



CHARTER REVIEW COMMITTEE October 31, 2024

*City Commission Conf. Rm
City Hall – 228 S Massachusetts Ave*

AGENDA

- I. Approval of August 29, 2024 Minutes**
- II. Review Language Changes from Previous Meeting**
- III. Review of Division II RELATED LAWS, ARTICLE 1 CIVIL
SERIVCE BOARD 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. 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.

CHARTER REVIEW COMMITTEE MINUTES
AUGUST 29, 2024

LAKELAND CITY COMMISSION

Charter Review Committee August 29, 2024

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

Chair Mike Workman called the meeting to order at 3:07 p.m.

Approval of July 24, 2024 Minutes

Action: Pat Steed moved to approve the July 24, 2024 meeting minutes. James Ring seconded, and the motion carried unanimously.

Review Language Changes from Previous Meeting

Palmer Davis reviewed Sections 51, 58, and 66 for additional changes added at the last meeting. Those changes are highlighted in yellow.

Sec. 51. Change notice requirement from ten (10) to fifteen (15) days.

Action: Terry Coney motioned to approve Sec. 51. as further revised. Pat Steed seconded, and the motion carried unanimously.

Sec. 58. Change mailed notice requirement from ten (10) to twenty (20) days. Palmer Davis also recommended deleting requirement to post notice given that notice has already been provided pursuant to Section 51 and the City has already incurred the costs of the improvements at this stage of the process.

Action: James Ring motioned to approve Sec. 58. as further revised. Ellis Hirsch seconded, and the motion carried unanimously.

Sec. 66. Beginning of subsection (d), add, "No later than twenty (20) days before..."

Action: Ellis Hirsch moved to approve Sec. 66. as further revised. Sylvia Blackmon-Roberts seconded, and the motion carried unanimously.

Palmer Davis reviewed the changes made to the following sections in Bonds last month:

- Sec. 67.
- Sec. 75.
- Sec. 78.

Action: James Ring moved to approve the changes to all three sections. Pat Steed seconded, and the motion carried unanimously.

Review of Sections 81-98 of City Charter

Sec. 81.

Palmer Davis recommended a change in the last sentence of subsection (a) to replace “place” with “office.”

Terry Coney asked about subsection (b). Should the phrase, “or were unopposed in the election” be removed? Anyone unopposed is declared elected with certificate and never enters the elections. They are a candidate during qualifying, at the close of qualifying they are elected.

The committee discussed:

- Break this section up into two sentences.
- Inserting the unopposed verbiage into subsection (a).
- Adding a sentence for the unopposed verbiage at the end of the first paragraph of Sec. 86.

Frank McCaulley came in at 3:23 p.m.

Lincoln Jacobs asked if there was a better way to phrase election date considering all available voting options. Palmer Davis said they would add another paragraph to Sec. 81. detailing voting options. However, all of this is covered in Florida Statutes and the City adheres to election laws.

Terry Coney wanted to ensure the committee cover the first item of the unopposed language.

Motion: Terry Coney motioned to allow Palmer Davis to place the unopposed verbiage where he believes it fits best. Pat Steed seconded.

Jason Rodda: It seems more logical for Sec. 86. to be at the beginning of the Elections section because it covers candidates, nominees, and the manner of qualifications. Candidates must qualify before they can even think about an election. Sec. 86. could be moved to Sec. 81. and then all subsequent section numbers slide down to the appropriate sequential order. This change in order could also take care of the unopposed language.

Palmer Davis explained it would be easy to move Sec. 86. to Sec. 81. The headings of the sections, numbers, and designations would need to be changed.

Mike Workman reviewed the four potential changes for Palmer Davis to bring back to the Committee next month:

- Change 1: Subsection (a) change “place” to “office”
- Change 2: Addressing early voting and vote by mail within subsection (a)
- Change 3: Move Sec. 86. to Sec. 81. Subsection (a) and insert the unopposed language.

James Ring thought he understood moving Sec. 86. to Sec. 81. meant that 81 would become 82, and so on until it arrived back to 86. Jason Rodda confirmed that was his intention when he suggested.

