the date of any election, the mayor shall appoint them.~~

Sec. 84. - Opening and closing polls; canvass of returns; certificates of election; when successful candidate to assume office.

EXISTING TEXT

RECOMMENDED CHANGES

The polls shall open at 7:00 a.m., and shall close at 7:00 p.m. The results of the voting at each polling place, when ascertained, shall be certified by return ~~in duplicate,~~ signed by the precinct clerks of the election, ~~with and a majority of the inspectors of election a;~~ one copy being delivered by such precinct clerk ~~and inspectors to the~~the ~~mayor and the other to the~~ city clerk. ~~The city clerk, both of whom~~ shall transmit such returns to the city commission at a meeting to be held within ~~ten (10)~~three (3) days following the election. At such meeting, the city commission shall canvass the returns and the result as shown by such returns which shall be declared by the commission as the result of the election.

The city clerk shall, not later than ~~noon on~~ the second day after the canvass, furnish a certificate of election to each person shown to have been elected. The person or persons so elected shall assume office at the first city commission meeting in January following the date of election, except that any person elected to fill a vacancy shall take office immediately on receiving a certificate of election, and taking the oath of office.

Sec. 85. - Form of ballots.

EXISTING TEXT

RECOMMENDED CHANGES

The city commission, by ~~resolution~~ordinance, may prescribe the form of the ballot for city elections. Such ballots shall conform as nearly as possible to the form prescribed by the general laws of the State of Florida. A charter amendment to be voted by the electors of the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described amendment be adopted?" Immediately below such question shall appear, in the following order, the words, "for approval" and also the words "against approval" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice. ~~or with a lever opposite "for approval" or "against approval" if voting machines are used.~~

Sec. 86. - Candidates; nominees; time and manner of qualifications of candidates; fee.

EXISTING TEXT

RECOMMENDED CHANGES

Any qualified elector of the City of Lakeland, Florida, possessing the requirements to hold the office of mayor or city commissioner, may become a candidate for said office of mayor or city commissioner by filing in the office of the city clerk of said city not earlier than noon of the fiftieth day prior to a regular or special city election, but not later than noon of the forty-sixth day prior to a regular or special city election, a request in writing that his or her name be printed on the next city election ballots as a candidate for such office and by paying the said city therewith, as an election or qualification fee, the sum of two hundred fifty (\$250)~~enty-five dollars (\$25.00)~~. Only the name or names of candidates so qualified shall appear on the ballots of the next regular or special election held in said city.

No candidate having qualified and thereafter withdrawing or becoming disqualified, under the provisions of this charter, shall be entitled to a refund of the fee paid by him or her.

Sec. 87. - General laws to apply.

EXISTING TEXT

RECOMMENDED CHANGES

All elections shall be conducted, except as otherwise specifically provided under this charter, under the rules and conditions prescribed by law, and subject to the general election laws of the state.

THE INITIATIVE

Sec. 88. - Initiative and referendum.

EXISTING TEXT

RECOMMENDED CHANGES

- (a) Initiative. The qualified voters of the city shall have power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, such voters, shall have the power to approve ~~dept~~ or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (b) Referendum. The qualified voters of the city shall have power to require reconsideration by the city commission of any adopted ordinance and, if the city commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

Sec. 89. - Commencement of proceedings.

EXISTING TEXT

RECOMMENDED CHANGES

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk or other official designated by the city commission an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the city clerk or other official designated by the city commission may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

Sec. 90. - Petitions.

EXISTING TEXT

RECOMMENDED CHANGES

- (a) **Number of signatures.** Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least twenty (20) percent of the total number of qualified voters registered to vote at the last regular city election.

- (b) **Form and content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing which shall contain an explanatory statement not exceeding 75 words in length, of the chief purpose of the measure. Each signature shall be executed in ink ~~or indelible pencil~~ and shall be followed by the address~~of~~ of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) **Affidavit of circulator.** Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signature of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) **Time for filing referendum petitions.** Referendum petitions must be filed within ~~sixty~~^{thirty} (6~~3~~0) days after adoption by the city commission of the ordinance sought to be reconsidered.

