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**Proposed Municipal Charter**

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**STAY INFORMED AND STOP INCORPORATION OF YOUR NEIGHBORHOOD**

An act relating to the Town of Perdido, Escambia County; creating the Town of Perdido; providing a charter for the town; providing for the establishment and powers of the town; providing for a council-manager form of government; providing corporate boundaries; providing initial ward boundaries; creating the town council and providing terms of office; setting forth the powers, duties, and qualifications of the council; providing for the filling of vacancies on the council and vacancies in candidacy; providing for the regulation of lobbying; providing for council meetings and legislative procedure; providing for the conduct and timing of elections and that elections shall be non-partisan; providing for initiative and referendum; setting forth a procedure for the removal of charter officers; providing for a town manager, town attorney and town clerk and setting forth their duties; providing for a fiscal year and submission of the budget, budget message, and capital program to the town council by the town manager; providing for environmental stewardship; regulating land development and the sale or lease of environmentally significant lands; providing for the creation of boards and committees; providing for charter amendments and charter review; permitting recall; providing for a limitation of economic development incentives; providing for the election of an initial town council, schedule, and for the first two-years of expenses; providing for transitional ordinances, resolution, land development regulations, and a comprehensive plan; requiring an initial charter review; regulating state-shared revenues and local revenue sources, contractual services and facilities; providing for the continuity of public services and revenues during a transitional period; providing for the eventual elimination of transitional charter provisions; providing for a referendum to be held to determine whether to incorporate; providing for waiver of a requirement for incorporation; and providing for severability and an effective date.

NOW, THEREFORE, Be It Enacted by the Legislature of the State of Florida:

Section 1. Adoption of Town of Perdido charter.---- The Town of Perdido and its charter are hereby provided for as follows:

## **ARTICLE I. ESTABLISHMENT AND POWERS**

### **Sec. 1.01. Name of town; Powers of the town.**

1. The name of this municipality shall be the Town of Perdido, herein referred to as the "town".
2. The Town of Perdido hereby created and established shall have perpetual succession and all powers possible for a municipality to have under the constitution and laws of the State of Florida as fully and completely as though they were specifically enumerated in this charter.
3. The town shall become incorporated effective at 11:59 p.m. on December 31, 2024.

### **Sec. 1.02. Construction of the charter.**

The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general powers granted in this article.

**Sec. 1.03. Intergovernmental relations.**

The town may participate by contract or otherwise with any governmental entity of this state or any other state or states or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

**Sec. 1.04. Form of government.**

The form of government of the Town of Perdido provided for under this charter shall be known as the council-manager plan.

**Sec. 1.05. Town boundaries.**

The boundaries of the Town are described as lying and situate in the State of Florida, County of Escambia, as follows.

A parcel of land lying South of Old River and the Intracoastal waterway and North of the Gulf of Mexico being: Section 1, Township 4 South, Range 33 West; and Sections 5 and 6, Township 4 South, Range 32 West; and Sections 13, 14, 26, 27, 31, 32, 33, 34, 35, and 36, Township 3 South, Range 32 West; Sections 25, 26, 28, 29, 30, 31, 32, 33 and 34, Township 3 South, Range 31 West; and that parcel of land, also known as Sand Island, Lying Northerly of Section 34, Township 3 South, Range 31 West, and South of the Intracoastal Waterway; and also a corporate limit line lying 200 feet offshore and parallel to the shoreline of the above described property, said line lying 200 feet offshore in the Gulf of Mexico and 200 feet offshore in Old River and the Intracoastal Waterway, all situated in Escambia County, Florida, containing approximately 3506 acres, more or less.;

And also:

A parcel of land lying Easterly of Perdido Bay, lying Northerly of the Intracoastal Waterway, lying Westerly of the Westerly right of way line of Blue Angel Parkway South of the Intersection with Dog Track Road, lying Westerly of the Westerly right of way line of Dog Track Road between the intersection with Blue Angel Parkway and the intersection Northerly right of way line of U.S. Highway 98, lying South of the Northerly right of way line of U.S. Highway 98 between the Westerly right of way line of said Dog Track Road and the intersection with the Easterly line of the subdivision of Halcyon Shores as recorded in Plat Book 4 at Page 13 of the Public Records of Escambia County, and the Easterly line of said Halcyon Shores, lying Westerly of the Easterly line of said Halcyon Shores, being: Sections 2, 3, 4 and 5, Township 2 South, Range 32 West; and Sections 15, 16, 24, 25, 26, 27, 28, 29, 30, and 31, Township 2 South, Range 31 West; and Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14 and 15, Township 3 South, Range 32 West, and Sections 5, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25 and 26 Township 3 South, Range 31 West; and also a corporate limit line lying 200 feet offshore and parallel to the shoreline of the above

described property, said line lying offshore 200 feet in the Intracoastal Waterway and 200 feet in Perdido Bay, all situated in Escambia County, Florida, containing approximately 17,808 acres, more or less.

The corporate limits of the town may be periodically altered by adoption of an annexation or deannexation ordinance, as provided by law. The failure to promptly revise the legal description in the section after adoption of an annexation or deannexation ordinance shall not be interpreted to mean that the corporate limits do not include or exclude said land annexed or deannexed.

#### **Sec. 1.06. Ward boundaries.**

Ward boundaries shall be established by ordinance of the town council for the purpose of electing ward council members in accordance with the town charter. The town clerk shall keep and maintain records containing the adopted and current legal descriptions of each of the ward boundaries and containing a map or maps clearly showing such current boundaries of the respective wards. The initial ward boundaries are as follows, based on existing Escambia County Precincts, as redrawn following the 2020 United States Census:

1. Ward 1 shall initially be the areas of Precinct 73 falling within the municipal boundaries as defined by the town charter, as those precincts are defined at the time of incorporation.
2. Ward 2 shall initially be the areas of Precinct 95 falling within the municipal boundaries as defined by the town charter, as those precincts are defined at the time of incorporation.
3. Ward 3 shall initially be the areas of Precinct 67 falling within the municipal boundaries as defined by the town charter, as those precincts are defined at the time of incorporation.
4. Ward 4 shall initially be the areas of Precinct 105 falling within the municipal boundaries as defined by the town charter, as those precincts are defined at the time of incorporation.
5. The fifth council seat is represented by an individual who may live anywhere in the town and is elected at large.

