



## CHARTER REVIEW COMMITTEE August 29, 2024

*Lakeland Electric Conf. Rm 1A & 1B  
501 E. Lemon St.*

### AGENDA

- I. Approval of July 24, 2024 Minutes**
- II. Review Language Changes from Previous Meeting**
- III. Review of Sections 81-98 of City Charter**
- IV. Comments from the Public**
- V. Adjourn**

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (*free of charge*) should contact the City of Lakeland ADA Specialist, Kristin Meador, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: [ADASpecialist@lakelandgov.net](mailto:ADASpecialist@lakelandgov.net). If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-800-955-8771 (TDD-Telecommunications Device for the Deaf) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance.

## LAKELAND CITY COMMISSION

### Charter Review Committee July 24, 2024

The Charter Review Committee met in Lakeland Electric Conference Rooms 1A and 1B. Vice Chair Terry Coney and Members Slyvia Blackmon-Roberts, Jim Edwards, Kim Elmhorst, Ellis Hirsch, Lincoln Jacobs, Frank McCaulley, Jason Rodda, Veronica Rountree, Jim Scelfo, and Pat Steed were present. Members Teddra Porteous, Scott Reed, James Ring, and Mike Workman were absent. City Attorney Palmer Davis and Deputy City Clerk Heather Bradman were also present.

Vice Chair Terry Coney called the meeting to order at 3:01 p.m.

#### **Approval of June 27, 2024 Minutes**

**Action: Sylvia Blackmon-Roberts moved to approve the June 27, 2024 meeting minutes. Frank McCaulley seconded, and the motion carried unanimously.**

#### **Review Language Changes from Previous Meeting**

Sec. 40. - Oath of office.

**Action: Kim Elmhorst move to approve Sec. 40. language changes. Ellis Hirsch seconded, and the motion carried unanimously.**

Sec. 43. - Appropriation ordinance.

**Action: Frank McCaulley moved to approve Sec. 43. language changes. Sylvia Blackmon-Roberts seconded, and the motion carried unanimously.**

Sec. 47. – Special tax.

After speaking with Finance Director Mike Brossart, Palmer Davis recommended the Committee leave the language of this section alone.

**Action: Ellis Hirsch moved to approve leaving the Sec. 47. language alone. Kim Elmhorst seconded, and the motion carried unanimously.**

Sec. 50. – Method of marking special assessments.

**Action: Frank McCaulley moved to approve Sec. 50. language changes. Pat Steed seconded, and the motion carried unanimously.**

Sec. 51. – Resolution relative to special assessments.

Pat Steed had one correction to the last sentence to add the word “be” so it reads, “as may **be** prescribed.” Kim Elmhurst suggested extending the first-class mail timeframe from 10 to 15 days. The Committee agreed on these recommended changes.

**Action: Kim Elmhurst moved to approve the amended Sec. 51. language changes. Frank McCaulley seconded, and the motion carried unanimously.**

Sec. 53. – When annual installments due and payable; collection.

**Action: Pat Steed moved to approve Sec. 53. language changes. Frank McCaulley seconded, and the motion carried unanimously.**

Sec. 56. – Reserved

**Action: Frank McCaulley moved to approve Sec. 56. Language change. Ellis Hirsch seconded, and the motion carried unanimously.**

Sec. 58. – Notice to property owners of hearing.

Kim Elmhurst suggested also extending this first-class mail timeframe. 15 days may not be enough if the property owner needed to hire an attorney. 20 days is a good number. The committee agreed to change the language from 10 to 20 days.

**Action: Kim Elmhurst moved to accept the amended Sec. 58. language changes. Frank McCaulley seconded, and the motion carried unanimously.**

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

**Action: Ellis Hirsch moved to approve Sec. 59. language changes. Sylvia Blackmon-Roberts seconded, and the motion carried unanimously.**

Sec. 66. – Assessment for removal of overgrowth, rubbish, etc.

The Committee agreed that the mail timeframe should be 20 days.