Sec. 91. - Procedure for filing.

EXISTING TEXT

RECOMMENDED CHANGES

- (a) **Certificate of clerk; Aamendment.** Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the city clerk or other official designated by the city commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail, or other method of service provided by law. Grounds for insufficiency are only those specified in section 90. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee filed a notice of intention to amend it with the city clerk or other official designated by the city commission within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 90 hereof, and within five (5) days after it is filed, the city clerk or other official designated by the city commission shall complete a certificate as to the sufficiency of the petition as amended, and promptly send a copy of such certificate to the petitioners' committee by the same method ~~registered mail~~ as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request city commission review under subsection (b) of this section within the time required, the city clerk or other official designated by the city commission shall promptly present his certificate to the city commission, and the certificate shall then be a final determination as to the sufficiency of the petition.

- (b) **City commission review.** If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the city commission. The city commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the city commission's determination shall then be a final determination as to the sufficiency of the petition.

Sec. 92. - Referendum petitions; suspension of effect of ordinance.

EXISTING TEXT

RECOMMENDED CHANGES

When a referendum petition is filed with the city clerk or other official designated by the city commission, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or;
- (2) The petitioners' committee withdraws the petition, or;
- (3) The city commission repeals the ordinance, or;
- (4) After a vote of the city on the ordinance has been certified.

Sec. 93. - Action on petitions.

EXISTING TEXT

RECOMMENDED CHANGES

- (a) **Action by city commission.** When an initiative or referendum petition has been finally determined sufficient, the city commission shall promptly consider the proposed initiative ordinance in the manner provided for adoption of ordinances, generally, or reconsider the referred ordinance by voting its repeal. If the city commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the city.
- (b) **Submission to voters.** The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one hundred twenty~~sixty~~ (120~~60~~) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period described in this subsection, the city commission shall provide for a special election, except that the city commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (c) ~~**Withdrawal of petitions.** An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city~~

~~by filing with the city clerk or other official designated by the city commission a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.~~

Sec. 94. - Results of election.

EXISTING TEXT

RECOMMENDED CHANGES

- (a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) Referendum. If a majority of the qualified electors voting on a referred ordinance vote to repeal ~~against~~ it, it shall be considered repealed upon certification of the election results.

Sec. 95. - Recall.

EXISTING TEXT

RECOMMENDED CHANGES

The electors of the City of Lakeland shall have the right of recall as provided by state law.

DIVISION II RELATED LAWS

ARTICLE IV. - ADDITIONAL POWERS AS TO TAXICABS

Taxi Ride

Hate Uber all you want, it's still better than climbing in a cab

Taxis Vs Uber

Common Sense Solution to Uber vs Taxi

Sec. 43. - Further authority to regulate the transportation of persons and property for hire.

EXISTING TEXT

RECOMMENDED CHANGES

~~Further authority is hereby conferred upon the city commission of the City of Lakeland to regulate the transportation of persons and property for hire over the streets of said city by limiting the number of automobile taxicabs operating therein.~~

Sec. 44. - Granting of franchise by ordinance; terms, conditions, etc.

EXISTING TEXT

RECOMMENDED CHANGES

~~The city commission of the City of Lakeland is hereby authorized to grant for a valuable consideration by ordinance two (2) or more franchises, including exclusive franchises, to different persons, firms or corporations for the use of the streets of said city for the operation of a taxicab business or businesses upon such terms and conditions and under such regulations as may be imposed by the city commission. The city commission shall grant at least two (2) franchises for said taxicab business and shall in said franchise ordinance or ordinances impose such terms, conditions and limitations as may insure against any monopoly of such business by any one individual, association of individuals or corporations.~~

Sec. 45. - Duration of franchises.