### **ARTICLE II. TOWN COUNCIL**

#### **Sec. 2.01. Creation of council.**

The town council shall consist of five (5) citizens, who shall be elected in the manner hereinafter provided. The town council shall constitute the governing body with powers herein provided to pass ordinances, adopt regulations, and appoint a chief administrative officer to be known as the "town manager" and to exercise all other powers hereinafter provided.

#### **Sec. 2.02. Composition and terms of office.**

The town council shall consist of five (5) council members. Each council member shall serve a term of two (2) years. The election of town council members shall be held on the first Tuesday after the first Monday in November of each even-numbered year. There shall be one council member elected from each ward within the town, together with one at-large seat, all as further defined in Article I. Each council member shall be elected by a vote of those qualified electors voting in a town wide election. The candidate who receives the highest number of votes cast for the seat or for the office for which said individual is running shall be declared to be elected. No vote shall be counted for council members except those cast by the duly qualified electors under the laws of the state. The mayor shall be a voting member of the town council and shall be selected from among the duly elected town council members by a majority vote of the town council members. The mayor shall serve a term of two (2) years.

### **Sec. 2.03. Powers and duties of council.**

All powers of the town shall be vested in the town council, except as otherwise provided by the Constitution and laws of the state and this charter and ordinances of the town. The town council shall comply with and provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law and by this charter. The town council shall annually perform performance reviews on the following charter officers: the town manager and the town attorney. The town council shall conduct an annual strategic planning process which includes implementation strategies.

### **Sec. 2.04. Qualifications of members.**

1. Members of the town council shall have been residents of the Town of Perdido, Florida, for a period of at least one (1) year immediately prior to qualifying for office and, in addition thereto, shall have the qualifications of electors under the laws of the state. Any such council member who shall no longer reside in the ward from which the council member is elected shall thereupon become disqualified to represent said ward as council member and that office of council member shall be deemed vacant.
2. Except as otherwise provided by state law, the qualifying fee for the office of the council member shall be the sum of fifty dollars (\$50.00).
3. Candidates for the office of town council member are required to file their qualification papers with and pay the qualification fees to the town clerk of the town at any time after noon of the first filing date, which shall be the ninety-sixth day prior to the Tuesday of the general election of candidates or nominees to the town council or such other date as established by applicable general law for state primary elections, but not later than noon of the eighty-second day prior to the date of the Tuesday for the election of candidates or nominees to the town council or such other date as established by applicable general law for state primary elections.

### **Sec. 2.05. Prohibitions.**

1. Holding other office. Except where authorized by law, council members shall not hold any other elected public office or otherwise be employed by the town during the term for which the council member was elected to the council. No former council member shall hold any compensated appointive office or employment with the town until one year after the expiration of the term for which the mayor or council member was elected to the council. Council members shall not be interested in the profits or emoluments of any contract, work, or service for the municipality, and any such contract in which any elected official is, or may become interested, shall be void. Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the town on the governing board of any regional or other intergovernmental agency.
2. Appointments and removals. Neither the town council, nor any of its members, shall in any manner control or demand the appointment or removal of any town administrative officer or employee whom the town manager or any subordinate of the manager is empowered to appoint, but the council may express its views and fully and freely discuss with the town manager anything pertaining to appointment and removal of such officers and employees.
3. Interference with administration. Except for the purpose of inquiries and investigations under section 2.09, or asking questions and gaining information to assist the members in the formulation of sound policies, the council or its members shall deal with town officers and employees who are subject to the direction and supervision of the town manager, the town attorney, or the town clerk solely through these charter officers. Neither the council nor its members shall give orders to any such officer, except for the town manager, town attorney, or town clerk, or employee, either publicly or privately.

#### **Sec. 2.06. Forfeiture of office.**

A member of the town council shall forfeit that office if the council member:

1. Fails to meet the residency requirements during said member's entire term,
2. Violates any express prohibition of this charter,
3. Is convicted of a crime involving moral turpitude, or
4. Fails to attend three (3) consecutive regular meetings of the council without being excused by the council.

#### **Sec. 2.07. Judge of qualifications, election, and forfeiture.**

The town council shall be the judge of the qualifications and election of its members and of the grounds for forfeiture of office, subject to review by the courts. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths, and require the production of evidence. The town council shall use the following procedure when forfeiture of office for one of its members is considered:

1. Written notice, approved by the remaining sitting members of the town council, must be delivered to the accused council member, who shall have an opportunity to be heard and defend against the accusation.
2. Subsequent to written notice being delivered to the accused, the council, by an affirmative vote of the remaining four (4) members of the existing membership eligible to vote on the matter, shall have the authority to suspend a council member pending the disposition of charges for removal.
3. Where a suspension of a council member occurs pursuant to this section of the charter, the suspended official shall have the right to a hearing upon demand to determine if there is sufficient evidence to establish the following two elements:
  - a. That probable cause exists to believe that the charges are true; and
  - b. That, if true, the charges would be grounds for removal.

The time and date for the hearing shall be within not more than 60 days, but at the option of the suspended councilmember, said individual shall be given up to 30 days to prepare for the hearing.
4. The suspension hearing shall be held, and the matter decided by the town council. The rules of procedure shall be the same as those which apply to the hearing for removal.
5. If the town council does not find by an affirmative vote of the remaining four (4) members of the existing membership eligible to vote on the matter that the evidence produced at the hearing is sufficient to establish the aforementioned two elements set forth in sub-paragraphs 3.a. and b., the suspension shall terminate immediately and the official shall be reinstated pending a final hearing on removal.
6. A final hearing for removal must take place and a decision rendered within ninety (90) calendar days after receipt of the above-mentioned written notice, unless both the town council, by an affirmative vote of the remaining four (4) council members, and the accused agree to extend the time.
7. In order for the town council to remove the accused official from office, the council must find that the substantial competent evidence presented at the hearing supports the charges which are the basis for the removal proceeding.
8. A council member may only be removed from office by an affirmative vote of the remaining four (4) members of the existing membership eligible to vote for such action.
9. If, after the final hearing, the town council is unable to support such a finding by an affirmative vote of the remaining four (4) members of the town council, any suspension of the accused shall terminate, and the accused shall be reinstated to office for any unfinished portion of the official's term.

