ORDINANCE NO. ____

PROPOSED ORDINANCE NO. 25-022

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE CHARTER OF THE CITY OF LAKELAND; SUBMITTING TO THE ELECTORS OF THE CITY AT THE NOVEMBER 4, 2025 GENERAL ELECTION VARIOUS AMENDMENTS TO THE CITY CHARTER AS RECOMMENDED BY THE CITY OF LAKELAND CHARTER REVIEW COMMITTEE; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 97 of Division I of the Charter of the City of Lakeland, Florida provides that, in January of 2024, and in January of each eighth year thereafter, the City Commission shall appoint a Charter Review Committee to review the Lakeland City Charter and recommend to the City Commission such revisions or amendments, if any, to the Charter as in the Committee's judgment are indicated; and

WHEREAS, pursuant to said provision, the Charter Review Committee shall consist of 15 qualified electors, not members of the City Commission or the Mayor, selected in a manner determined by the City Commission, and appointed by resolution of the City Commission; and

WHEREAS, in accordance with this process, the City Commission, by Resolution No. 5880, as amended by Resolution Nos. 5885 and 5887, appointed a Charter Review Committee for the purpose of reviewing the City Charter and recommending to the City Commission such revisions or amendments, if any, to the Charter as in the Committee's judgment are indicated; and

WHEREAS, Section 97 of Division I of the City Charter provides that, after consideration of the recommendations, if any, of the Charter Review Committee, the City Commission may submit all or any of the Committee's recommended Charter amendments to the electorate of the City to be voted on at a referendum in accordance with applicable law; and

WHEREAS, the appointed Charter Review Committee reviewed the City Charter, conducted public meetings, received public comment on proposed amendments, and engaged in a rigorous and thorough review of the existing City Charter, resulting in a final report to the City Commission on March 3, 2025 with recommendations for various amendments to the Charter; and

WHEREAS, Section 166.031, Florida Statutes, authorizes the governing body of a municipality to amend its Charter by enacting an ordinance containing proposed amendments and submitting said proposed amendments to a vote of the electors of the municipality at the next general election, or a special election called for such purpose; and

WHEREAS, the City Commission has reviewed the proposed amendments to the Charter recommended by the Charter Review Committee and desires to submit the Committee's proposed amendments as set forth on Attachment "A" hereto to a vote of the electors of the City of Lakeland at the general election to be held on November 4, 2025;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. FINDINGS OF FACT. The foregoing findings are true and

correct and are incorporated herein by reference and made a part of this Ordinance.

SECTION 2. PROPOSED CHARTER AMENDMENTS. The amendments to the Charter of the City of Lakeland set forth on Attachment "A," attached hereto and incorporated herein by reference, shall be submitted to a vote of the electors of the City of Lakeland at the general election to be held on November 4, 2025 in accordance with the procedure established by applicable law. Proposed amendments to the Charter are shown on Attachment "A" in strikethrough and underline. Any portions of the Charter not set forth on Attachment "A" are not proposed for amendment.

SECTION 3. EFFECTIVE DATE OF CHARTER AMENDMENTS. The proposed Charter amendments set forth on Attachment "A" shall be submitted to the City electors in the form of one or more ballot questions. The effective date of any Charter amendments approved by the electors shall be January 1, 2026, irrespective of which ballot questions are approved or not approved.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 4th day of August, A.D. 2025.

_____
H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT "A"

PROPOSED CHANGES TO THE CITY CHARTER

- ~~**Sec. 1. - Present municipality abolished.**~~

~~The present municipal government existing under the name of the City of Lakeland, Polk County, Florida, be and the same is hereby abolished. (It is intended that this provision of the charter of 1959 be preserved in the amended charter of the City of Lakeland, 1976, and the amended charter of the City of Lakeland adopted the 5th day of November, 2019, without having the effect of abolishing the government which exists on the date of adoption of such amended charter.)~~

- **Sec. ~~2~~1. - Title, rights reserved; contracts binding; officers continue to serve; ordinances continue in effect.**

The title, rights and ownership of property, uncollected taxes, dues and claims, judgments, decrees and choses in action held or owned by the City of Lakeland, Polk County, Florida, ~~shall pass to and be~~ are vested in the municipal corporation organized under this charter ~~to succeed the municipality abolished~~, and no obligation or contract of the City of Lakeland, including bonds heretofore issued, shall be impaired or void, but shall ~~pass to and~~ be binding upon the ~~new~~ municipality which is hereby organized and created, and all assessments heretofore made are hereby declared to be valid and binding, and all bonds heretofore issued are hereby declared to be valid and binding obligations of the City of Lakeland, officers now holding office shall continue to hold their respective office(s) until their successors are elected and qualified under the provisions of this charter; and all existing ordinances not in conflict with the charter shall continue in effect and be unimpaired until repealed, amended or modified by the municipality which is hereby organized and created.

- **Sec. ~~3~~2. - Municipal government created with perpetual succession.**

The municipality, and all the inhabitants comprehended within the territorial limits, shall be, and are hereby created and constituted a body corporate and politic under and by the name of the City of Lakeland, and by that name shall have perpetual succession, may hold real estate, personal and mixed property, and dispose of the same for the benefit of the city; and may purchase, lease, receive, acquire by eminent domain and hold property, real and personal, within or beyond the limits of the city to be used for any public municipal purpose

that the city commission may deem proper; and may sell, lease or dispose of said property for the benefit of the city to the same extent that natural persons might do.

- ## Sec. ~~4~~3. - Boundaries.

The City Commission may amend the corporate limits from time to time in accordance with applicable laws. The official boundary map shall be maintained by the City Clerk and made available for inspection.

- ## Sec. ~~5~~4. - Form of government.

The form of government of the City of Lakeland provided for under the charter shall be that known as the "commission manager plan." The commission shall constitute the governing body with power as hereinafter provided to pass ordinances, adopt regulations, and appoint a chief administrative officer to be known as the "city manager," and to exercise all other powers hereinafter provided.

- ## Sec. ~~6~~5. - Vacancies; forfeiture of office; filling of vacancies.

(a) Vacancies. The office of a commissioner or that of mayor, shall become vacant upon death, resignation, or removal from office in any manner authorized by law or forfeiture of office, such forfeiture to be declared by the remaining members of the commission.

(b) *Forfeiture of office.* A commissioner or the mayor shall forfeit their office if they lack at any time during their term of office any qualification for the office prescribed by this charter or by law.

(c) *Filling of vacancies.* A vacancy of the commission or the office of mayor shall be filled by election at the next available regular city election. The commission, by a majority vote of the remaining members, shall choose a successor to serve until the newly elected mayor or commissioner ~~is qualified~~ receives a certificate of election and takes the oath of office, at which point the newly elected mayor or commissioner shall take office immediately. In the event a member of the commission resigns with a delayed effective date, the remaining members of the commission, not including the resigning member, shall choose a successor to serve from the effective date of the resignation until the newly elected mayor or commissioner takes office as provided in this Section. If two (2) years or more remain in the term of the vacated seat at the time of the next available regular city election, that seat shall be filled ~~by~~ at such election for the remainder of the vacated term. If a vacancy occurs in one of the commission seats designated by district, any successor chosen by the commission to fill the vacancy until the next available regular city election shall reside in the district for which the vacancy exists and shall otherwise possess all qualifications required to serve on the city commission. No individual otherwise precluded by length of previous service from holding

the office of city commissioner, or mayor in the case of a vacancy in the office of mayor, may be appointed by the city commission to fill a vacancy in such office.

(d) *Extraordinary vacancies.* Notwithstanding any quorum requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members shall, by majority vote, appoint additional members in accordance with the procedures set forth in (c) above until successors are elected at the next available regular city election. In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that shall call a special election to fill each vacancy, which special election shall be held not sooner than sixty (60) nor more than ninety (90) days following their appointment.

- **Sec. ~~7~~6. - Power to borrow money.**

The city commission shall have the right to borrow money to pay debts or for any proper and authorized city purpose, and may give a bond or bonds or a note or notes evidencing same which shall be executed by the mayor or the mayor pro tem, after ordinance or resolution by the city commission authorizing same.

- **Sec. ~~8~~7. - General powers and duties of commission.**

(a) The city commission of the City of Lakeland, as the governing body pursuant to the provisions of Article VIII, Section 2(b) of the Florida Constitution and the provisions of the Municipal Home Rule Powers Act, Florida Statutes 166.011 et seq., has the power to enact any legislation concerning any subject matter upon which the state legislature may act except when expressly prohibited by law and shall have all governmental, corporate and proprietary powers to enable it to conduct municipal functions, and render municipal services, and may exercise any power for municipal purposes, as provided by law, except when expressly prohibited by law.

(b) All powers of the city, except as otherwise provided by this charter, or by the Florida Constitution, are hereby vested in the city commission; and except as otherwise provided by this charter, or by the Florida Constitution, the city commission may, by ordinance or resolution, prescribe the manner in which any power of the city shall be exercised.

(c) The city commission shall have authority to provide electric, gas, data/voice transmissions, solid waste, water, wastewater and other municipal service systems within and beyond the corporate limits and to operate, extend or modify the same within or beyond the corporate limits and to acquire and hold by grant, lease, eminent domain, purchase, conveyance or otherwise lands, easements, rights or privileges corporeal or incorporeal as may be necessary or incident to the full execution and use of this power.

(d) The City Commission shall have the authority to provide, maintain and support a pension or group insurance plan or both, for the benefit of the employees of the said city.