EXISTING TEXT

RECOMMENDED CHANGES

~~No franchise granted under the provisions of this act shall extend over a period longer than ten (10) years from the date of such grant.~~

Sec. 46. - Establishment and regulation of rates and charges.

EXISTING TEXT

RECOMMENDED CHANGES

~~The city commission of said city is authorized to provide by ordinance for the establishment and regulation of the rates and charges required by taxicabs for the transportation of persons and their baggage over the streets of said city and to establish from time to time minimum and maximum charges for such services.~~

ARTICLE V. - SEWAGE DISPOSAL PERMITS

Sec. 47. - Not to be granted for discharge of sewage into body of water in city.

EXISTING TEXT

RECOMMENDED CHANGES

~~No permit, license or other authority shall be granted by the state board of health or any county health authority under authority granted by law, or under rules and regulations adopted by such board or authorities, for the discharge, or any action whereby the discharge is possible under any conditions, of any sewage or sewage effluent into any lake, stream or other body of water, which lies partly or wholly within the corporate limits of the City of Lakeland, Florida, unless the city commission of the City of Lakeland shall approve the discharge of such effluent.~~

Sec. 48. - Expiration of permits in conflict with act.

EXISTING TEXT

RECOMMENDED CHANGES

~~All permits, licenses or other authority heretofore issued in conflict herewith shall expire within six (6) months after the effective date of this act.~~

ARTICLE VI. - INTEGRATION OF ADJACENT TERRITORY

A Practical Perspective about Annexation in Florida

Sec. 49. - Boundaries of City of Greater Lakeland area.

EXISTING TEXT

RECOMMENDED CHANGES

~~The following area is hereby described as City of Greater Lakeland area:~~

~~Begin at the northeast corner of the west ½ of Section 34, Township 27 South, Range 24 East, run south to the southeast corner of said west ½ of Section 34; thence west to the northeast corner of the west ½ of Section 3, Township 28 South, Range 24 East, thence south through the centers of Sections 3, 10, 15, 22, 27 and 34 of Township 28 South, Range 24 East, to the southeast corner of the west ½ of said Section 34; thence west along the south line of Sections 34 and 33, Township 28 South, Range 24 East, to the southeast corner of Section 32, Township 28 South, Range 24 East; thence south along the west boundary of Section 4 to the southeast corner of the north ½ of Section 5, Township 29 South, Range 24 East; thence west through the center line of Sections 5 and 6, Township 29 South, Range 24 East to the southwest corner of the north ½ of said Section 6; thence continuing~~

~~west through the center line of Section 1, Township 29 South, Range 23 East to the southwest corner of north ½ of said Section 1; thence north along the west boundary of said Section 1, to the northwest corner of said Section 1, Township 29 South, Range 23 East; thence north along the west boundary of Section 36, Township 28 South, Range 23 East, to the northwest corner of said Section 36; thence west along the south boundary of Section 26 to the southwest corner of said Section 26; thence north along the west boundary of said Section 26 to the northwest corner of said Section 26; thence west along the southern boundary of Section 22 to the southwest corner of said section; thence north along the west boundary of Sections 22 and 15 to the northwest corner of said Section 15; thence east along the northern boundary of Section 15 to the northeast corner of the northwest quarter of Section 15; thence north along the center line of Sections 10 and 3 to the northwest corner of the southwest quarter of the northeast quarter of Section 3, Township 28 South, Range 23 East; thence east along the south boundary of the north ½ of the northeast quarter of Section 3 to the northwest corner of the southwest quarter of the northwest quarter of Section 2; thence east along the center line of the north ½ of Section 2 to the northeast corner of the southeast quarter of the northeast quarter of Section 2; thence north along the east boundary of Section 2 to the northeast corner of said section, Township 28 South, Range 23 East; thence north along the west boundary of Section 36, Township 27 South, Range 23 East to the center line of said section; thence east along the center line of said Section 36 to the southeast corner of the northeast quarter of said section; thence north along the east boundary line of Section 36 to the northwest corner of Section 31, Township 27 South, Range 24 East; thence continuing east along the north boundary of Sections 31, 32, 33 and 34, Township 27 South, Range 24 East to the northeast corner of the west ½ of said Section 34 and the beginning point of this description.~~

Sec. 50. - Territory which may be integrated into city.