10. The accused council member shall have the right to defend against the charges and has the right to present evidence and testimony, to have witnesses subpoenaed by the council, and to cross-examine witnesses during any hearing regarding suspension or removal.
11. The accused council member shall not be entitled to participate in the deliberations or decision in relation to the aforesaid council member's suspension or removal.

#### **Sec. 2.08. Vacancies; Filling vacancies on council.**

1. Vacancies. The office of mayor or council member shall become vacant upon the mayor or council member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law or by this charter.

2. Filling of vacancies. Should a vacancy in the office of mayor or town council member occur when there are one hundred twenty (120) days or less left in the unexpired term, no appointment shall be made and that vacancy will be filled at the next regular municipal election. Should a vacancy occur when there are more than one hundred twenty (120) days left in the unexpired term of a councilmember, that vacancy shall be filled by the town council within thirty (30) days of the date of the vacancy with any qualified resident from the same ward so appointed to serve until a successor is elected at the next regular municipal election. If the vacancy occurs in the office of mayor, the town council shall fill the vacancy by selection among the council members, following the replacement of the council member from the ward or at-large seat vacated.

#### **Sec. 2.09. Investigations.**

The town council may direct investigations into the affairs of the town and the conduct of any department, office, or agency. If such investigations warrant outside entities to perform such investigation, or if such investigation encompasses the town manager or town attorney, such outside sources shall be part of the authorization to proceed.

#### **Sec. 2.10. Organization of council.**

The town council shall organize after the general election biennially at its first regularly scheduled meeting in December. On or after the first regularly scheduled meeting of the town council in December of each year, the town council shall choose a vice-mayor from among its membership to serve in the absence of the mayor. The person selected to serve as vice-mayor shall serve for a period of 365 days, or until said vice-mayor's successor as vice-mayor is chosen, whichever period is longer in duration.

#### **Sec. 2.11. Compensation.**

The salary of council members shall be five thousand dollars (\$5,000.00) per year, with the exception of the mayor whose salary shall be six thousand dollars (\$6,000.00) per year, effective fiscal year 2025.

Annually thereafter, the annual salary of council members for the subsequent year shall be increased in accordance with the prior twelve (12) month consumer price index



("CPI") ending in the month of April to allow consideration in the upcoming fiscal year municipal budget. The CPI to be used shall be determined from time to time by ordinance adopted by the town council and should be promulgated by the U.S. Bureau of Labor Statistics, or its successor agency.

### **Sec. 2.12. Voting.**

The affirmative vote of the majority of the town council shall be necessary to adopt any ordinance or resolution. The passage of all ordinances, resolutions, and motions shall be taken by a "yes" or "no" vote and entered upon the minutes.

### **Sec. 2.13. Emergency Ordinances.**

1. *Authorization.* To meet a public emergency affecting life, health, property, or the public peace, the council may adopt, in the manner provided in state law and this section, one or more emergency ordinances, but such ordinances may not:
  - a. enact or amend a land use plan or rezone private property;
  - b. levy taxes; grant, renew, or extend any municipal franchise;
  - c. set service or user charges for any municipal services; or
  - d. authorize the borrowing of money except as provided under the emergency appropriations provisions of this charter if applicable.
2. *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
3. *Procedure.* Upon the affirmative vote of the Council required by law, an emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. If no requirements of an affirmative vote are set forth in law, an affirmative vote of the entire council shall be required. After its adoption, the ordinance shall be advertised and printed as prescribed for other ordinances.
4. *Effective Date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
5. *Repeal.* Each emergency ordinance except emergency appropriation ordinances shall be automatically repealed as of the 61st day following its effective date, but this shall not prevent reenactment of the ordinance under regular procedures, or, if the emergency still exists, in the manner specified in this section.
6. *Emergency Appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the council, by resolution, may make emergency appropriations. To the extent that there are no unappropriated revenues to meet such appropriation, the council may by such emergency resolution authorize the

issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals in any fiscal year shall be paid not later than the last day of the fiscal year succeeding that in which the emergency appropriations were made.

#### **Sec. 2.14. Functions and powers of mayor.**

The mayor shall be considered a member of the town council and shall have all the powers, rights, duties, and obligations of a town council member. The mayor shall preside at all meetings of the town council and perform such duties consistent with the office as may be imposed by it; shall have a voice and vote in the proceedings of the town council, but no veto power. The mayor may use the title of mayor in any case in which legal instruments of writing or other necessity arising from the general laws of the state so require; but this shall not be construed as conferring upon the mayor the administrative or judicial functions of mayor under the general laws of the state. The mayor shall be recognized as the official head of the town by the courts for the purpose of serving civil processes, by the government in the exercise of military law, and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred upon that office by the town council in pursuance of the provisions of this charter-and no others. In the absence of the mayor and of the vice-mayor, the other members of the town council shall select one of their number to perform the duties of the mayor.

#### **Sec. 2.15. Lobbying.**

Any lobbying activity conducted towards elected officials of the town shall be required to register with the town within ten (10) days of such activity. Elected leaders are required to report unregistered lobbying activity to the town clerk within three (3) town business days. The elected leaders of the town will establish, by ordinance, policies and procedures to ensure that local lobbying activities are properly reported in a way that ensures transparency of such activity to the electorate. The town council may also adopt ordinances to enforce, implement, or clarify this section of the charter. For purposes of this section, "lobbying" shall be defined as the act of soliciting or trying to influence the votes of members of a legislative body when the lobbyist is compensated by and lobbies for the position or benefit of a third party.

#### **Sec. 2.16. Council meetings.**

The council shall meet regularly at a location within the town at such times and places as it may prescribe, but in no event less than once each month unless the meeting is cancelled. All official meetings of the council shall be open to the public, unless otherwise permitted or provided by Florida or federal law.

Special and emergency meetings limited to the subjects specified in the call may be convened by the mayor, or any three (3) council members, or the town manager, upon notice to each member and to the public. Unless the meeting is of an emergency nature, not less than 72 hours' prior notice of the meeting to the public must occur.

#### **Sec. 2.17. Legislative procedure.**

1. Legislative powers. Except as otherwise prescribed herein or as provided by law, the legislative powers of the town shall be vested in the council. The council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the town by law.
2. Rules and order of business. The town council shall determine its own rules and order of business, and shall provide for the keeping of a journal of its proceedings. The journal shall be a public record and shall be open to public inspection. The council may prescribe for expulsion of disorderly persons from its meetings.