(e) The City Commission shall have the authority to acquire by eminent domain any interest in real property, both within and without the corporate limits of the City, for any municipal purpose as provided by law.

(f) The city commission shall fix the salary or compensation of the city manager and the city attorney by appropriation in the city budget.

(g) The city commission shall have supervision over lakes or parts of lakes, or other bodies of water, or submerged lands, within its corporate limits, with the right to regulate and restrict the filling of lake shores or lake bottoms as provided by law.

(h) The members of the city commission shall constitute the trustees of the sinking fund, and as trustees of the sinking fund shall be the trustees of all outstanding bonds and certificates of indebtedness as have been issued or may hereafter be issued from time to time for legally authorized municipal purposes, and shall manage and control the sinking funds created for the liquidation of such bonds subject to the provisions of the general laws of the state and the ordinances of the city with relation to the management of such funds.

(i) Sale of city owned lands:

(1) The city commission, by a majority vote, may sell, gift, or otherwise convey, or offer for sale, gift or otherwise convey in any manner it shall determine, lands the title to which is now vested or which shall become vested in the City of Lakeland, at private sale or, at the option of the city commission, may sell, gift or otherwise convey such lands or any part or parcel thereof at public outcry to the highest cash bidder therefor.

(2) The city commission shall by resolution or contract fix the procedure for the sale of such lands either at private sale or public outcry and shall provide in such resolution or contract the terms of the sale and the requirement for publication of notice if same shall be sold at public outcry.

(3) The city commission is hereby authorized to exercise any power necessary to implement the provisions of Paragraphs (1) and (2) above, and such authority shall include but not be limited to the following:

a. May reserve the right to reject any bids received for lands offered for sale at public outcry.

b. Upon the approval of the sale or disposition of any lands by the city commission, the purchaser of such lands shall be entitled to receive a deed of conveyance to said lands; provided, however, that such deed shall not contain any warranty of title.

c. This section shall not be deemed to require any specific act or procedure by the city commission to convey or dispose of lands owned by the city, but shall authorize the city to dispose of its lands, for the benefit of the city, in the same manner and to the same extent that natural persons might do.

d. Where the City of Lakeland has by gift, purchase, dedication, condemnation or eminent domain acquired any property, it may lease, sell or dispose of same for the benefit of the city to the same extent that natural persons might do regardless of the manner in which such property was held and regardless of the purpose for which such property was held and regardless of the purpose for which such property was acquired.

- **Sec. ~~9~~8. - Limitations on powers of city commission.**

(a) Neither the commission nor any of its members, individually or collectively, shall in any manner dictate the appointment or removal of any city administrative officers, department heads or employees whom the city manager or any of the city manager's subordinates are empowered to appoint, but the commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(b) Except for general inquiries concerning administrative procedures and policies, the commission and its members shall deal with officers and employees of the city who are subject to the direction and supervision of the city manager solely through the city manager, and neither the commission nor any of its members shall give orders to any such officer or employee, either publicly or privately, directly or indirectly. Nothing in the foregoing is to be construed to prohibit individual members of the commission from scrutinizing by questions and personal observation all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the commission. However, it is the expressed intention hereof that recommendations related to city operations by individual commissioners be made to and through the city manager.

(c) Any violation of a provision of this section by a member of the commission shall constitute grounds for removal from office.

~~(b)~~(d) The City of Lakeland shall not sell, lease or otherwise dispose of ~~any water plant, or~~ all or substantially all of the assets of the electric utility, until such sale, ~~or~~ lease or other disposal has previously been authorized by (i) a unanimous vote of all members of the city commission approving such sale, lease or other disposal and authorizing a referendum on the subject, and (ii) an affirmative vote of two-thirds (⅔) of the electors voting in such referendum authorized by the city commission~~, otherwise qualified to~~

~~vote in an election duly called for that purpose~~. A referendum called by the city commission under this subsection shall take place either at a regular city election or at a special election at which the only question to be decided is the sale, lease or other disposal of ~~a water plant or~~ the assets of the electric utility. For the purpose of this section only, electric utility shall mean those assets used to engage in the business of generating, transmitting, or distributing electrical energy, as well as any related activities authorized by this Charter or applicable law.

(e) The City of Lakeland shall not sell, lease or otherwise dispose of all or substantially all of the assets of the water utility until such sale, lease or other disposal has previously been authorized by (i) a unanimous vote of all members of the city commission approving such sale, lease or other disposal and authorizing a referendum on the subject, and (ii) an affirmative vote of two-thirds (⅔) of the electors voting in such referendum authorized by the city commission. A referendum called by the city commission under this subsection shall take place either at a regular city election or at a special election at which the only question to be decided is the sale, lease or other disposal of the assets of the water utility. For the purpose of this section only, water utility shall mean those assets used to engage in the business of producing, treating, or distributing potable water, as well as any related activities authorized by this Charter or applicable law.

(f) The City of Lakeland shall not sell, lease or otherwise dispose of all or substantially all of the assets of the wastewater utility until such sale, lease or other disposal has previously been authorized by (i) a unanimous vote of all members of the city commission approving such sale, lease or other disposal and authorizing a referendum on the subject, and (ii) an affirmative vote of two-thirds (⅔) of the electors voting in such referendum authorized by the city commission. A referendum called by the city commission under this subsection shall take place either at a regular city election or at a special election at which the only question to be decided is the sale, lease or other disposal of the assets of the wastewater utility. For the purpose of this section only, wastewater utility shall mean those assets used to engage in the business of collecting, treating or disposing of wastewater, as well as any related activities authorized by this Charter or applicable law.

- **Sec. ~~10~~9. - City commission.**

The city commission shall consist of seven (7) electors of the city, including the mayor, elected at large, all of whom shall hold office for four (4) years or until their successor takes office. One each of the commissioners shall have been for one (1) year immediately prior to taking office, a resident of that part of said city described as follows:

~~*District A:* Being that part of said city bounded on the east by State Road 35 and on the south by the Seaboard Coast Line Railroad tracks, extending westerly and northerly to the city limits line;~~

~~*District B:* That part of said city lying east of State Road 35 and north of Seaboard Coast Line Railroad tracks, extending easterly and northerly to the city limits line;~~

~~*District C:* That part of said city lying south of the Seaboard Coast Line Railroad tracks and west of State Roads 35 and 37 extending westerly and southerly to the city limits line;~~

~~*District D:* That part of the city lying south of Seaboard Coast Line Railroad tracks and east of State Roads 35 and 37 extending easterly and southerly to the city limits line of the City of Lakeland;~~

District A: That part of the city extending northerly and westerly to the city limit boundaries from *a boundary line on the south* beginning at the intersection of State Road 37 and Lime Street and following W. Lime Street west to Lake Beulah Drive, then following Lake Beulah Drive along the south side of Lake Beulah to Olive Street, then following Olive Street to Southern Avenue, then running due north to the CSX railroad tracks, then following the CSX railroad tracks to the western city limits, *and a boundary line on the east* beginning at the intersection of State Road 37 and Lime Street and following State Road 37 and N. Florida Avenue north to the CSX railroad tracks, then following the CSX railroad tracks northeast to U.S. Highway 98 North, then following U.S. Highway 98 North northwest to N. Massachusetts Avenue, then running north to E. 1st Street, then west to U.S. Highway 98 North, then north to Pinehurst Street, then east to N. Florida Avenue, then north to Robson Street, then west to U.S. Highway 98 North, then north to the northern city limits.

District B: That part of the city extending northerly and easterly to the city limit boundaries from *a boundary line on the south* beginning at the intersection of U.S. Highway 98 South and N. Crystal Lake Drive and following N. Crystal Lake Drive east to the eastern city limits, *and a boundary line on the west* beginning at the intersection of U.S. Highway 98 South and N. Crystal Lake Drive and running northwest along U.S. Highway 98 South to N. Massachusetts Avenue, then north to E. 1st Street, then west to U.S. Highway 98 North, then north to Pinehurst Street, then east to N. Florida Avenue, then north to Robson Street, then west to U.S. Highway 98 North, then north to the northern city limits.

District C: That part of the city extending southerly and westerly to the city limit boundaries from *a boundary line on the north* beginning at the intersection of State Road 37 and Lime Street and following W. Lime Street west to Lake Beulah Drive, then following Lake Beulah Drive along the south side of Lake Beulah to Olive Street, then following Olive Street to Southern Avenue, then running due north to the CSX railroad tracks, then following the CSX railroad tracks to the western city limits, *and a boundary line on the east* beginning at the intersection of State Road 37 and Lime Street and following State Road 37 south to Edgewood Drive, then running east to Cleveland Heights Boulevard, then south to the southern city limits.

District D: That part of the city extending southerly and easterly to the city limit boundaries from *a boundary line on the north* beginning at the intersection of N. Florida Avenue and the CSX railroad tracks, then running northeast along the CSX railroad tracks to U.S. Highway 98 North, then southeast to N. Crystal Lake Drive, then east to the eastern city limits, *and a boundary line on the west* beginning at the intersection of N. Florida Avenue and the CSX railroad tracks and following N. Florida Avenue and State Road 37 south to Edgewood Drive, then running east to Cleveland Heights Boulevard, then south to the southern city limits.

and two (2) commissioners shall be elected at large, without regard to the district in which they may reside. The mayor shall likewise be elected at large. The present members of the city commission shall hold office for the terms for which they are respectively elected, unless a vacancy occurs by death, resignation or removal in accordance with the terms of this charter and respective successors to the present commissioners shall take office at the first city commission meeting in January after their election, or as soon thereafter as may be practicable.