Pat Steed wants to ensure that the committee does not change the charter so much that it could have unintentional consequences.

Terry Coney: Municipal elections are subject to general election laws of the state.

Mike Workman: In Sec. 87. we can remove “except as otherwise specifically provided under this charter.” But Palmer Davis said there are things the City can do differently from the State. The charter can supplement state law, it just cannot contradict state law.

The committee wanted to move forward with the motion. Palmer Davis clarified that the restated motion would be for the City Attorney to figure out where to place the unopposed language.

Action: Mike Workman called for a vote to allow Palmer Davis to place the unopposed verbiage where he believes it fits best. The motion carried unanimously.

Palmer Davis recommended making the change in Sec. 81. Subsection (a) from “place” to “office.”

Action: Frank McCaulley moved to approve the recommendation. Jason Rodda seconded, and the motion carried unanimously.

Action: James Ring motioned to move Sec. 86. to replace Sec. 81. and move all numbers down until it reached Sec. 86. Again. Frank McCaulley seconded, and the motion carried unanimously.

Sec. 82. - Sec. 83.

Terry Coney asked Kelly Koos how much the City coordinates with the Supervisor of Elections Office (SOE) for municipal elections. Kelly Koos explained the City Clerk’s Office hires and pays election workers and secures polling locations. The SOE trains the election workers and allows us to use their voting equipment. The City Clerk’s Office has rejected elections workers in the past because they were participating in a campaign for a candidate on the ballot.

Palmer Davis explained how Sec. 82. is a good example of flexibility in the system.

Action: James Ring motioned to accept Sec. 82. – 83. as written, except for changing the reference to section “81” to “82” because of the previously voted change. Jason Rodda seconded, and the motion carried unanimously.

Sec. 84.

Action: Sylvia Blackmon-Roberts moved to approved Sec. 84. as written. Frank McCaulley seconded.

Mike Workman suggested also reviewing Sec. 85. before acting. Sylvia Blackmon-Roberts and Frank McCaulley retracted their motion and second.

Sec. 85.

Pat Steed asked about changing the end of the Section, which instructs “for the placing of the symbol “X” to indicate the elector’s choice.” Current ballot instructions are different.

Kelly Koos explained the canvassing board has provisions for improperly marked ballots.

Pat Steed suggested removing specific voting instructions. Palmer Davis recommended replacing that language to read, “placing a mark in accordance with ballot instructions.”

Sylvia Blackmon-Roberts left at 4:07 p.m.

Kelly Koos pointed out that the first sentence of the Section may also need to be clarified to reflect the fact that the City Commission does not always prescribe the form of the ballot by resolution if the election is not an issue election.

Action: Frank McCaulley moved to approve the recommended changes to the end of Section 85 and direct Palmer Davis to suggest appropriate changes to the first sentence of the section. Pat Steed seconded, and the motion carried unanimously.

Sec. 86.

Terry Coney asked if there is a runoff election, does the candidate have to pay another qualification fee? No, the qualification fee is only paid once at the close of qualifying and it covers the entire election season. The last Charter Review Committee increased the fee from \$25 to \$250.

The Committee discussed if the fee should be higher considering inflation. Kelly Koos is happy with the fee now because it was only \$25 for 50 years. A candidate who does not want to pay the fee can run by petition.

Action: James Ring motioned to approve Sec. 86. and Sec. 87. as written. Frank McCaulley seconded, and the motion carried unanimously.

Sec. 88.

Palmer Davis was requested to explain the difference between an initiative and a referendum within the context of the charter. An initiative is when citizens collect a sufficient number of petition signatures to request the City Commission to adopt an ordinance. If the City Commission declines to adopt the proposed ordinance, a referendum election is scheduled and the electors vote on the proposed ordinance. A referendum is when citizens do not like an ordinance that has already been adopted and they want the City Commission to repeal it. Citizens would collect the requisite number of signatures and ask for the repeal. If the City Commission declines to repeal the ordinance, a referendum election is held on whether to repeal the ordinance.