### **Sec. 2.18. Ordinances and resolutions.**

Every proposed ordinance or resolution, as defined by law, shall be introduced in the final written or printed form required for adoption. The enacting clause of ordinances shall recite: "Be it enacted by the Town of Perdido, Florida."

A proposed ordinance may be amended at any meeting. However, no ordinance shall be amended at the second or later reading so as to change its intent without a further reading at least one week later. The council may provide for public hearings or for the publication of notice concerning the subject matter of any proposed ordinance or amendment. Ordinances and resolutions shall become effective upon passage unless otherwise specified therein. Every ordinance and resolution shall, upon final passage, be authenticated by the presiding officer and the town clerk or deputy clerk, and shall be recorded and published as the council shall prescribe.

### **Sec. 2.19. Codification and distribution of ordinances and related matter.**

Within two (2) years after the effective date of this charter, and at least once every five (5) years thereafter, the council shall provide for the preparation of a general codification of all town ordinances, resolutions having the force of law, and such codes of technical regulations and other rules or regulations as the council may specify. The council shall include in the general codification the town charter, charter amendments, and relevant state constitutional and statutory provisions. Upon compilation, the general codification shall be known and cited as the Town Code of the Town of Perdido, Florida. Copies of the code shall be furnished to town officers and public offices for reference as required, shall be placed on the town's internet web-site, and shall be made available for purchase by the public at a reasonable price fixed by the town.

### **Sec. 2.20. Codes of technical regulations.**

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. Adopting ordinances shall be enacted as herein provided for ordinances generally. Any adopted code of technical regulations shall be made available to the public as the council shall provide. A copy of each adopted code of technical regulations, as well as of the adopting ordinance or resolution, shall be authenticated and recorded by the town clerk.

### **Sec. 2.21. Recordkeeping.**

The town council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings and all ordinances and resolutions adopted by the town council, and the same shall at all times be a public record. The town council shall further maintain a current codification of all ordinances. Such codification shall be printed and shall be made available for distribution to the public on a continuing basis. All ordinances or resolutions of the council shall be signed by the mayor and attested to by the town clerk.

### **ARTICLE III. ELECTIONS**

#### **Sec. 3.01. Nonpartisan elections.**

All qualifications and elections for town offices of town council shall be conducted on a nonpartisan basis without regard for designation of political party affiliation of any candidate, nominee, or any nomination petition or ballot.

#### **Sec. 3.02. Conduct of elections.**

1. Town elections shall be conducted in accordance with the general election laws of the State of Florida.
2. Electors may vote for one candidate from each of the four (4) council wards.
3. Electors may vote for one at-large candidate.
4. No election shall be required to be held within a council ward, unless there is more than one duly qualified candidate for council within that ward or for the at-large seat.

#### **Sec. 3.03. Timing of elections.**

Elections to elect town council members shall be held in each even-numbered year at the same time as and as part of the general election of the State of Florida for President or Governor.

#### **Sec. 3.04. Filling of vacancies in candidacy.**

1. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
  - a. Ballot or official ballot, when used in reference to the office of mayor or councilmember of the town, means:
  - b. Voting machines, except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.

- c. Paper ballots means that printed sheet of paper containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his vote.
  - d. Electronic or electromechanical devices means a ballot which is voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.
  - e. Candidate means any person who has qualified for election to the position of mayor or councilmember on the town council.
  - f. Election means any town election to choose elected officials to the town council.
  - g. Qualifying means and refers to the procedure specified, whereby an individual causes said person's name to be placed in the next town election as a candidate for town office.
  - h. Special election means an election called for the purpose of filling a vacancy in elected town office.
2. Vacancy in candidacy; withdrawal, death, or removal of candidate; one candidate remaining. If the withdrawal of a qualified candidate following the end of the qualifying period results in only one candidate remaining on the ballot for that office and seat on the town council, the remaining candidate shall be declared elected and no election for that office shall be required.
  3. Death, withdrawal or removal of candidate; no candidate remaining. If the death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period but before the close of balloting on election day results in no candidates for a town office, the pending election for that office shall be cancelled, and a special election for that office shall be scheduled by the town council. Within no more than 21 days following the ascertainment that no candidates are qualified and running for a town office, a special election shall be scheduled by the town council. The election shall be held not less than 120 days nor more than 150 days after the vacancy in the candidacy has occurred. Qualifying shall be reopened, at the time provided in the town charter and code, to allow candidates to qualify for the election to that office in accordance with the town charter and code. Any candidate wishing to run for office shall qualify as provided by law and town ordinance. If during the re-opened qualifying period, only one candidate files, that candidate shall be declared elected, and no election for that office shall be required.
  4. No candidate remaining after close of the initial qualifying period. If no candidate files for a town office during the qualifying period, or if the candidates filing all die, withdraw their candidacies, or are removed from the ballot prior to or simultaneous

with the close of the qualifying period, the pending election for that office shall be cancelled, and a special election for that office shall be scheduled by the town council. Within no more than 21 days following the ascertainment that there are no candidates qualified and running for a town office, a special election shall be scheduled by the town council. The election shall be held not less than 120 days nor more than 150 days after the vacancy in the candidacy has occurred. Qualifying shall be reopened, at the time provided in the town code of ordinances, to allow candidates to qualify for the election to that office in accordance with the town charter and code. If during the re-opened qualifying period, only one candidate files, that candidate shall be declared elected, and no election for that office shall be required.

5. Removal of name from ballot. The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.

### **Sec. 3.05. Process.**

1. Town council members shall be elected by a town-wide vote of the electors for two-year terms by the electors of the town.
2. One council member will be elected to each ward. The candidate within each ward who shall receive the greatest number of votes shall be declared the council member for that ward.
3. One council member will be elected at-large. The candidate running for the at-large seat on the council who shall receive the greatest number of votes shall be declared the council member for that seat.
4. A tie vote between two (2) or more candidates for the office of town council member shall be determined by the drawing of lots.