EXISTING TEXT

RECOMMENDED CHANGES

~~All or any part of such territory not within the corporate limits of the City of Lakeland as it now exists or may hereafter exist, lying contiguous or adjacent to any of the boundaries of said City of Lakeland, as they now exist or may hereafter exist, may be integrated into and made a part of said City of Lakeland. When so integrated into and made a part of said city, such territory shall be subject to the jurisdiction, obligation, debts, benefits and privileges of said City of Lakeland, except as herein otherwise provided, the same as the area now constituting the said City of Lakeland.~~

Sec. 51. - How territory may be integrated.

EXISTING TEXT

RECOMMENDED CHANGES

~~All or any part of such territory may be integrated into and made a part of the said City of Lakeland upon petition to said City of Lakeland of not less than sixty (60) percent of the qualified electors residing in the territory to be integrated into and made a part of the said municipality, who are registered as freeholders on the registration records of Polk County, Florida. Provided, no part of such territory having an area of less than ten (10) acres may be so integrated, unless such area shall contain not less than twenty-five (25) qualified electors residing in said territory who are freeholders, except as otherwise herein provided. And, provided, further, that the city commission of the City of Lakeland may, in its discretion, receive and accept petitions for the integration of areas of less than ten (10) acres or areas containing less than twenty-five (25) qualified electors residing in such territory who are freeholders, if such incorporation is deemed practical and expedient and in conformity with the overall plan for extending the boundaries of the City of Lakeland into the City of Greater Lakeland and all the owners thereof sign such petition; and provided further, that no unit or parcel, or units or parcels, of land consisting of one or more acres in one contiguous body or common boundary, (road rights-of-way intercepting or crossing the same, excepted) and use for business, commercial, agricultural or industrial purposes shall be included in or made a part of any area or territory sought to be so integrated, or be integrated into and made a part of the City of Lakeland, unless the person or persons, firm or firms, corporation or corporations, owning such unit or parcel, or units or parcels, shall sign the petition, or one of the petitions, provided for in this act, or shall, by written instrument filed with the city clerk of the City of Lakeland, assent to the integration of such unit or parcel, or units or parcels, into the territorial limits of said City of Lakeland.~~

Sec. 52. - Form of petition for integration; filing; certificate of county supervisor of registration; withdrawal of petition or name of petitioner; surveyor's certificate; resolution of city commission.

EXISTING TEXT

RECOMMENDED CHANGES

~~The petition or petitions for integration into the City of Lakeland shall be substantially in the following form:~~

~~PETITION TO INTEGRATE TERRITORY INTO THE CITY OF LAKELAND~~

~~This petition is filed pursuant to Chapter (here insert official Chapter number of this Chapter as the same appears in the office of the Secretary of State), Laws of Florida, Acts of 1953, for the purpose of integrating the hereinafter described lands into the City of Lakeland, Florida.~~

~~We, the undersigned, being qualified electors residing in the hereinafter described territory, who are duly registered as freeholders on the registration records of Polk County, Florida, hereby file this our petition for annexation of the following described territory into the City of Lakeland, in accordance with the above described Chapter of the Laws of Florida, to wit: (Here describe territory).~~

~~(Here place signatures of petitioners, showing in detail place of residence, showing street and number when available.)~~

~~As many separate petitions as may be desired may be filed affecting the same area, and if such petitions are insufficient for any reason additional or supplemental petitions may be filed; provided, however, that such petitions shall be valid only for a period of sixty (60) days after same are filed with the city clerk of the City of Lakeland, Florida.~~