Palmer Davis recommended including “resolution” in both subsections (a) and (b). An ordinance enacts laws and a resolution is usually more of an administrative matter, but can also act as law. It would be wise to have both processes available.

Action: Pat Steed motioned to approve the recommendation. Frank McCaulley seconded, and the motion carried unanimously.

Sec. 89.

Pat Steed asked about the second paragraph and use of “petition blanks” in the last sentence. This paragraph implies the City Clerk’s Office designs these forms when really the petitioner is the one who takes ownership of that. The only obligation the City has is to review the form and verify it meets state requirements.

Palmer Davis recommended removing the second paragraph.

Action: Pat Steed motioned to approve the recommendation. Jim Edwards seconded.

James Ring asked why there is a need for 5 qualified electors to constitute the petitioner’s committee when the signatures are what is ultimately needed. Staff could research Florida Statutes further.

Mike Workman also recommended adding “resolution” to the end of the first paragraph to align with the recommended changes from Sec. 88.

Action: Pat Steed motioned to amend the original motion to include the additional recommendation. Jim Edwards seconded, and the motion carried unanimously.

Sec. 90.

The committee discussed:

- There are roughly 63,000 registered voters in the city. This number fluctuates.
- The difference between qualified vs. registered voter? Qualified means you are a registered voter who lives in city limits. A county resident cannot sign a petition.

Motion: Frank McCaulley moved to approve Sec. 90. as written. Ellis Hirsch seconded.

Mike Workman asked if they wanted to add “resolution” to the approved changes, so it is in line with previous similar changes. The committee discussed leaving these types of changes to Palmer Davis and he can wordsmith throughout and add “resolution” to sections when it is appropriate. Mike Workman reminded the committee to remember that they added “resolution” to Sec. 88. and this is still the same section of the charter.

Action: Mike Workman called for the vote, and the motion carried unanimously.

Sec. 91.

Pat Steed: Why are the number of days different? A referendum is dealing with something already on the books and operative. An initiative needs more time.

Action: Frank McCaulley moved to approve Sec. 91. as written. Jim Edwards seconded, and the motion carried unanimously.

Sec. 92.

Palmer Davis is concerned about a petition suspending the effect of an ordinance. Once a petition is filed, it takes time to be verified. During that time, the petition serves essentially as an injunction and suspends the effect of the ordinance for potentially several months or more.

Action: Frank McCaulley motioned to strike Sec. 92. from the charter and leave the section reserved for future use with the caveat that Palmer Davis advises the committee next meeting of anything they may have missed. Ellis Hirsch seconded, and the motion carried unanimously.

Sec. 93.

The Committee discussed:

- These are tight timelines for setting an election.
- Submission to voters could be at the next city election, which could be almost two years.
- There is a spring election in April of every year. So that is always an option for a special election.
- Lakeland has held an April special election before with the help of the Supervisor of Elections Office.

- This type of election is done at Lakeland's expense, but a significantly lower expense than if Lakeland tried to run the election on its own.

If the committee agrees conceptually to sync up a special election with the next regularly scheduled election conducted by the Supervisor of Elections, then Palmer Davis can wordsmith the language to bring back for review at the next meeting.

Action: James Ring moved to approve this action. Frank McCaulley seconded, and the motion carried unanimously.

The Committee continued to discuss:

- Subsection (c) creates the possibility of going through the trouble of scheduling an election and then having it withdrawn.
- That is a lot of power and potential for harassment for a small group of people.
- Could some type of penalty be enforced? Should a monetary value be placed on this option where the petitioner is responsible for city costs?
- Change "the fifteenth day preceding" to a much earlier date.
- Change to 15 days from certification or by the end of qualifying? Both would make the end date finite.
- If ballots are already printed, the vote will not count if the issue has already been withdrawn. Voters would be informed at the polling location.

The committee agreed to stay with the original motion as it encompasses Palmer Davis's ability to come back with recommended changes to all of Sec. 93.

Sec. 94. – Sec. 95.

Motion: Frank McCaulley moved to approve Sec. 94 and Sec. 95 as written. Ellis Hirsch seconded.