### **Sec. 3.06. Term of office.**

1. The term of office for town council members shall commence at the town council's first regularly scheduled meeting in December following the biennial general election.
2. The term of office for town council members shall expire two (2) non-calendar years hence after the start of the term, or upon the swearing in of the newly elected council member for a particular seat, whichever event is longer.
3. The term of office and assumption of the duties by the appointed mayor and town council members-elect shall commence on the said day upon the respective appointed mayor or town council member-elect taking and subscribing to said individual's oath of office.
4. In the event that the mayor or a council member is either appointed or elected by special election to fill a vacancy pursuant to the provisions of section 2.08 of the Charter, said individual shall assume the office immediately after certification by the

county canvassing board of the winner of the election and upon said individual taking and subscribing to the oath of office. The term of office for the mayor or member of the council appointed or elected by special election to fill a vacancy shall end on the same day that the person for whom said individual was appointed or elected to fill the term of office would have ended.

5. No person may serve in the position of town council member for more than three consecutive terms; provided, however, that service, as a council member during the unexpired portion of a term in which another person was elected, shall not be counted when applying this limitation. If a person who has previously served in the position of council member does not serve for at least one full term, that person's prior service shall not be counted when applying this limitation.

### **Sec. 3.07. Council wards; Adjustment of boundaries.**

1. Number of wards. There shall be four (4) council wards.
2. Redraw ward boundaries. Following each decennial census, or more often if deemed necessary because of significant population fluctuations as determined by the town council, the town council shall by ordinance adjust the boundaries of the four (4) voting wards using these criteria:
  - a. Wards shall be substantially equal in population except where deviations from equality result from the application of the provisions hereinafter set forth, but no such deviation may exceed ten (10) percent of the average population for all wards according to the figures available from the most recent census.
  - b. Wards should be drawn in a manner that keeps neighborhoods intact to the extent possible.
  - c. Wards shall consist of contiguous territory; but land areas separated by waterways shall not be included in the same ward unless said waterways are traversed by highway bridges, tunnels, or regularly scheduled ferry services both termini of which are within the ward, except that, population permitting, islands not connected to the mainland or to other islands by bridge, tunnel, or regular ferry services shall be included in the same ward as the nearest land area within the town.
  - d. Consistent with the foregoing provisions, the aggregate length of all ward boundaries shall be as short as possible.
  - e. No adjustment in ward boundaries shall be made in consideration of the residency of any council member or potential candidate for council member.
3. Procedures.
  - a. The town council shall complete the reapportionment plan, or plan to alter ward boundaries, within 365 days after the official publication of the finalized census in tracts and blocks sufficient to permit the revision of ward

boundaries; provided that no reapportionment plan or plan to alter ward boundaries shall be made within 270 days before a regular municipal general election.

- b. Proposed plans must be available to the public for inspection and comment not less than 30 days before the first reading of an ordinance to adopt said plan. The plan shall include a map and description of the wards recommended.
- c. The town council shall review and adopt the plan to revise ward boundaries as an ordinance by an affirmative vote of the majority of council members. An ordinance to amend this charter is not required to revise ward boundaries.
- d. *Failure to enact ordinance.* If the town council fails to enact a plan within the required time, the town council shall have not more than 120 days to again attempt to devise a legal plan to adjust the ward boundaries or reapportion; provided, that as required by law, no reapportionment plan or plan to alter ward boundaries shall be made within 270 days before a regular municipal general election. The town council may, but shall not be required to, seek the assistance of a mediator or may form a subcommittee to recommend to the council a new plan. If on this second opportunity to devise a legal plan to adjust the boundaries or otherwise reapportion, the town council shall fail to enact a plan within the required time, the town attorney shall petition the circuit court having jurisdiction in the county to make such reapportionment.
- e. The redrawing of ward boundaries, upon becoming law, shall not affect the remainder of the term of those elected officials serving in office at the time of adoption of the ordinance adjusting ward boundaries.

### **Sec. 3.08. Initiative and referendum.**

1. *Initiative.* The qualified voters of the town shall have power to propose ordinances to the town council and, if the town council fails to adopt an ordinance so proposed without any change in substance, the qualified voters of the town shall have the power to adopt or reject the proposed ordinance at a town election; provided, that such power shall not extend to the budget, capital program, any ordinance relating to the appropriation of money, levy of taxes or salaries of the town officers or employees, or to the extent affirmatively prohibited by law, any local comprehensive plan amendment or map amendment, land development regulation, or development, all as defined by state law.
2. *Reconsideration of ordinance.* The qualified voters of the town shall have power to require reconsideration by the town council of any adopted ordinance. If the town council fails to repeal an ordinance so proposed to be reconsidered, the qualified electors may proposed that the ordinance be considered at a town election; provided, that such power shall not extend to the budget, capital program, any emergency ordinance, any ordinance relating to the appropriation of money or levy of taxes, or to the extent affirmatively prohibited by law, any local comprehensive plan amendment or map amendment, land development regulation, or development, all as defined by state law.



3. Commencement of proceedings. Any 10 town electors may commence initiative or referendum proceedings by filing with the town clerk an affidavit stating that they shall constitute the petitioner's committee and be responsible for circulating a 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 petitioner's committee is filed, the town clerk may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

4. Petitions.

- a. Initiative and referendum petitions must be signed by electors of the town equal in number to at least 10 percent of the total number of electors registered to vote in the last regular town election.
- b. All papers of a petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and 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. 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, the number of signatures thereon, that all 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 ordinance proposed or sought to be reconsidered.

6. Except as otherwise provided herein, all initiative and referendum petitions must be filed within 180 days of the date on which proceedings with respect to such initiative or referendum are commenced, and all requirements of the process, including, but not limited to, the submission of the signatures required, must be completed no later than 240 days following the date of filing such initiative or referendum petition.

7. Action on petitions.

- a. Within 20 days after an initiative petition or a referendum petition is filed, the town clerk 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 petitioner's committee by certified U.S. mail, return receipt requested. Grounds for insufficiency are only those specified herein, or in state law, that are not met. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioner's committee files a notice of intent to amend it with the designated official within 5 town business days after receiving the copy of the certificate and files a supplementary petition upon additional papers within 20 calendar

days after receiving the copy of such certificate. Such supplementary petition shall comply with original petition requirements, and within 5 town business days after it is filed, the town clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner's committee by certified U.S. mail, return receipt requested. If a petition or an amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request the town council review within the time required, the town clerk shall promptly present a certificate to the town council, and such certificate shall then be a final determination as to the sufficiency of the petition. Town electors who have signed the petition may submit a dated and signed notice removing or withdrawing their signature from and approval of the petition to place an ordinance on the ballot at any time up to the time immediately prior to the petition being deemed sufficient by the town clerk.