~~When completed, such petitions and additional and supplemental petitions shall be filed with the city clerk of the City of Lakeland who shall, within five (5) days after the filing of such petitions with him, deliver the same to the supervisor of registration of Polk County, Florida, who shall thereupon check the names of petitioners and shall certify within thirty (30) days which signatures on said petition are genuine, and which petitioners whose names appear on said petition or petitions are qualified in all respects under this act to sign said petition or petitions. In the event that the number of qualified petitioners is found to be insufficient, supplemental petitions may be filed until the sufficient number is obtained, and the supervisor of registration shall have the same time, as herein provided, to check such supplemental petition as the original petition. After filing with the city clerk, no petition shall be withdrawn for a period of sixty (60) days, nor shall any petitioner be permitted to withdraw his signature therefrom within sixty (60) days of the filing thereof with the city clerk, but after sixty (60) days the petition or any name thereon may be withdrawn. The petition meeting the requirements of this act shall thereupon be presented to the city commission at its next regular meeting, together with the aforesaid certificate of the supervisor of registration, and a certificate from a licensed surveyor, showing a sufficient legal description of the area to be annexed and the quantity of land contained in the said area. At said meeting the city commission may in its discretion adopt a resolution, setting forth the filing of said petition, the certification of the supervisor of registration as to the sufficiency of the petition, and the certification of the said licensed surveyor as to the sufficiency of the description and the quantity of land contained therein, and may thereupon resolve that the said area is incorporated into the City of Lakeland under the provisions of Chapter (insert Chapter number), Laws of Florida, Special Acts of 1953.~~

Sec. 53. - When area to become part of the city; when property subject to taxation.

EXISTING TEXT

RECOMMENDED CHANGES

~~Upon the adoption of the resolution and a certified copy thereof being recorded in the public records of Polk County, Florida, the area shall forthwith become a part of the City of Lakeland, except that not until January 1 following the date of the adoption of said resolution shall the property within said annexed territory be subject to ad valorem taxation.~~

Sec. 54. - Right of residents in annexed territory to vote and hold office; persons holding state and county licenses for profession, occupation or business.

EXISTING TEXT

RECOMMENDED CHANGES

~~After the adoption of said resolution, all residents in the newly annexed territory shall have the same rights to vote in the city elections and to hold public office within the city, as though the newly annexed territory had been a part of the City of Lakeland for at least six (6) months prior to the date of said resolution, provided that said residents shall meet all requirements of the city charter for qualified electors of the City of Lakeland. All persons, firms and corporations lawfully engaged in any profession, occupation, trade or business within the annexed territory on the effective date of its annexation and holding valid state and county licenses therefrom, may upon paying the license taxes required by the City of Lakeland thereupon be entitled to carry on their profession, occupation, trade or business in the City of Lakeland without the necessity of a permit or certificate granted by any examining board of the City of Lakeland, but such right may be terminated for cause after a hearing by the appropriate examining board of the City of Lakeland.~~

Sec. 55. - Other acts not repealed.

EXISTING TEXT

RECOMMENDED CHANGES

~~Nothing in this act shall be deemed to repeal or to be inconsistent with any other law of the State of Florida authorizing the extension of municipal boundaries.~~

Florida Statutes Chapter 171

ARTICLE VII. - MUNICIPAL HOSPITAL BOARD

Sec. 56. - Creation; composition; appointment; terms; vacancies; removal of members; ineligible persons; ex officio members; interest in contracts, etc.