**Action: Kim Elmhurst moved to approve the amended Sec. 66. language changes. Frank McCaulley seconded, and the motion carried unanimously.**

### **Review of Sections 67-80 of City Charter**

Palmer Davis explained the biggest change since the last Charter Review Committee. Previously, an ordinance was required to issue bonds, which required two public hearings. Now, issuance of bonds can be authorized by ordinance or resolution. A resolution only requires one public hearing, which allows the approval process to move more quickly to take advantage of favorable interest rate environments.

**Sec. 67.**

Palmer Davis recommended the following change at the end of (1): delete the words, “a majority of,” as it is superfluous language. Additionally, in (1) after “... and other municipal purposes,” add “as authorized by law.” This language is more consistent with state law.

**Action: Frank McCaulley moved to approve the recommended changes. Sylvia Blackmon-Roberts seconded, and the motion carried unanimously.**

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

The Committee discussed whether there is a difference now between banks and a savings bank. Does the word “bank” cover both? Palmer Davis recommended leaving the language as is because it does not hurt anything.

**Action: Frank McCaulley moved to leave the current language as it. Sylvia Blackmon-Roberts seconded, and the motion carried unanimously.**

**Sec. 71. – Sec. 74.**

There were no recommended changes to these sections.

**Action: Frank McCaulley moved to leave the current language as is. Pat Steed seconded, and the motion carried unanimously.**

**Sec. 75.**

Palmer Davis recommended adding “if authorized by law” to the end of this section.

**Action: Frank McCaulley moved to approve the recommended changes. Pat Steed seconded, and the motion carried unanimously.**

**Sec. 76. – Sec. 77.**

There were no recommended changes to these sections.

**Action: Sylvia Blackmon-Roberts moved to leave the current language as is. Jason Rodda seconded, and the motion carried unanimously.**

**Sec. 78.**

Palmer Davis recommended adding subsection designations (a), (b), (c), and (d) for readability and easier reference.

**Action: Ellis Hirsch moved to approve the recommended change. Sylvia Blackmon-Roberts seconded, and the motion carried unanimously.**

#### **Sec. 80.**

There were no recommended changes to this section.

**Action: Ellis Hirsch moved to approve the current language as is. Sylvia Blackmon-Roberts seconded, and the motion carried unanimously.**

Next month's meeting will cover Sections 81– 98. These sections are about election procedures. This portion of the charter is lengthy, so it is possible that the Committee may not be able to cover it all next meeting.

#### **Comments from the Public – None**

Ellis Hirsch moved to adjourn the meeting. Jim Edwards seconded, and the motion carried unanimously.

**Adjourn - 3:48 p.m.**

**Review Language Changes from Previous Meeting**  
**Section 51, 58, 66 and 40-66**

- Sec. 51. - Resolution relative to special assessments.
- Sec. 58. - Publication of assessment roll; notice to property owners of hearing.
- Sec. 66. - Assessment for removal of weeds, rubbish, etc.
- Sec. 67. - How issued.
- Sec. 68. - Reserved.
- Sec. 69. - Reserved.
- Sec. 70. - Revenue bonds.
- Sec. 71. - Granting of franchises.
- Sec. 72. - Period of grants.
- Sec. 73. - Conditions.
- Sec. 74. - Assignment of grants.
- Sec. 75. - Extensions by annexation.
- Sec. 76. - Right of regulation, etc.
- Sec. 77. - Forfeitures.
- Sec. 78. - Accounts and reports required of public utilities.
- Sec. 79. - Reserved.
- Sec. 80. - Powers of city commission not limited.

- **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; ~~¶~~ ~~¶~~ This provision, however, shall in no wise require the city to pay any portion of said improvements; ~~¶~~ ~~¶~~ Said resolution shall also designate the lands upon which special assessments shall be levied and the estimated amount thereof. The resolution shall be considered at a public hearing at a time 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 ~~ea~~ 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.~~

( [Ord. No. 5773](#) , Att. A, 11-5-19)

- **Sec. 58. - ~~Publication of assessment roll;~~ 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 ~~ten (10)~~ 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.