- **Sec. ~~11~~10. - Qualification of members.**

Members of the city commission shall have been residents of the city for one (1) year immediately prior to taking office~~,~~ and have the qualifications of electors of the city. No one shall serve~~,~~ more than three (3) complete terms ~~in any combination of the positions of Mayor and~~as a Commissioner and more than two (2) complete terms as Mayor. Partial terms greater than two (2) years shall constitute a complete term for purposes of this section. Elective officers of the city shall not hold any other elective public office, shall not serve as employees of the City of Lakeland during their terms of office and shall not be interested in the profits or emoluments of any contract, work, or service for the city, and any such contract in which any officer or employee is or may become interested shall be void, and so declared by the city commission. Any member ceasing to possess the qualifications for office required by this charter shall forfeit the office.

Members in office ~~upon the effective date of this Section,~~on January 1, 2020 shall not serve more than twelve (12) consecutive years or three complete terms in the singular position of Mayor or Commissioner or more than sixteen (16) consecutive years, or four (4) complete terms, in any combination of Mayor or Commissioner.

- **Sec. ~~12~~11. - Judge of its own election; grounds for forfeiture of office.**

The city commission shall be the judge of the election and qualification of its members, subject to review by the courts. Any member of the commission who shall be convicted of any felony during the term of their office shall thereby forfeit their office. Any member charged with conduct constituting grounds for forfeiture of their office as enumerated in this charter or in ordinances of the City of Lakeland shall be entitled to public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in

the city, or otherwise in a manner provided by law, at least one week in advance of the hearing.

- **Sec. ~~13~~12. - Mayor pro tem.**

The city commission shall elect one of its members as mayor pro tem of the city, at the first regular or regular adjourned meeting in January of each year.

- **Sec. ~~14~~13. - Functions and powers of mayor and mayor pro tem; absence, death, resignation or removal.**

(a) The mayor shall be a member of the commission, shall preside at all meetings of the commission and shall perform such other duties consistent with the office as may be imposed by the commission; and they shall have a voice and a vote in the proceedings of the commission, but no veto power. He or she may use the title of mayor in any case in which the execution of legal instruments or writings or other necessity arising from the general laws of the state so require; but this shall not be considered as conferring the administrative or judicial functions of a mayor under the general laws of the state. He or she shall be recognized as the official head of the city by the courts for the purpose of serving civil processes; by the government in the exercise of military law, and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred by the city commission in pursuance of the provisions of this charter and no others.

(b) In the absence of the mayor, the mayor pro tem shall have the same powers and duties as the mayor; and in the event of death, resignation or removal of the mayor in accordance with this charter, the mayor pro tem shall become mayor and shall continue in office until the vacancy is filled in accordance with the provisions of this charter.

- **Sec. ~~15~~14. - Meetings.**

The city commissioners shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than twice each month.

- **Sec. ~~16~~15. - Special meetings, how called; commission rules, etc.**

(a) The mayor, ~~any three (3) members of the city commission~~ a commissioner, or the city manager, may call special meetings of the commission upon at least three (3) hours' notice to each member, which notice shall announce the purpose of the meeting. All meetings of the city commission and of any committees thereof, shall be open to the public, and any citizen shall have access to the minutes and reports thereof at all reasonable times.

(b) The commission shall determine its own rules and order of business and keep a journal of its proceedings.

- **Sec. ~~17~~16. - Absence from meeting.**

No commissioner shall be absent from any regular meeting of the commission without an excuse acceptable to the commission. Absence from three (3) consecutive regular meetings of the commission shall operate to vacate the seat of the member, unless such absence is excused by the commission.

- **Sec. ~~18~~17. - Compensation of city commission.**

The mayor and city commission shall receive the across the board increase as provided to general employees at the beginning of each fiscal year. The city commission shall fix any salary or compensation of the mayor and the city commissioners in excess of the across the board increase by appropriation in the city budget; provided, however, that before the compensation of the mayor or the other city commissioners may be increased from their respective compensations received in the ~~next~~ immediately preceding budget year in excess of the across the board increase provided to general employees, the city commission shall first hold a public hearing upon the matter of the increase, notice of which hearing shall be published in a newspaper of general circulation in the City of Lakeland, or as otherwise provided by law, one time not less than sixty (60) days prior to the hearing. The salary or compensation of the mayor as determined herein shall not be an amount less than one hundred fifty (150) percent of the salary or compensation of a city commissioner.

- **Sec. ~~19~~18. - Ordinance enactment.**

Every proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title. In addition to other requirements of law, each ordinance or resolution shall require the affirmative vote of four (4) members for passage and the passing of all ordinances and resolutions shall be taken by "yeas" and "nays" which shall be recorded in the minutes.

Sec. ~~20~~19. - City manager—Appointment and removal.

The city commission shall appoint a city manager who shall be chosen solely on the basis of his or her executive and administrative qualifications. The city manager shall receive such salary as may be fixed by the city commission. No city commissioner shall, during the time for which they are elected, be chosen as city manager. The city manager shall be removable for cause by the city commission; and, before the city manager may be removed for cause, as determined by a majority of the city commission, if he or she so demands, shall be given a written statement of the reason for removal and the right to be heard publicly thereon at a

meeting of the city commission, prior to the final vote on the question of his or her removal, but pending and during such hearing the city commission may suspend him or her from the duties of the office. The action of the city commission in appointing, suspending or removing the city manager shall be final. It is the intention of this charter to vest all authority and fix all responsibility for such appointment, suspension or removal in the city commission.

- **Sec. ~~21~~20. ~~-~~– ~~Same~~City Manager—Powers and duties, generally.**

The city manager shall be the chief executive officer and the head of the administrative branch of the city government. He or she shall be responsible to the city commission for the proper administration of all affairs of the city and to that end, shall have power and shall be required to:

(1) Appoint and, when necessary, remove officers and employees of the city except as otherwise provided by law applicable to the city and as otherwise provided by this charter; provided however the city manager may authorize the head of a department to appoint and remove subordinates in such department.

(2) Prepare an annual budget and submit it to the city commission and be responsible for its administration after adoption.

(3) Prepare and submit to the city commission as of the end of the fiscal year a complete report on the finances of the city for the preceding year.

(4) Keep the city commission advised of the financial condition and future needs of the city and make such recommendations as may be advisable.

(5) Ensure the enforcement of ~~Enforce~~ the laws and ordinances of the city.

(6) Exercise control and direct supervision over all departments and divisions of the municipal government under this charter, including public utilities owned or operated by the city.

(7) Attend meetings of the city commission, and of its committees, unless otherwise excused, with the right to take part in the discussions but without having a vote.

- **Sec. ~~22~~21. - Absence of the city manager.**

By letter filed with the commission, the city manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of the city manager during his or her temporary absence or disability. During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or his or her disability shall cease.

- **Sec. ~~23~~22. - Administrative departments.**

The city manager may establish such departments and offices as may be required for the efficient operation of the city. At the head of each department there shall be a director who shall have supervision and control of the department subject to the city manager. The city attorney, ~~and~~ his or her assistants, and other staff of the city attorney's office are excepted from all provisions hereof relative to supervision and control by the city manager. The city attorney~~, and~~ shall have supervision and control of his or her assistants and other staff and shall be responsible only to the city commission.

- **Sec. ~~24~~23. - Purchasing.**

The city manager shall be responsible for the purchasing of all supplies, materials and other matters or things necessary for the operation of the affairs of the ~~City of Lakeland~~city, both in its governmental and proprietary capacity. A purchasing department may be ~~created~~ established as hereinabove provided in Sec. 22, to conduct all purchases and sales of real and personal property which the city manager or city commission may authorize. All sales and conditions of all contracts for the furnishing of work, labor and material shall conform to such regulations as the city manager or city commission may prescribe, but in any case if an amount in excess of that established by ordinance or resolution be involved, opportunity for competition shall be given. This section shall not preclude purchases without opportunity for competition being provided in cases of emergency where the existence of an emergency and the need for purchasing in the manner chosen are confirmed by the city manager and documented in the appropriate department's files, and shall not apply to purchases which are made from the sole source of supply of such materials or services.

- **Sec. ~~25~~24. - City attorney—Appointment; duties, generally.**

(a) The city commission shall appoint a city attorney who shall hold office at the pleasure of the city commission, and who shall act as the legal advisor to, and attorney and counselor for, the municipality and all its officers in matters relating to their official duties.

(b) The city attorney 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 or disapproval of the form and correctness thereof.

(c) The city attorney shall prosecute and defend, for and on behalf of the city, all complaints, suits and controversies in which the city is a party or has a legal interest.

(d) The city attorney shall furnish the city commission, the city manager, the head of any department, or any officer or board not included in any department, his or her opinion on any question of law relating to their respective powers and duties.

(e) The city attorney shall maintain an office in the city hall. His or her compensation shall be fixed by the city commission. Should it become necessary for the city attorney, or his or her assistants, in the proper representation of the interests of the city, to go beyond the limits of the ~~City of Lakeland~~city, the city commission may, in its discretion, reimburse him or her for all expenses properly incurred in connection therewith.

(f) The city attorney shall be a member of the Florida Bar in good standing. The assistants shall be or become members of the Florida Bar in good standing within one year of their appointment.

- **Sec. ~~26~~25. ~~-~~– ~~Same~~City Attorney—Specific duties.**

Before any ordinance or resolution shall be submitted to the city commission, it shall first be approved as to its form by the city attorney or an assistant, whose duty it shall be to draft such proposed ordinance or resolution and to render such other service related to such ordinance or resolution as shall be necessary to make the same proper for consideration by the city commission.