Mike Workman asked Kelly Koos if there have ever been conflicting ordinances at the same election? No, but there was a potential for that to happen during the strong mayor issue. To avoid that, the commission held the changes from charter review committee until the next election cycle.

Action: Mike Workman called for the vote, and the motion carried unanimously.

Sec. 96.

Palmer Davis said this section tracks state law.

Motion: Ellis Hirsch moved to approve Sec. 96. as written. Jim Edwards seconded.

Mike Workman asked about a tracked change in subsection (B) (1) a. It is written the same way in Sec. 90.

Action: Mike Workman called for the vote, and the motion carried unanimously.

Sec. 97.

Action: Jason Rodda moved to approve Sec. 97. as written. James Ring seconded, and the motion carried unanimously.

Sec. 98.

The referendum for this round of Charter amendments will be held in November 2025. The Committee felt an effective date for the amendments of January 1, 2026 is reasonable.

Action: Frank McCaulley moved to approve Sec. 98. with the updated date. Jason Rodda seconded, and the motion carried unanimously.

Comments from the Public - none

The next Charter Review Committee meeting will be on September 26, 2024. Pat Steed will not be able to attend. The sections of the Charter dealing with civil service will be reviewed next, followed by the pension system provisions.

James Ring moved to adjourn the meeting. Ellis Hirsch seconded, and the motion carried unanimously.

Adjourn – 5:16 p.m.

II- REVIEW OF LANGUAGE CHANGES FROM PREVIOUS MEETING

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.

(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. 8182. - Elections; time and method of holding.**

(a) An election for the offices of city commissioner 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.

(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. 8283. - 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 8482](#) of this charter.

- **Sec. 8384. - 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. 8485. - 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.

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

- **Sec. 8586. - 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~~ symbol "X"in accordance with ballot instructions 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 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.

([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 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.~~

([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 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.

([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](#) ^{1 [2]}. 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.

([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~~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.~~

~~(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 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 thirtyninety (3090) 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.

([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 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.

([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~~2026.

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

III - Index Division II Related Laws
Article I Civil Service Board

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.

(Res. No. 4657, § 1, 12-3-07; Ord. No. 5773 , Att. A, 11-5-19)

Sec. 2. Reserved.

Ord. No. 5773 , Att. A, adopted Nov. 5, 2019, deleted § 2 entitled "Appointment of initial members," which derived from: Sp. Acts, Ch. 77-590, § 1; and Res. No. 4657, § 1, adopted Dec. 3, 2007.

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 one member. Successors to 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.

(Sp. Acts, Ch. 77-590, § 2; Res. No. 4657, § 1, 12-3-07; Ord. No. 5773 , Att. A, 11-5-19)

Sec. 4. Filling of vacancies.

Whenever a vacancy occurs in the membership, a qualified person shall be appointed within thirty (30) days for the unexpired term in the same manner that the person creating the vacancy was appointed, 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.

(Ord. No. 5150, § 2, 2-15-10; Ord. No. 5773 , Att. A, 11-5-19)

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, a director of civil service. 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.

(Res. No. 4657, § 1, 12-3-07)

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.

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

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.

(Res. No. 4657, § 1, 12-3-07; Ord. No. 5773 , Att. A, 11-5-19)

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 shall render reports of its 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.

(Ord. No. 4241, § 1, 3-5-01)

Sec. 11. Compensation of employees.

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) weeks to city employees, and to the public and administration, the civil service board shall adopt and may 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.

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

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.

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

Sec. 14. Procedure for appointment of employees.

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.

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

Sec. 15. Probationary period.

No appointment, 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 and has served as a regular employee for a probationary period of twelve (12) months; and the probationer may be discharged or reduced in rank at any time within said twelve-month period upon the recommendation of the city manager or an employee acting under his 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.

Ord. No. 5773 , Att. A, adopted Nov. 5, 2019, deleted § 16 entitled "Reduction in number of employees; procedures; reemployment."

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 her self, 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.

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

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.

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

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.

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