( [Ord. No. 5773](#) , Att. A, 11-5-19)

- **Sec. 66. - Assessment for removal of weedsovergrowth, 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 weedsovergrowth or rubbish, and for assessing against property the cost of cutting and removing therefrom obnoxious weedsovergrowth 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 before adoption of the resolution specified in subsection (c), the city commission shall cause ~~to be published a notice directed~~ notice to be delivered/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.

( [Ord. No. 5773](#), Att. A, 11-5-19)

## **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.

( [Ord. No. 5773](#), Att. A, 11-5-19)

- **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. 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.

( [Ord. No. 5773](#), Att. A, 11-5-19)

## **Review of Sections 81-98 of City Charter**

- Sec. 81. - Elections; time and method of holding.
- Sec. 82. - Elections scheduled to coincide with national, state or county elections.
- Sec. 83. - Commission to make arrangements for holding; poll workers.
- Sec. 84. - Opening and closing polls; canvass of returns; certificates of election; when successful candidate to assume office.
- Sec. 85. - Form of ballots.
- Sec. 86. - Candidates; nominees; time and manner of qualifications of candidates; fee.
- Sec. 87. - General laws to apply.
- Sec. 88. - Initiative and referendum.
- Sec. 89. - Commencement of proceedings.
- Sec. 90. - Petitions.
- Sec. 91. - Procedure for filing.
- Sec. 92. - Referendum petitions; suspension of effect of ordinance.
- Sec. 93. - Action on petitions.
- Sec. 94. - Results of election.
- Sec. 95. - Recall.
- Sec. 96. - Charter amendment.
- Sec. 97. - Charter review committee.
- Sec. 98. - Effective date.

## ELECTIONS

- **Sec. 81. - 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 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.

(Ord. No. 2340, § 2, 4-5-82, election of 11-2-82; Ord. No. 2976, § 6, 12-21-87, election of 3-8-88; Ord. No. 4486, § 2, 11-17-03; Ord. No. 5108, § 2, 7-6-09; [Ord. No. 5773](#), Att. A, 11-5-19)

- **Sec. 82. - 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](#) of this charter.

- **Sec. 83. - 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.

( [Ord. No. 5773](#), Att. A, 11-5-19)

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

**modified**

(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.

( [Ord. No. 5773](#), Att. A, 11-5-19; Ord. No. [5886](#), § 3, 8-16-21)

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

The city commission, by resolution, shall prescribe the form of the ballot for city elections and charter amendments. Such ballots shall conform as nearly as possible to the form prescribed by the general laws of the State of Florida. A charter amendment to be voted 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 symbol "X" to indicate the elector's choice.

( [Ord. No. 5773](#), Att. A, 11-5-19)

- **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 to the city commission and, if the city commission fails to adopt an ordinance 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 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 and, if the city commission fails to repeal an

ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

( [Ord. No. 5773](#), Att. A, 11-5-19)

- **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 citing the ordinance sought to be reconsidered.

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

( [Ord. No. 5773](#), Att. A, 11-5-19)

- **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 of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signature of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

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

( [Ord. No. 5773](#), Att. A, 11-5-19)

- **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](#)<sup>1 [2]</sup>. 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 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.

( [Ord. No. 5773](#), Att. A, 11-5-19)

**Footnotes:**

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**Editor's note**— This section number may change as the Charter is amended.



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

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.

( [Ord. No. 5773](#), Att. A, 11-5-19)

- **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 city on a proposed or referred ordinance shall be held not less than thirty (30) 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 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.

( [Ord. No. 5773](#), Att. A, 11-5-19)

- **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.

( [Ord. No. 5773](#), Att. A, 11-5-19)

- **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 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.

( [Ord. No. 5773](#), Att. A, 11-5-19)

- **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.

( [Ord. No. 5773](#), Att. A, 11-5-19)

- **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.

( [Ord. No. 5773](#), Att. A, 11-5-19)