- b. If a petition has been certified insufficient and the petitioner's committee does not file notice of intent to amend it, or if an amended petition has been certified insufficient, the committee may, within 5 town business days after receiving the copy of such certificate, file a request that it be reviewed by the town council. The town council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and determination shall then be final as to the sufficiency of the petition.
- c. When an initiative or referendum petition has been determined sufficient, the town council shall promptly consider the proposed initiative ordinance or reconsider the referendum ordinance by voting its repeal. If the town council fails to adopt a proposed initiative ordinance without any change in substance within 90 days, or fails to repeal the referendum ordinance within 90 days, after the date on which the petition is determined to be sufficient, it shall submit the proposed initiative or referendum ordinance to the electors of the town. If the town council fails to act on a proposed initiative ordinance or a referendum ordinance within the time period specified, the town council shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referendum ordinance on the last day that the town council was authorized to act on such matter.
- d. The vote of the town electors on a proposed initiative or referendum ordinance shall be held not fewer than 180 calendar days or more than 240 calendar days from the date the town council acted or was deemed to have acted pursuant to this charter. If no regular election is to be held within the period described in this paragraph, the town council shall provide for a special election, except that the town council may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed initiative or referendum ordinance shall be made available at the polls.
- e. The town council by ordinance may supplement the process provided in this section 3.08 of the charter.

8. An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the town by filing with the town clerk a request for withdrawal signed by at least eight members of the petitioner's committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

9. Results of election.

a. 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. 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. If a majority of the qualified electors voting on a referendum ordinance to repeal an ordinance vote for the repeal of the ordinance, said ordinance shall be considered repealed upon certification of the election results.

## **ARTICLE IV. CHARTER OFFICERS**

### **Sec. 4.01. Appointment and removal.**

1. The town council shall designate the following as charter officers and shall appoint and remove them by a majority vote of the entire town council: town manager and town attorney.
2. If any charter officer is removed at any time after having served 180 days:
  - a. The charter officer may demand written charges and a public hearing upon the same before the town council, and final removal shall not take effect until such hearing has been had; and
  - b. The town council may suspend the charter officer from office pending such hearing, and appoint an interim or acting town manager for the period of reconsideration and permanent hire of the replacement if applicable.

### **Sec. 4.02. Town manager.**

1. Appointment and qualifications of the town manager. The town council shall appoint a town manager by a majority vote of the entire council who shall be the administrative head of the municipal government under the direction and supervision of the town council. The town manager shall hold office at the pleasure of the town council. The manager shall be chosen solely on the basis of education and experience in the accepted competencies and practices of local government management.
2. Compensation of the town manager.

- a. The town manager shall receive such initial compensation as the town council may by resolution fix.
  - b. Annually thereafter,
    - i. The annual salary for the subsequent year shall be increased in accordance with prior twelve (12) month CPI ending in the month of April to allow consideration in the upcoming fiscal year municipal budget, and
    - ii. the town council may consider an additional salary increase for the subsequent year on the basis of merit.
3. Acting town manager. By letter filed with the town clerk, the town council shall designate a town employee or other individual to exercise the powers and perform the duties of the town manager during the manager's temporary absence or disability for periods of more than 14 days within 90 consecutive day time period; the town council may revoke such designation at any time and appoint another officer or employee of the town to serve until the town manager returns. For periods of 14 days or less within any 90 consecutive day time period, the town manager may designate an acting town manager in said town manager's absence.
4. Powers and duties. The town manager shall be the chief executive officer of the town, responsible to the town council for the management of all town affairs placed in the manager's charge by and under this charter. The town manager shall:
- a. See that the laws and ordinances are enforced;
  - b. Appoint and remove all subordinate officers and employees of the town in accordance with the provisions of state and federal law, the town code of ordinances, and any applicable personnel procedures;
  - c. Appoint a designated town clerk; and
  - d. Exercise, control and direct supervision over all departments and divisions of the municipal government under this charter, or which may hereafter be created by the town council, except for the office of town attorney, boards, committees, and commissions.
  - e. Take command of the police in governing the town by proclamation under the direction of the town council in times of grave public danger or emergency, and the town council shall be the judge of what constitutes such public danger or emergency;
  - f. See that all terms and conditions imposed in favor of the town or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the town attorney, whose duty it is hereby made to take such legal steps as may be necessary to enforce the same;

- g. Attend all meetings of the town council with the right to take part in discussions without having a vote;
- h. Recommend to the town council for adoption such measures as the manager may deem necessary or expedient in the interest of the town;
- i. Keep the town council fully advised as to the financial condition and future needs of the town; prepare and submit the annual budget and capital program to the town council; and, implement the final budget approved by the council to achieve the goals of the town;
- j. Present an annual state of the town address at a meeting open to the public to include a complete report on the finances and administrative activities of the town as of the end of each fiscal year;
- k. Make such other reports as the town council may require concerning operations;
- l. Assist the town council to develop long term goals for the town and strategies to implement these goals;
- m. Promote partnerships among the council, staff, and residents in developing public policy and building a sense of community;
- n. Perform such other duties as may be prescribed under this act or as may be required of the town manager by ordinance or a resolution or motion of the town council;
- o. Serve as the town focal point for anticipating and responding to natural disasters. Responsibilities will include the following:
- p. Ensuring the community is aware of ways of mitigating the adverse effects of a natural disaster;
- q. Preparing for, responding to and recovering from a disaster;
- r. Managing disaster operations in the town under policies and procedures decided by local and state authorities;
- s. Fix the salary of the individual town employees within the pay schedules of the town council, except those appointed by the town council;
- t. Draw and sign vouchers upon depositories designated by resolution of the town council, to the extent directed from time to time by the town council, and keep or cause to be kept a true and accurate account of same;
- u. Sign all licenses issued by the town, issue receipts for all moneys paid to the town, and deposit such moneys in the proper depositories;

- v. Sign or endorse contracts and other instruments in writing in which the town is interested, or on behalf of the town, and signify acknowledgment of the substance thereof, all to the extent authorized by town council; and
- w. Perform such other duties as are specified in this charter or as may be required from time to time by the town council.