- **Sec. ~~27~~26. ~~-~~– ~~Same~~City Attorney—Additional duties.**

In addition to the duties especially imposed under the preceding sections, he or she shall perform such other professional duties as may be required by ordinance, ~~or~~ resolution or other direction of the city commission, or as are prescribed for city attorneys under the general law of the state, which are not inconsistent with this charter.

- **Secs. ~~28~~27—35. - Reserved.**

DEPARTMENT OF FINANCE

- **Sec. 36. - Finance director.**

The city manager shall appoint a finance director, who shall appoint an assistant finance director who shall act in the absence of the finance director.

(a) The finance director's duties shall include:

(1) Invest all funds of the city according to law, and in accordance with policy duly adopted by the city commission.

(2) Pay out on behalf of the city under the supervision of the city manager by checks or other orders of payment, all payments due from the city, provided that the city

commission shall provide by ordinance or resolution, the manner in which all checks or other orders of payment are to be signed.

(3) Prescribe all records and forms pertaining to the disbursement and receipt of funds.

(4) Submit financial statements to the city commission as they may require showing the financial condition of the city in accordance with generally accepted accounting principles.

(5) ~~To furnish~~ Furnish to the city manager such financial services as may be required.

(b) The finance director shall:

(1) Have access to inspect, copy, or take possession of all records relating to the receipt or expenditure of funds of the city.

(2) Require regular reports from each department, office or employee receiving or disbursing funds of the city, showing the amounts, source and purpose thereof.

(3) Keep an accurate account of all appropriations made by the city commission.

(c) The city commission shall annually employ an independent auditor to make a complete audit of the city and its agencies.

- **Sec. 37. - Certification of funds by finance director.**

No contract, agreement or other obligation involving the expenditure of money shall be entered into by the city commission, nor shall any ordinance, resolution or order for the expenditure of money be passed by the city commission, nor shall the city commission authorize any officer of the city to create any such obligation, unless the expenditure has been appropriated in the city budget. The sum necessary for the fulfillment of such contract, agreement or other obligation shall not thereafter be considered unappropriated until the city is discharged from such obligation or the city budget properly amended. All moneys in the treasury to the credit of the fund from which they are drawn, and all moneys applicable to the payment of obligations or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes or assessments, or from sales or services, products or byproducts, or from any city undertaking, fees, charges, accounts, and bills receivable, or other claims in the process of collection, and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and the money to be derived from lawfully authorized bonds sold and in process of delivery, shall, for the purpose of the city budget, be deemed in the treasury to the credit of the appropriate fund.

- **Sec. 38. - Audit and approval of claims.**

All claims and demands against the city shall be examined and adjusted and their correctness approved by the finance director before payment. The finance director shall keep a record of accounts and financial transactions, and such books shall be open to the inspection of all interested parties.

- **Sec. 39. - City clerk.**

There shall be a city clerk and a deputy city clerk who shall act in the absence of the city clerk. The city clerk shall attend meetings of the city commission and shall keep minutes of its proceedings, which shall be certified to by the signature of the clerk and of the presiding officer of the city commission. The city clerk shall maintain a registry of all duly enacted ordinances and resolutions of the city commission and shall record and memorialize any official acts taken by the city commission in the performance of their official duties. The city clerk shall be the custodian of the seal of the city and of all contracts, records and papers of a general character pertaining to the affairs of the municipality and shall perform such other duties as may be assigned, or required by ordinance or resolution of the city commission. Contracts executed on behalf of the city shall be acknowledged by the city clerk, with the city seal affixed. In the absence of the city clerk or deputy city clerk, the finance director or assistant finance director shall perform the duties of the city clerk.

- **Sec. 40. - Oath of office.**

Every elected official of the city shall, before entering upon the duties of their office, take or subscribe to an oath or affirmation before the city clerk, who shall retain a copy thereof; which oath or affirmation shall be in the form herein prescribed as follows:

"I do solemnly swear or affirm that I am a citizen and resident of the United States, and the State of Florida, and the City of Lakeland, and have all the qualifications as required by the charter for the office upon which I am about to enter and that I will support the Constitution of the United States and the Constitution of the State of Florida, and the charter and ordinances of the City of Lakeland, and that I will faithfully perform the duties of the office upon which I am now about to enter. So help me, God."

Every police officer of the city shall, before entering upon the duties of their office, take and subscribe to an oath or affirmation to be filed with the city clerk; which oath or affirmation shall be in the form herein prescribed as follows:

"I do solemnly swear (or affirm) that I am a citizen and resident of the United States ~~and a resident~~ and have my domicile within the State of Florida and have all the qualifications as required by the charter of the City of Lakeland and the laws of the State of Florida for the office upon which I am about to enter, and that I will support the Constitution of the United

States, and the Constitution of the State of Florida, and the charter and ordinances of the City of Lakeland, and that I will faithfully perform the duties of the office upon which I am now about to enter. So help me, God."

- **Sec. 41. - City treasurer.**

There shall be a city treasurer who, under the supervision of the finance director, shall collect and be the custodian of all moneys of the city and shall keep and preserve the same in such manner and in such places as may be determined by the city commission.

- **Sec. 42. - Annual budget.**

Prior to the end of each fiscal year, the city manager shall prepare and submit to the city commission a budget and explanatory budget message for the ensuing fiscal year. The budget shall be compiled from detailed information and in its arrangement the classification of expenditures shall be as nearly uniform as possible for the main functional divisions and departments of the city, and shall provide the following information:

(a) Proposed expenditures for each department and division of city government, including all public utilities and enterprises conducted by the city.

(b) Expenditures for the preceding fiscal year and projected expenditures for the current fiscal year for corresponding items.

(c) Such other information as is required by the city commission or as the city manager may deem advisable to submit.

The budget, constituting the recommendation of the city manager as to the amounts necessary to be appropriated for the ensuing fiscal year, shall be supported with information giving the reasons therefor in such detail as may be necessary to afford the city commission a comprehensive understanding of the needs and requirements of the various divisions and departments of the city government for the ensuing period. Sufficient copies of the proposed budget shall be on file with the city clerk for inspection by the public.

- **Sec. 43. - Appropriation ordinance.**

The city commission shall annually adopt a budget as required by applicable law. The city commission may amend the items included within the budget submitted by the city manager, but where the total proposed expenditures are increased, the city commission shall increase the total anticipated revenue to at least equal such proposed expenditures. After review and revision of the budget submitted by the city manager, the city commission shall cause an appropriation ordinance to be prepared to meet the requirements of the budget, and before finally acting upon such ordinance shall fix a time and place for holding public hearings upon

the intended appropriation, and shall give public notice~~ at least one time, not less than one week prior to the hearing, in a local newspaper or~~ of such public hearings as~~ otherwise may be~~ required by law. At such hearings, the city commission may revise the proposed appropriation ordinance and may adjourn the hearings from time to time until the appropriation ordinance is finally acted upon. If the city commission fails to adopt such appropriation ordinance prior to the commencement of the next fiscal year, the amounts appropriated for current operations for the current fiscal year shall be deemed appropriated for the ensuing fiscal year on a month-~~-~~to-~~-~~month basis, with all items prorated accordingly until such time as the city commission adopts a budget for the ensuing fiscal year.

- **Sec. 44. - Transfer of funds.**

The city commission may authorize the transfer of any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation of the current year has proved insufficient, or may authorize a transfer to be made between departments in the same fund or between funds.

- **Sec. 45. - Limitations of appropriations.**

At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated, and shall be subject to future appropriation. Any accruing revenue of the city, not appropriated and hereinbefore provided, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the city commission to such use as will not conflict with any uses for which specifically such revenue accrued. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriation made by the city commission.

- **Sec. 46. - Payment of claims.**

No check for the payment of any account or claim shall be issued by the finance director until such account or claim shall have been approved by the head of the department for which the indebtedness was incurred and by the city manager, and such officers and their sureties shall be liable to the city for all loss and damage sustained by the city by reason of corrupt or improper approval of any such claim or account against the city.

- **Sec. 47. - Special tax.**

The city commission may annually levy and collect a special tax for permanent improvements, and the adornment, paving and improvement of the streets and public grounds of the city, and the property of the city beyond the limits of the city, which levy shall not exceed one-quarter (0.25) of one percent of the assessed value of the taxable property of the city. The city

commission shall also levy and collect annually upon its taxable property aforesaid such sums as may be necessary:

(1) To pay interest upon the indebtedness of the city, and for the maintenance and repairs of its properties and public works;

(2) To create a sinking fund for the payment of such indebtedness as may be incurred;

(3) And to pay the bonds of the city already issued, or any bonds which may be issued in accordance with law;

(4) To pay any judgment against the city, and any such sums as may be commanded to be levied by any mandamus legally issued against the city.

- **Sec. 48. - Special assessments for local improvements.**

The city commission shall have the power, by resolution, to provide for the installation, laying, construction, reconstruction, repair and maintenance by contract, or directly by the employment of labor and furnishing materials of and for all things in the nature of local improvements for any public purpose.

- **Sec. 49. - Limitation of assessments.**

The city commission shall limit all special benefits conferred upon the property assessed, and in no case shall there be levied on any lot, lots, parcel or parcels of land, any assessments for any and all improvements, in excess of the amount of the estimated benefits accruing to such property by reason of such improvement.