EXISTING TEXT

RECOMMENDED CHANGES

~~There is hereby created a municipal hospital board of the City of Lakeland, to be composed of nine (9) members, who shall be owners of real property located in the City of Lakeland, and shall also be electors of Polk County, Florida; who shall be appointed by the city commission of the City of Lakeland, to serve a term of three (3) years each, or until their successors are appointed and have accepted such appointments, and who shall receive as compensation an amount not to exceed five dollars (\$5.00) per annum. Said board members shall serve for the period of their appointment, or until they have resigned, been disqualified or removed, or have failed to attend three (3) consecutive~~

~~meetings of the board without its resolution granting such absence, and until their successors in office are qualified. However, the first appointment and terms of office shall be as follows: Three (3) members for a term of one year, three (3) members for a term of two (2) years, and three (3) members for a term of three (3) years. Thereafter, each person shall be appointed to membership on the board by the city commission of the City of Lakeland for a term of three (3) years; such appointments shall be made from nominations by the hospital board, wherein three (3) persons shall be nominated for appointment for each term of office or portion thereof to be filled, and such appointees shall possess all of the qualifications for membership as provided in this act.~~

~~In the event of the resignation, death, disqualification or removal, or failure to attend meetings as prescribed herein, by any member of the board, the city commission, as aforesaid, shall fill such vacancy within thirty (30) days for the unexpired term of any such vacant office, unless otherwise provided herein.~~

~~No member of the board shall serve more than two (2) consecutive terms of office but may become eligible for reappointment after the lapse of one year. The board shall include, exclusive of its regular membership, the city manager, the hospital administrator, the president of the medical staff and the president of the women's hospital auxiliary, as ex-officio members of the hospital board without voting power.~~

~~No member of such board during his or her tenure of office shall be interested in the benefits, emolument or any contract work or service for the hospital, and such contract in which any such member is or may become interested during such tenure of office, shall be void, and it shall be unlawful for any board member to directly or indirectly contract with any relative, whether by affinity or consanguinity, for the doing of any work, for the furnishing of any material or equipment or services to or for the hospital; provided, however, that such relative or relatives may be employed as laborers or in other capacities for the performance of manual labor, and that it shall be unlawful for any board member to directly or indirectly contract with any person, firm or corporation in which he is financially interested for the doing of any work or the furnishing of any material, equipment or services to or for the hospital.~~

~~Any board member may be removed from office for neglect of duty, for the commission of any felony or for any misconduct or offense involving moral turpitude or for mental incompetency. The municipal hospital board may by resolution inform the city commission of such act of any board member constituting ground for removal and request the city commission to remove such board member for cause. Upon receipt of such resolution, the city commission may remove such board member.~~

Sec. 56a. - City commission authorized to enter into leases with nonprofit Florida corporations; municipal hospital board relieved of responsibilities; requirements.

EXISTING TEXT

RECOMMENDED CHANGES

(1) The city commission of the City of Lakeland, Florida, ~~by ordinance and with the concurrence of the municipal hospital board of the City of Lakeland, Florida,~~ is authorized to enter into leases, contracts, management agreements or operating agreements with one or more nonprofit Florida corporations, public or private, for the purpose of creating a leasehold interest or for the operation or management of ~~Morrell Memorial Hospital, Lakeland General Hospital,~~ Lakeland Regional Medical Center, or any hospital or health care facility owned by the City of Lakeland, Florida.

(2) Any such lease, contract or agreement made pursuant hereto shall:

(a) Provide that the articles of incorporation of such nonprofit corporation be subject to the approval of the City ~~of Lakeland and the municipal hospital board of the City of Lakeland.~~

(b) Require that the nonprofit corporation become qualified under Section 501(c)(3) of the United States Internal Revenue Code.

(c) Provide for the orderly transfer of assets and facilities to such nonprofit corporation or corporations.

(d) Provide for the return of such facility to the City of Lakeland, Florida, ~~and the municipal hospital board of the City of Lakeland, Florida,~~ upon the termination of such lease, leases, or the dissolution of such nonprofit corporation.

~~(3) — During the term of such leases, contracts or agreements which provide for the leasing, operation or management of such hospital, hospitals or health care facilities the municipal hospital board of the city shall be relieved of any responsibility or powers for the management and operation of such hospitals or health care facilities as provided by Chapter 57-1506, Chapter 59-1483, Chapter 70-775, Laws of Florida, and the provisions of this article.~~

~~(Sp. Acts, Ch. 84-462, § 1)~~

Adjourn