#### **Sec. 4.03. Town attorney.**

1. Qualifications. This office shall be held by an attorney, or law firm, appointed by the town council to serve at the pleasure of the town council. The town attorney shall be a member in good standing with The Florida Bar, have been admitted to practice in the state for at least 5 years, and have not less than 2 non-calendar years' experience in the practice of local government law. The town attorney shall have the sole discretion to appoint, promote, suspend, demote, remove, or terminate deputy and assistant town attorneys and town attorney department staff, under the employ of the town and subject to the town's annual budget. One or more assistants may perform any duties of the town attorney. The town attorney and said town attorney's assistants shall be lawyers admitted to and having authority to practice in all courts of the state, as well as the federal district court. The town council shall approve the employment or retention of all special counsel of the town.

2. Compensation of the town attorney. The salary or compensation of the town attorney shall be fixed periodically by the town council. The town attorney shall be employed under terms and conditions deemed advisable by the town council.

3. Duties. The town attorney shall:

- a. Serve as chief legal adviser to the town council, the town manager, the town clerk, and all town departments, offices, and agencies;
- b. Represent the town in all legal proceedings;
- c. Attend all regular and special town council meetings, unless excused by the mayor or town council, and perform such professional duties as may be required by law or by the town council in furtherance of the law;
- d. Approve contracts, all bonds, and other instruments assigned to the town attorney for review by the town council or the town manager and in which the town is concerned and endorse on each said attorney's approval of the form and correctness thereof;
- e. When requested to do so by the town council, prosecute and defend on behalf of the town all complaints, suits, and controversies in which the town is a party;
- f. Perform such other professional duties as required by affirmative direction of the town council or as prescribed for municipal attorneys in the laws of the state which are not inconsistent with this charter; and

- g. Prepare an annual budget for the operation of the office of the town attorney and submit this budget to the town manager for inclusion in the annual town budget, in accordance with uniform town procedures.

#### **Sec. 4.04. Town clerk.**

The town manager shall appoint a town clerk to serve as town clerk. The town clerk shall not be considered to be an officer and is a position of employment. The town clerk shall serve under the administrative direction of the town manager. The town clerk shall give notice of council meetings to its members and the public; keep minutes or journals of its proceedings; authenticate by said clerk's signature and record in full in books to be kept for that purpose all ordinances and resolutions; attest to and countersign by said individual's signature all contracts, bonds and other instruments as required by law, this charter, or by the town code of ordinances; shall be the keeper of the town seal; and perform such other duties as the town council or town manager may prescribe from time to time. The clerk shall report to the town manager. The town clerk may appoint deputies to carry out requirements of this office at the discretion of the town manager.

#### **Sec. 4.05. Administrative units of town government.**

The town manager may create, merge, or abolish town departments and prescribe the composition, duties and functions of town departments, in addition to those created by this charter. As determined by the town manager, two or more departments or agencies of the town may be headed by the same individual; and the head of a unit may serve as the head of one or more divisions thereof.

### **ARTICLE V. FINANCIAL MANAGEMENT**

#### **5.01. Fiscal year.**

The fiscal year of the town shall begin on the first day of October and end on the last day of September.

#### **Sec. 5.02. Submission of budget and budget message.**

The town manager shall submit to the town council a budget for the ensuing fiscal year and an accompanying message in July, or earlier as necessary, to ensure review

#### **Sec. 5.03. Budget message.**

The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; summarize the town's debt position, including factors affecting the ability to raise resources through debt issues; and include such other material as the town manager deems desirable.

#### **Sec. 5.04. Budget.**

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the town manager deems desirable or the town council may require for effective management and an understanding the relationship between the budget and the town's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

#### **Sec. 5.05 Capital program.**

The town manager shall prepare and submit to the council a 5-year capital program no later than 3 months before the final date for the final submission of the budget. The capital program shall include (cost estimates, time schedules, methods of financing, and estimated annual costs of operation and maintenance for such capital improvements. This capital program shall be revised and extended each year depending on which capital improvements are still pending or in the process of construction or acquisition.

#### **Sec. 5.06. Administration and fiduciary oversight of the budget.**

The town council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

#### **Sec. 5.07. Independent audit.**

The town council shall provide for an independent annual audit of all town accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal

### **ARTICLE VI. NATURAL RESOURCES AND LAND DEVELOPMENT**

#### **6.01. Environmental stewardship.**

It shall be the policy of the Town of Perdido, in order to ensure the health, safety, aesthetics, and welfare of its citizens and visitors, that the town shall protect, and also establish and reinforce strengthened town standards with respect to air quality, water quality, sea level rise, flooding along with terrestrial, marine and aquatic habitat, including:

1. Implementation of tree protection measures to maintain a substantial tree canopy for aesthetics, air quality and removal of pollutants.
2. Implement policies to protect, enhance and re-establish native habitats.



3. Enhanced stormwater quality standards that sufficiently protect all receiving water bodies, including but not limited to ponds, creeks, streams, wetland areas, and estuaries, whether natural or man-made.
4. Enhanced shoreline restoration standards to minimize erosion.
5. Enhanced stormwater management standards to protect surrounding properties and implementation of Low Impact Development (LID strategies).
6. Floodplain management standards that utilize the best coastal management practices to increase the coastal resiliency of existing and future development from flooding impacts, sea level rise.
7. Limitations on the use of impervious materials.
8. Programs and policies that support the removal of existing septic tanks.

Notwithstanding the foregoing, this section of the charter shall be deemed to be self-executing, but the town council shall further implement this provision by ordinance or resolution.

#### **Sec. 6.02. Land development.**

The Town of Perdido, in order to protect and preserve the special character of the town, strengthen the town's economic base, enhance the sense of place in the residential neighborhoods, and promote and protect the health, safety aesthetics, and welfare of the community, shall establish and reinforce strengthened town standards, including:

1. Preserving the scale and character of the town's neighborhoods.
2. Maintaining the town's tree canopy, green areas, and respectful interface with the waterfront.
3. Ensuring land development can occur without endangering the public health, safety, or welfare.
4. Implementation of minimum native plant requirements for new developments.
5. Implementation of land use policies that prioritize preservation and protection of open-space and environmentally sensitive areas.