- **Sec. 50. - Method of making special assessments.**

(a) Special assessments upon the property deemed to be benefited by local improvements shall be assessed upon the property specially benefit~~t~~ed in proportion to the benefit derived from the improvement, by the front footage of the property abounding and abutting upon the improvements~~ or other property deemed to be benefited by such improvements~~, or by such other methodology that results in the legal and equitable apportionment of the costs of the improvements.

(b) The city commission may, if it finds that any local improvement should not be borne entirely by the abounding and abutting property or other property specially benefit~~t~~ed thereby, pay for such portion of such improvement as may be deemed proper.

(c) The methodology of making special assessments set forth in this Charter shall be deemed to provide a supplemental, additional and alternative method or procedure for the making of

special assessments and shall not be deemed to exclude the use of other methods or procedures for the making of special assessments provided by law or otherwise authorized under the home rule powers of municipalities.

- **Sec. 51. - Resolution relative to special assessments.**

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~~;~~. ~~t~~This provision, however, shall in no wise require the city to pay any portion of said improvements~~;~~. ~~s~~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 and 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 ~~e~~affected property owners and posted in a conspicuous location in the neighborhood where the improvements will occur no later than ~~ten (10)~~fifteen (15) days prior to consideration by the city commission. ~~Said resolution shall also be published once in a local newspaper, or~~ Notice shall also be provided in such other manner as may be prescribed by law~~, at least fifteen (15) days before said improvement is started~~.

- **Sec. 52. - Assessment liens.**

Special assessments for local improvements as herein described shall be payable by the owners of the property specially benefitted by said improvement at the time and in the manner stated in the resolution providing for said improvements, and said special assessments shall be and remain liens superior in dignity to all other liens, except liens for taxes, until paid from the date of the assessment upon the respective lots and parcels of land assessed and shall bear interest not to exceed the rate of eight (8) percent per annum and may be, by resolution aforesaid, made payable in not more than ten (10) equal yearly installments, as nearly as practicable with accrued interest on all deferred payments unless paid within thirty (30) days after said assessments, which assessments shall stand approved and confirmed as provided herein.

- **Sec. 53. - When annual installments due and payable; collection.**

Each annual installment provided for herein shall be paid upon the dates specified in said resolution, with interest upon all deferred payments, until the entire amount of said assessment has been paid. ~~and~~ ~~u~~Upon failure of any property owner to pay any annual installment due, or any part thereof, or any annual interest upon deferred payments, the city commission shall cause to be brought the necessary legal proceedings to enforce payment,

with all accrued interest~~, together with all~~ and legal costs incurred, including a reasonable attorney's fee, to be assessed as part of the costs~~,~~. ~~and~~ ~~i~~In the event of default in the payment of any installment of an assessment or any accrued interest on said assessment, the whole assessment with interest thereon shall immediately become due and payable and subject to foreclosure. In the foreclosure of any special assessment, service of process against unknown or nonresident defendants may be had by publication as now approved by law in other chancery suits. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages. Nothing in this section shall preclude the collection of a special assessment authorized under this charter, including interest and costs related thereto, by any other means authorized by law.

- **Sec. 54. - Plans, specifications and estimated cost of proposed improvement.**

At the time of the adoption of the resolution provided for herein, there shall be on file with the director of public works, plans and specifications with the estimated cost of the proposed improvement, which plans and specifications and estimate shall be open to the inspection of the public.

- **Sec. 55. - City manager to cause improvement to be made.**

When the city commission shall have passed a resolution determining that an improvement be made, to be paid in whole or in part by special assessment, the city manager shall, as may be provided by resolution, either directly by the employment of labor, or by entering into a contract therefore, cause the improvement to be made.

- **Sec. 56. - ~~Publication of assessment resolution~~Reserved.**

~~Upon the adoption of the resolution provided for herein, the resolution shall be published one time in a newspaper of general circulation in the city or in such other manner as provided by law.~~

- **Sec. 57. - Assessment roll.**

Upon the adoption of the resolution aforesaid, the city commission shall cause to be made an assessment roll in accordance with the method of assessment provided for in said resolution, which assessment roll shall be completed and filed with said city commission as promptly as possible; said assessment roll shall describe the lots and lands assessed, the amount of the assessment against each lot or parcel of land, and if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall also be entered and shown upon said assessment roll.

- **Sec. 58. - ~~Publication of assessment roll; n~~Notice to property owners of hearing.**

Upon the completion of said assessment roll, the city commission shall cause~~ a copy thereof to be published two (2) times successfully, once each week, in a newspaper of general circulation, published in the city, or in such other manner as provided by law and in the publication of said special assessment roll the said city commission shall cause to be attached to the copy of the assessment roll,~~ a notice~~ directed~~ to be mailed by first class mail to the affected property owners and posted in a conspicuous location in the neighborhood where the improvements will occur no later than twenty (20) days prior to consideration by the city commission, and provide notice as may otherwise be required by law,~~ to all property owners interested in said assessments~~ of the time and place where complaints will be heard with reference to said assessments and when said assessment roll will be finally approved and confirmed by the city commission sitting as an equalizing board.

- **Sec. 59. - Meeting of commission as equalizing board to hear complaints as to special assessments.**

At the time and place named in the notice provided for herein, the city commission shall meet as an equalizing board to hear and consider any and all complaints as to such special assessments, and shall adjust and equalize the said assessments ~~on a basis of justice and right~~as may be required by law~~,~~. ~~and w~~When so equalized and approved such assessments shall stand confirmed, and be and remain legal, valid and binding liens upon the property against which such assessments are made until paid in accordance with provisions of this act; provided, however, that upon the completion of the improvement, the city shall charge or rebate to the owner of any property which shall have been specifically assessed for any improvement, the difference in the assessment as originally made, approved and confirmed, and the proportionate part of the actual cost of said improvement to be paid by special assessments as finally determined upon the completion of said improvement.

- **Sec. 60. - Authority of commission to make new assessments in certain instances.**

If any special assessment made hereunder to defray the whole or any part of the expense of any improvement shall be either in whole or in part annulled, vacated, or set aside, or if the city commission shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced or collected, or if the city commission shall have omitted to make such assessment when it might have done so, the city commission is hereby authorized and required to take all necessary steps to cause a new assessment to be made for the whole or any part of any improvement or against any property benefited by any improvement, following as nearly as may be the provisions hereof and in case such second assessments

shall be annulled, the city commission may obtain and make other assessments until a valid assessment shall be made.

- **Sec. 61. - Payment of costs out of general funds, etc.**

The city commission shall have the power to pay out of its general funds or out of any special fund that may be provided for that purpose such portion of the cost of any street or other public improvement as it may deem proper. All abstracting costs, engineering and inspection costs, including a proper proportion of the compensation, salaries and expenses of the engineering staff of the city properly chargeable to any improvement, shall be deemed and considered a part of the cost of the improvement.

- **Sec. 62. - Informalities and irregularities in connection with special assessments.**

Any informality or irregularity in the proceedings in connection with the levy of any special assessment hereunder shall not affect the validity of the same where the assessment roll has been confirmed by the city commission, and the assessment roll as finally approved and confirmed shall be competent and substantial evidence that the assessment was duly levied, that the assessment was duly made and adopted, and that all other proceedings adequate to the adoption of the said assessment rolls were duly had, taken and performed as required herein; and no variances from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

- **Sec. 63. - Reserved.**
- **Sec. 64. - Reserved.**
- **Sec. 65. - Reserved.**
- **Sec. 66. - Assessment for removal of ~~weeds~~overgrowth, rubbish, etc.**

(a) The city commission shall have power to provide by resolution for assessing against the abutting property, the cost of removing from vacant property and public ways all accumulations of ~~weeds~~overgrowth or rubbish, and for assessing against property the cost of cutting and removing therefrom ~~obnoxious weeds~~overgrowth or rubbish, including debris resulting from fires, storms, war, other calamities, or the demolition of buildings or other structures.

(b) If the owner of property subject to an order of the city to clean, clear or remove overgrown vegetation, debris or other unsanitary condition from the property, or to demolish or repair a dilapidated, unsafe or illegal structure or structures on the property, fails to clean, clear or remove such overgrown vegetation, debris or other unsanitary condition, or repair or demolish the structure or structures subject to said order, within the time period given by the

city to do so, if any, the city may clean, clear or remove the overgrown vegetation, debris or other unsanitary condition or cause the dilapidated, unsafe or illegal structure(s) to be demolished and removed from the property, as the case may be. Upon completion of the cleaning, clearing or removal of such overgrown vegetation, debris or other unsanitary condition, or the demolition and removal of the violative structure(s), by the city, the city shall mail an invoice to the property owner requesting payment to the city for the actual costs of the city's corrective actions, plus any related administrative costs. The property owner shall be required to pay the amount of the invoiced charges within 30 days of the invoice date.

(c) If the property owner fails to pay the charges within 30 days, the city attorney shall cause a resolution to be prepared designating the name and address of the owner, a description of the lots or land and the charges to be assessed against such lots or land for the cleaning, clearing or removal of the overgrown vegetation, debris or other unsanitary condition, or the demolition and removal of the violative structure(s). The resolution shall be presented to the city commission by the city attorney and, upon approval of the resolution by the city commission, the city's costs shall be assessed against the property and shall be and remain a valid special assessment lien against such property prior to all other liens or interests, save and except taxes, and shall bear interest at a rate not to exceed eight percent per annum, from the date the resolution is approved by the city commission.

(d) No later than twenty (20) days ~~B~~before adoption of the resolution specified in subsection (c), the city commission shall cause~~ to be published a notice directed~~ notice to be mailed to the owner(s) of the subject property by first class U.S. mail at the owner's last known address as same appears on the records of the property appraiser of the county~~ to the owner(s) of the subject property~~, designating a time and place where complaints will be heard with reference to the proposed assessment and when such assessment will be finally approved and confirmed by the city commission.~~ A copy of such notice shall be served upon the property owner(s) by first class U.S. mail at the owner's last known address as same appears on the records of the property appraiser of the county.~~ The failure to mail such notice or notices shall not invalidate any of the proceedings under this division.

(e) At the time and place designated in the notice provided in subsection (d), the city commission shall meet as an equalizing board to hear and consider any and all complaints as to such assessment and shall adjust and equalize the assessment, and when so equalized and approved and the resolution specified in subsection (c) adopted, such assessment shall stand confirmed and be and remain a legal, valid and binding special assessment lien upon the property against which such assessment is made until paid.

(f) Special assessments levied pursuant to this section may be foreclosed in the manner provided for the foreclosure of special assessments, or may be collected in any other manner provided by law, including the uniform method for the levy, collection and enforcement of non-ad valorem assessments.

(g) The provisions of this section constitute a supplemental and additional method for the levy and collection of special assessments and shall operate and be construed independently from other sections of this charter related to special assessments.

BONDS

- **Sec. 67. - How issued.**

(1) The city commission is authorized to issue, from time to time, general obligation bonds of said city of such denominations and bearing such rates of interest, and becoming due in such time and upon such conditions as may be determined by the City Commission; provided, that no such bonds shall be issued except for refunding of previous issues of bonds, establishment of public works and utilities, construction of necessary municipal buildings, and for the purpose and improvement of parks, golf courses, playgrounds, highways, streets and alleys, lakes, and other municipal purposes as authorized by law; provided, further, that before the issuance of any such bonds, an ordinance or resolution shall be passed expressing in exact terms the amount of the contemplated bond issue and purposes for which moneys so to be realized are to be used, which, if such bond have a maturity of more than twelve months, shall be approved by a majority of the votes cast in an election held for that purpose, at which time and in such manner as may be prescribed by law and city ordinances, in which ~~a majority of~~ the duly qualified electors residing in the City of Lakeland shall be eligible to participate.

(2) The question of the issuance of bonds under this section for any specified purpose may be submitted from time to time, not more often than once each year, with relation to each purpose specified, provided that nothing in this section shall apply to refunding bonds, revenue bonds or other bonds which are issued under general or special act, or which do not require approval by referendum.

- **Sec. 68. - Reserved.**
- **Sec. 69. - Reserved.**
- **Sec. 70. - Revenue bonds.**

The city shall have power to issue from time to time revenue bonds and industrial revenue bonds and other bonds payable from taxes other than ad valorem taxes, fees, charges, grants and the revenue derived from the electric system of the city, the water, storm water, and wastewater system of the city, the parking system of the city, including both on-street and off-street parking facilities, industrial plants, industrial parks, airports or any other revenue-producing undertaking or enterprise, or any combination of such systems, undertakings or enterprises, to finance or refinance the cost or part of the cost of the acquisition, construction, reconstruction, extension or improvement of such systems, undertakings or

enterprises or any combination thereof, or the acquisition of any property, real or personal, therefor.

(1) Such revenue bonds shall mature at such time or times, not later than forty (40) years from the date of issuance thereof, shall bear interest at such rate or rates, may have such provisions for redemption prior to maturity, under such terms and at such prices, and such other terms and provisions as the city commission shall determine by ordinance or resolution. Such revenue bonds may be authorized by ordinance or resolution, which need not be published or posted, which ordinance or resolution, may be adopted at a regular or adjourned meeting. Such revenue bonds may be sold at public sale after such advertisement as the city commission shall deem advisable, or at private sale without advertisement, at such price or prices as the city commission shall deem advisable, together with accrued interest thereon, if any.

(2) The city commission, in authorizing the issuance of such revenue bonds, may pledge all or any part of the revenue derived from any of said taxes, fees, charges, systems, undertakings or enterprises, or any combination thereof, and may make valid and legally binding covenants with the holders of said revenue bonds as to the fees or charges to be fixed and established and maintained, which fees or charges shall in any event always be fixed, established and maintained at such rate or rates as shall be sufficient to pay all of the costs of operation and maintenance of such systems, undertakings or enterprises, the principal of and interest on such revenue bonds, and any reserve funds or other funds, including reasonable margins, which may be provided for in the proceedings authorizing such revenue bonds. The city commission may also in such proceedings provide for a trustee or trustees of the proceeds of such revenue bonds or such revenues, and enter into trust agreements or other forms of agreement which it shall deem necessary and advisable and may include in such proceedings, trust agreements, or other agreements, such other covenants, agreements and contracts which it shall deem advisable, all of which covenants, agreements and contracts shall be valid and legally binding obligations of the city in accordance with the terms thereof.

(3) Reserved.

(4) All of said revenue bonds shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the Uniform Commercial Code of the State of Florida. All such revenue bonds shall be and constitute securities eligible for deposit for the securing of state, municipal or other public funds, and shall also be and constitute securities eligible for investment by banks, savings banks, executors, administrators, guardians and other fiduciaries, and all state, municipal and other public funds.

(5) No election of the qualified electors residing in the city shall be required for the issuance of any of said revenue bonds unless the full faith and credit and ad valorem taxing power of the city is pledged as additional security for the payment of the principal of and interest on such revenue bonds.

(6) The authority granted in this section to the city to issue revenue bonds shall be deemed to be supplemental, alternative and complete authority for the issuance of such revenue bonds, and such authority shall not be deemed to affect or take away the right of said city to issue such revenue bonds under any other laws of the State of Florida, subject to the limitations of such other laws.

FRANCHISES AND PUBLIC UTILITIES

- **Sec. 71. - Granting of franchises.**

The city commission may, by ordinance, grant permission to any individual, company or corporation to construct and operate a public utility in the streets and public grounds of the city, but no such grant or renewal thereof shall be made in violation of any of the limitations contained herein. The ordinance granting any such franchises or renewals thereof shall be subject to petition and referendum as specified herein. No ordinance granting a franchise shall be considered as an emergency measure.

- **Sec. 72. - Period of grants.**

No such grant or franchise shall be exclusive, nor shall it be made for a longer period than thirty (30) years. No such grant or franchise shall be renewed earlier than two (2) years prior to its expiration unless the city commission shall, by unanimous vote of its members, first declare by ordinance its intention of considering a renewal thereof. All grants or rights to make extensions of any public utility shall be subject, as far as practicable, to the terms of the original grant, and shall expire therewith.

- **Sec. 73. - Conditions.**

The city commission shall, in ordinances granting or renewing any franchise to construct or operate a public utility, prescribe the kind and quality of service or product to be furnished, and the manner in which the streets and public grounds shall be used and occupied, and other terms and conditions conducive to the public interest. All such grants and renewals thereof shall reserve to the city the right to terminate the same upon purchasing all the property and property rights of the utility, as well as extensions thereof within or without the city, used in or useful in or connected with such utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the granting or renewals of the grant, such contracts, if so purchased to be performed by the city. Nothing in such ordinance shall prevent the city from acquiring said property of any such utility by condemnation proceedings, or in any other lawful mode; and all such methods of acquisition shall be alternative to the power of purchase reserved in the grant or renewal, as hereby provided. In such event, however, said contracts of such utility shall be performed by the city.

Upon the acquisition by the city of the property of any utility, by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

- **Sec. 74. - Assignment of grants.**

No such grant or franchise shall be leased, assigned, or otherwise alienated except with the express consent of the city commission.

- **Sec. 75. - Extensions by annexation.**

It shall be provided in every such grant that, upon the annexation of any territory to the city, the portion of any such utility that may be located within such annexed territory and upon the streets, alleys or public grounds thereof, shall thereafter be, to the extent authorized by law, subject to all the terms of the grant as though it were an extension made thereunder.

- **Sec. 76. - Right of regulation, etc.**

All grants shall be subject to the right of the city, whether in terms reserved or not, to control at all times the distribution of space in, over or across or under all streets, alleys, or public grounds, occupied by public utility fixtures, and when in the opinion of the city commission, the public interest so requires, such fixtures may be caused to be reconstructed, relocated, altered or discontinued; and said city shall at all times have the power to pass all regulatory ordinances affecting such utilities which, in the opinion of the city commission, are required in the interest of the public health, safety or accommodation.

- **Sec. 77. - Forfeitures.**

If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by its stockholders or creditors, to set aside, or have declared void any of the terms of any such grant, the whole of such grant may be thereupon forfeited and annulled at the option of the city commission, to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the city commission for the violation by the grantee of any of the terms thereof.

- **Sec. 78. - Accounts and reports required of public utilities.**

(a) Every person or corporation operating a public utility within the city limits, whether under a grant heretofore or hereafter obtained, shall either keep and maintain at some place within the city suitable and complete books of account, showing in detail the assets, financial obligations, gross revenue, net profits, and all the operations of such utility which are usually shown by a complete system of bookkeeping, or furnish said information upon request of the city commission.

(b) Each person or corporation, within sixty (60) days after the end of its fiscal year, unless the city commission shall extend the time, shall file with the city commission a report for the preceding fiscal year, showing the gross revenue, the net profits, expenses of repairs, betterments and additions, amount paid for salaries, amount paid for interest, and discount, other expenses of operation, and such other information, if any, as the city commission from time to time may prescribe. If the city commission shall prescribe the form for such reports then such reports shall be made in the form from time to time prescribed by such commission.

(c) It shall be the duty of each such person or corporation to furnish the city commission such supplementary or special information about its affairs as the city commission may demand; and the city commission or its authorized representative shall at any and all reasonable times have access to all the books, records and papers of each and every such person or corporation, with privilege of taking copies of same or any part thereof.

(d) The duties herein prescribed may be specifically enforced by appropriate legal proceedings, and, in addition, each such person or corporation for failure to comply with the provisions of this section, shall be liable in damages to the City of Lakeland, Florida, to be recovered in a civil action in the name of the city.

- **Sec. 79. - Reserved.**
- **Sec. 80. - Powers of city commission not limited.**

Nothing herein contained shall operate in any way, except as herein specifically stated, to limit the city commission in the exercise of any of its lawful powers respecting public utilities, or to prohibit the city commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions hereof or the Constitution or laws of the state.

ELECTIONS

- **Sec. 81. - Candidates; nominees; time and manner of qualifications of candidates; fee.**

(a) 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 the office of mayor or city commissioner by filing in the office of the city clerk not earlier than noon of the fiftieth (50th) day prior to a regular or special city election, but not later than noon of the forty-sixth (46th) 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 city therewith, as an election or qualification fee, the sum of two hundred fifty dollars ($250). Only the name or

names of candidates so qualified shall appear on the ballots of the next regular or special election held in the city.

(b) Should only one (1) candidate qualify for the office to be filled, that candidate shall be declared unopposed and elected, and shall take office as provided in this charter.

(c) 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. ~~81~~82. - Elections; time and method of holding.**

(a) An election for the offices of city commission and mayor of the City of Lakeland shall be held every odd-numbered year on the first Tuesday after the first Monday of November and, if applicable, to coincide with any regular or special federal, state, or county election to be held in the city, provided two (2) or more candidates have become qualified for the office of mayor or commissioner to be filled as herein provided. Should any candidate receive a clear majority of all votes cast, he or she shall be declared regularly elected. If no candidate receives a clear majority of all votes cast, the two (2) candidates for ~~each place~~the office to be filled who received the highest number of votes in said election shall be certified as the candidates at a runoff election.

(b) The runoff election, if necessary, shall be held on the first Tuesday after the first Monday of December following the election specified in Section (a) and, if applicable, to coincide with any regular or special federal, state, or county election to be held in the city~~ unless all candidates shall have received a clear majority of all votes cast, or were unopposed in the election, shall be declared elected~~. In the event of a tie between two (2) candidates, one shall be elected as provided by ordinance.

(c) The qualifications of all candidates shall be in accordance with the provisions of this charter. All candidates shall be voted on at large throughout the city.

(d) Candidates for the city commission, when qualifying, shall designate the district in which they are candidates, whether at large, or from one of the four (4) districts established herein. Candidates shall be grouped by district on the ballot at the election and any runoff election.

(e) Any matters which, by the terms of this charter, may be submitted to the electors of the city at any special election, may be submitted at any election herein provided for.

(f) Early voting, voting by mail and any other alternative voting method allowed under the Florida Election Code shall be available in city elections to the same extent and subject to the same requirements as provided in the Florida Election Code.

- **Sec. ~~82~~83. - Elections scheduled to coincide with national, state or county elections.**

The city commission may, by resolution, schedule any municipal election~~,~~ on dates which coincide with national, state or county elections, even though such date or dates may be on a date other than as prescribed in section ~~81~~82 of this charter.

- **Sec. ~~83~~84. - Commission to make arrangements for holding; poll workers.**

The city commission shall make all the necessary arrangements for holding all municipal elections~~,~~ and shall declare the result thereof. The poll workers shall be appointed by the city clerk, who shall be responsible for their training and supervision.

- **Sec. ~~84~~85. - Opening and closing polls; canvass of returns; certificates of election; when successful candidate to assume office.**

(a) 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, signed by the precinct clerks of the election, with a copy being delivered by such precinct clerk to the city clerk. The city clerk shall transmit such returns to the city commission at a meeting to be held within ten (10) 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.

(b) The city clerk shall, not later than 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 upon receiving a certificate of election, and taking the oath of office.

(c) Whenever fewer than three (3) members of the city commission are available to canvass the returns of an election, the city attorney, the city manager, or both, shall be appointed by the available members of the city commission to participate in the canvassing of the returns of the election so that the canvassing board for any election consists of at least three (3) members.

- **Sec. ~~85~~86. - Form of ballots.**

~~The city commission, by resolution, shall prescribe the form of the ballot for city elections and charter amendments. Such ballots~~The form of the ballot for city elections shall conform as nearly as possible to the form prescribed by the general laws of the State of Florida. The city

commission, by resolution, shall prescribe the form of the ballot for charter amendments and other situations where the form of the ballot is not prescribed by the general laws of the State of Florida. A charter amendment to be voted on 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~~a symbol ~~"X"~~in accordance with ballot instructions to indicate the elector's choice.

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

~~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 office of mayor or city commissioner by filing in the office of the city clerk 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 city therewith, as an election or qualification fee, the sum of two hundred fifty dollars ($250). Only the name or names of candidates so qualified shall appear on the ballots of the next regular or special election held in the 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.~~

~~(Ord. No. 2606, § 1, 9-4-84, election of 11-6-84; Ord. No. 2976, § 7, 12-21-87, election of 3-8-88; Ord. No. 5773 , Att. A, 11-5-19)~~

- **Sec. 87. - General laws to apply.**

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.**

(a) Initiative. The qualified electors of the city shall have power to propose ordinances or resolutions to the city commission and, if the city commission fails to adopt an ordinance or

resolution so proposed without any change in substance, such electors~~,~~ shall have the power to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance or resolution relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(b) *Referendum.* The qualified electors of the city shall have power to require reconsideration by the city commission of any adopted ordinance or resolution and, if the city commission fails to repeal an ordinance or resolution 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 resolution, or an ordinance or resolution relating to appropriation of money, levy of taxes or salaries of city officers or employees.

- **Sec. 89. - Commencement of proceedings.**

Any five (5) qualified electors 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 resolution or citing the ordinance or resolution 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.**

(a) Number of signatures. Initiative and referendum petitions must be signed by qualified electors of the city equal in number to at least twenty (20) percent of the total number of qualified electors 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 a statement not exceeding 75 words in length, explaining the chief purpose of the measure. Each signature shall be executed in ink and shall be followed by the address and date of birth of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance or resolution 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 or resolution proposed or sought to be reconsidered.

(d) *Time for filing referendum petitions.* Referendum petitions must be filed within sixty (60) days after adoption by the city commission of the ordinance or resolution sought to be reconsidered.

- **Sec. 91. - Procedure for filing.**

(a) Certificate of clerk; Amendment. 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 files 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~~with 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 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 the 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~~Reserved.**

~~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,~~

~~(2) The petitioners' committee withdraws the petition,~~

~~(3) The city commission repeals the ordinance, or;~~

~~(4) After a vote of the electors of the city on the ordinance has been certified.~~

- **Sec. 93. - Action on petitions.**

(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 electors of the city on a proposed or referred ordinance shall be held in conjunction with the next regularly-scheduled election held within Polk County at which the voting devices and other resources of the voting system used in Polk County are available, but in no event ~~not~~ less than ~~thirty~~ninety (~~30~~90) days ~~and not later than one hundred twenty (120) 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~~ordering of ballots for the election 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.**

(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 it, it shall be considered repealed upon certification of the election results.

- **Sec. 95. - Recall.**

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

- **Sec. 96. - Charter amendment.**

This charter may be amended in accordance with Florida Statutes 166.031 and the Lakeland City Code and supplemented as follows:

(A) Initiation by Ordinance. The city commission may, by ordinance, propose amendments to this Charter in accordance with the provisions of Florida Statute 166.031. Upon passage of the initiating ordinance, the proposed amendment shall be placed to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

(B) *Initiation by Petition.* The electors of the city may propose amendments to this charter by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the last preceding regular city election.

(1) *Form and Content of the Petition* - All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink and shall be followed by the address and date of birth of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed charter amendment.

a. The Petition shall prominently display on the face of the Petition, an explanatory statement of 75 words or less, which shall set forth the primary purpose of the amendment. The statement shall be clear and unambiguous and provide a comprehensive summary of the amendment free from bias or prejudice.

(2) *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 or she personally circulated the paper, that all the signatures were affixed in his or her presence, that he or she believes

them to be the genuine signatures 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 proposed charter amendment.

a. Prior to circulation, a representative Petition shall be filed by the circulator with the City Clerk.

(3) *Certification of Petition* - Upon certification of the petition by the designated official, in accordance with applicable law, such certification to include the validity of the names of the petition as qualified voters registered to vote in the City on the date of the petition, the city commission shall place the proposed amendment to a vote of the electors at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose.

(C) This section shall be supplemental to the provisions of Florida law relating to the amendment of a municipal charter.

- **Sec. 97. - Charter review committee.**

In January of 2024, and in January of each eighth year thereafter, the city commission shall appoint a Charter Review Committee. The Committee shall consist of 15 qualified electors, not members of the city commission or the mayor, selected in a manner determined by the city commission, and appointed by resolution of the city commission. Such Committee shall review the Charter of the City of Lakeland and within one year, recommend to the city commission such revisions or amendments, if any, to this Charter as in its judgement are indicated. After consideration of the recommendations, if any, of the Committee, the city commission may submit all or any of such proposed revisions or amendments to the electorate by referendum in accordance with applicable law. The members of the Charter Review Committee shall serve without compensation.

- **Sec. 98. - Effective date.**

Upon approval of a majority of the electorate voting at a referendum on these charter amendments, this amended charter will become effective on January 1, ~~2020~~2026.

Division II RELATED LAWS

ARTICLE I. CIVIL SERVICE BOARD

Sec. 1. Created; composition.

A civil service board is hereby created, to be composed of seven (7) persons qualified as herein provided. ~~Each member shall serve a three-year term.~~

Sec. 2. Reserved.

Sec. 3. Appointment of ~~subsequent~~ members; terms.

Each year the city commission shall appoint one member and the full-time employees of the city shall ~~appoint~~elect one member. ~~Successors to t~~The seventh member ~~serving as the selection of the other members of the board~~ shall be selected by the other members of the board. The method of election of members to the civil service board by full-time employees of the City of Lakeland under this section ~~and the previous section~~ shall be prescribed by ordinance. Each member of the civil service board shall serve a three-year term.

Sec. 4. Filling of vacancies.

Whenever a vacancy occurs in the membership, a qualified person shall be appointed or elected within thirty (30) days, or as soon thereafter as possible, for the unexpired term in the same manner that the person creating the vacancy was appointed or elected~~, except that any vacancy in membership by the three (3) members serving as of the effective date of this section shall be filled by appointment by the remaining members of the board~~.

Sec. 5. Qualification of members.

Any person residing in the City of Lakeland Electric Service Territory, as it may be amended from time to time, over the age of twenty-one (21) years, shall be eligible to hold office as a member of the civil service board, provided that no person who has been convicted of a felony, or who is or has been within one year prior to his or her election or appointment an officer or employee of the city shall be eligible for election or appointment to such office.

Sec. 6. Authority to employ civil service director, clerk, etc., and prescribe their duties.

The ~~civil service board is authorized on behalf of the City of Lakeland, with the concurrence of the~~ City Manager~~, to employ, as a City of Lakeland employee,~~ shall employ a director of civil service after consultation with the civil service board. The City of Lakeland shall employ such staff of employees as may be reasonably necessary for the proper performance of the duties of the board. The board shall prescribe the duties to be performed by the director of civil service, who shall be supervised on a day~~-~~-by~~-~~-day basis by the City Manager or his designee

and may be terminated or suspended by the City Manager after consultation with the civil service board.

Sec. 7. City commission to provide funds annually.

The city commission is hereby required annually to budget, appropriate and provide a sum sufficient for the purpose of properly organizing and maintaining the civil service board, as herein created, and to carry out the purposes of this article.

Sec. 8. Election of chairman; term; filling of vacancy.

~~Upon initial appointment of the board and immediately after the first of January each year, the board shall organize by electing one of its members as chairman to hold office until the election and qualification of his successor at the next organization meeting of the said board. In the event the office of the board member, who is chairman, shall become vacant, a new chairman shall be elected by the board immediately after such vacancy is filled.~~The board shall elect a chair and a vice-chair each calendar year at the board's first meeting and the newly-elected chair and vice-chair shall assume their offices at the end of the meeting at which they were elected. Should the office of chair become vacant, the vice-chair shall not automatically assume the office of chair, but will serve temporarily as chair until a new chair is elected by the board at any one of its meetings. Terms of office are for one year. There is no limit to the number of terms that a board member may hold the office of chair or vice-chair, but no member may serve more than three (3) consecutive terms in an office. A board member elected to fill a vacancy during the year shall serve until the next regular annual election and a partial term shall not be counted for purposes of the rule limiting members to three consecutive terms in an office. The offices of chair and vice-chair shall not be held simultaneously by either appointees of the city commission or by electees of the city employees.

Sec. 9. Reports required.

From time to time, as often as shall be required by the city commission of the City of Lakeland, Florida, the civil service ~~board~~director shall render reports of ~~its~~the board's accomplishments and actions, and of the status and classifications of municipal employees and of applicants for municipal employment.

Sec. 10. Officers and employees under civil service.

All officers and other employees of the City of Lakeland, except elective officers and those employee positions excepted by resolution, shall be employees within the civil service of the city. All future employees in any type of employment except those excluded from time to time by resolution adopted by the city commission shall become employees within the civil service. Persons now in the employ of the city who have previously accepted employment which is

excepted from the civil service by this section shall be entitled to the continuation of such benefits.

Sec. 11. ~~Compensation of employees~~Reserved.

~~The city manager shall have the duty of recommending to the city commission from time to time, the adoption of pay plans and amendments thereto based upon classifications of all employees, except those employees whose salary is set by the city commission, and annual budgets which shall include the compensation to be paid to employees. Upon the creation of new employment positions within the civil service for which no range of compensation has been established in a then current pay plan, such position shall be considered by the civil service board and such a recommendation shall be made by the board to the city manager. The range of compensation for such new position shall be established by the city manager subject to the approval of the city commission.~~

Sec. 12. Adoption of rules and regulations.

After notice of not less than ~~two (2)~~thirty (30) ~~weeks~~days to city employees, and to the public and administration, the civil service board ~~shall~~may adopt ~~and may~~or amend a code of rules and regulations which it shall enforce, providing for the selection, examination, qualification, registration, employment, promotion, removal, suspension, demotion, reduction, re-employment, and discharge of employees within civil service. ~~Any incumbents in the positions excepted herefrom who presently are within the civil service shall not be removed from civil service by this amended charter.~~

Sec. 13. Examinations; preferred and regular lists of persons eligible for employment.

The civil service board shall provide for examinations in accordance with such rules and regulations so adopted, and shall at all times maintain a preferred and regular list of persons eligible for employment under the civil service of the city.

Sec. 14. ~~Procedure for appointment of employees~~Reserved.

~~No person shall be eligible for employment within civil service, except upon recommendation from the civil service board and selection under the authority of the city manager. The city manager, or anyone acting under his or her authority, shall set the salary for newly created positions after receipt of a recommendation from the civil service board. When a vacancy exists within an employment position within the civil service, a list of eligible persons shall be furnished by the civil service board for such position, and the city manager, or an employee acting under his or her authority, shall select the person to be employed from such list.~~

Sec. 15. Probationary period.

No appointment~~,~~ or employment ~~or promotion~~ of any civil service employee shall be deemed complete or permanent until said employee has met all the qualifications established ~~by civil service~~for the position and has satisfactorily served as a regular employee for a probationary period of twelve (12) months~~;~~. Employees promoted, demoted or laterally transferred to another classification must serve a six (6) month probationary period in the new classification. ~~and the probationer~~A probationary employee may be discharged or reduced in rank at any time within ~~said twelve-month~~the probationary period upon the recommendation of the city manager or an employee acting under ~~his~~the city manager's authority. If said employee is fully qualified and is not discharged or demoted within such period, then such appointment, employment or promotion shall be deemed complete and such employee shall be deemed a permanent employee within the civil service of the city and shall hold employment until reduced, discharged or suspended in accordance with the provisions of this charter.

Sec. 16. Reserved.

Sec. 17. Removal, suspension, etc., of employees; for cause; review by civil service board.

No employee within the civil service shall be removed, suspended, demoted, fined, have a merit increase rescinded, or discharged except for cause shown upon written charges of misconduct or violation of law or rules of the civil service board and after reasonable notice, an opportunity to be heard in his or her own defense by him or herself, witnesses and counsel. No employee within civil service shall have his or her salary or compensation reduced unless the salary and compensation of all other employees of similar class, rank and tenure be correspondingly reduced, unless such reduction is attributable to the rescinding of a merit increase or a demotion for cause. The city manager, or any employee acting under this authority, may suspend a subordinate for a reasonable period of time, not exceeding thirty (30) days, for any cause, which in the opinion of such manager or his or her delegate would be grounds for removal, suspension, demotion, fine or discharge, provided immediately upon such suspension being made, report thereof and cause therefor shall be given in writing to the civil service board and to the suspended employee. Any employee within the civil service who may claim to have been removed, suspended, demoted, reduced, fined, had a merit increase suspended, or discharged by the city or any officer thereof without full compliance with the provisions of this act or without cause, shall have the right to file a petition before the civil service board within fifteen (15) calendar days of such action, setting forth the facts upon which his or her complaint is based, and the board shall cause a copy thereof to be served upon the city manager and give reasonable notice of a hearing to be conducted before the board to investigate the complaint and in the event that it shall find that such petitioner was improperly removed, suspended, demoted, reduced, fined or discharged, the board shall certify its findings to the city manager and the petitioner shall be

immediately reinstated and shall receive full compensation for all of the time for which he or she has not been theretofore compensated.

Sec. 18. Causes and procedure for removal of members of board.

Any member of the civil service board who shall be found by the city commission of the City of Lakeland to no longer possess the qualifications for membership, be incompetent or to be guilty of misconduct, neglect of duty or of misfeasance, malfeasance, or nonfeasance in office, shall be subject to removal by the city commission by the adoption of a resolution setting forth the acts which justify removal. Any member who shall fail to attend three (3) consecutive meetings without such absences being excused by the board shall thereby forfeit his or her membership on the board.

Sec. 19. Authority of board to administer oaths, issue subpoenas, etc.; quorum.

In connection with his or her performance of any duty under this charter, each member of said civil service board shall have power to administer oaths, to issue subpoena to compel the attendance of witnesses, and the production of books, papers and documents and other matters and things relevant to any proceeding before it or investigation being conducted by it. Four (4) members of the said board shall constitute a quorum, and the concurrence of four (4) members of said board shall be necessary for any action taken by it, save the administration of oaths and the issuance of subpoena.