The town council shall further implement this provision by ordinance or resolution.

#### **Sec. 6.03. Sale or lease of significant or environmentally sensitive public lands.**

1. Any transfer of ownership, or lease lasting longer than ten (10) years, of lands owned by the Town of Perdido shall only occur after a super majority vote of approval among all five (5) members of the town council.

2. Any transfer of ownership of lands owned by the Town of Perdido shall be prohibited for areas deemed environmentally sensitive or aesthetically critical to maintaining natural open space. Such areas shall include but are not limited to: wetlands, lowland forests, flood plains, agricultural and/or managed forestland.

## **ARTICLE VII. CITIZEN PARTICIPATION**

### **Sec. 7.01. Organization of boards and committees.**

Unless otherwise defined, Boards and Committees created in accordance with this charter shall be composed of citizens who are qualified to act in an advisory capacity to the town council, the town manager, or to any department of the town government, with respect to the conduct and the management of any property or institution or the exercise of any public functions of the town. The members of such boards shall serve without compensation for the time fixed in their appointment, or at the pleasure of the town council, and their duties shall be to consult and advise with such municipal officers and make written recommendations which shall become part of the records of the town.

### **Sec. 7.02. Planning and zoning board.**

The town council shall establish a citizen board to review proposed plans identified as needing such review by the town department that handles planning and zoning in terms of zoning, aesthetics, environmental stewardship and overall appropriateness. By ordinance, the town council may consider designating the planning and zoning board as the local planning agency pursuant to state law. The Planning and Zoning Board shall make recommendations to the town council to approve or disapprove proposed buildings, parks, and/or streetscape elements to be erected, renovated, or razed which are located, or to be located, within the designated districts and/or corridors of the town.

Membership shall consist of at least five (5) members, appointed by the town council, each serving a term of four (4) years. The following describes requirements for membership:

1. The most senior level official of the town department that handles planning and zoning shall serve as a liaison to the board
2. Members will be a town resident or a business owner located within the town
3. To the extent such person shall be available, at least one (1) member shall be a registered architect, planner, or related profession.

### **Sec. 7.03. Additional boards and committees.**

Except as otherwise provided by law, the town council may establish or terminate such boards and agencies as it may deem advisable from time to time. The boards and agencies shall report to the council. Members of boards and agencies shall be appointed by the council by resolution.

### **Sec. 7.04. Charter amendments.**

Amendments to this charter may be framed and proposed pursuant to state law.

**Sec. 7.05. Charter review.**

The charter will be reviewed at least once every ten (10) years. A five-member charter review committee shall be appointed and funded by the town council. The charter review committee shall be appointed at least 545 days before the next scheduled election and complete its work and present any recommendations to the council for change no later than 120 days before the election. The council shall hold a minimum of two (2) public hearings to approve, reject or modify the proposed amendment to the charter prior to placing the proposed changes on the scheduled election ballot.

**Sec. 7.06. Recall.**

The registered voters of the town shall have power to recall elected officials of the town pursuant to state law.

**ARTICLE VIII. MISCELLANEOUS PROVISIONS**

**8.01. Force majeure.**

Failure to meet any deadline or satisfy any performance requirement set forth in this charter may be excused due to unforeseen events such as hurricanes, natural disasters, acts of nature, fires, acts of public enemies, pandemics, health emergencies, riots, civil disturbances, sabotage, strikes, or restraints imposed by order of a governmental agency or court; provided, that any such deadline or performance standard is cured or corrected as soon as reasonably practicable.

**Sec. 8.02. Severability.**

In the event that any term, provision, clause, sentence or section of this charter shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this charter, and this charter shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.

**Sec. 8.03. Limitation on economic development incentives.**

The town shall not grant economic development incentives to any person or entity unless the economic development incentive is part of a federal, state, or county program and is pursuant to an agreement that ensures that the town will recoup at least the full amount of the town's portion of the incentive as defined in the agreement performance measures. Small gifts, such as flowers, plaques, or memorial bequests, are excluded from the foregoing provision; provided, that the cost of such items are of a *de minimus* value.

The erection of memorials or statues memorializing events or persons by the town shall also be exempt from the foregoing provision.

**Sec. 8.04. Code of ethics.**

It is essential to the proper conduct and operation of the town that the officers and employees of the town be independent and impartial and for their offices not to be used for private gain other than the remuneration provided by law or by ordinances. It is declared to be the policy of the town that its officers and employees are agents of the people and hold their positions for the benefit of the public. Therefore, all town officers and employees shall adhere to the standards of conduct as set forth in part III of chapter 112, Florida Statutes.

**ARTICLE IX. INITIAL TOWN COUNCIL ELECTION; TRANSITION**

**Sec. 9.01. Initial election of council.**

1. After the adoption of this charter, the Supervisor of Elections of Escambia County shall call an election to be held on March 4, 2025, for the election of five (5) town council members in accordance with the procedures outlined in Article III of this charter, except as stated otherwise herein. The election shall be conducted by the supervisor of elections of Escambia County in accordance with the state law and this charter, and the cost of such election shall be funded by Escambia County.
2. Any individual who wishes to run for one of five (5) initial seats on the council shall qualify with the supervisor of elections of Escambia County in accordance with this charter and general law. The qualifying period for the initial election of the town council shall begin at noon (12:00 p.m.) on the second Monday in January, 2025, and conclude at noon (12:00 p.m.) on the thirtieth (30) day following.
3. For the initial elections, the county canvassing board shall certify the results of the elections in accordance with general law.
4. The initial members of the town council shall be elected to a term ending in December, 2028, or upon the swearing in of the newly elected council member for a particular seat, whichever event is longer, all in the manner prescribed in section 3.06 of this charter. The elected council members may serve, if reelected, for two (2) additional two-year terms.

**Sec. 9.02. Schedule.**

1. *Temporal nature of transition sections of charter.* Article IX of this charter is inserted solely for the purpose of effecting the incorporation of the town and the transition from an unincorporated area of Escambia County to a newly incorporated municipality.
2. *First election of council members.* At the time of its adoption, this charter shall be in effect to the extent necessary so that the first election of members of the town council may be conducted in accordance with this charter.

3. First council meeting. On April 1, 2025, after the first election of the town council under this charter, the newly elected members of the town council shall meet at a location to be determined within the town. The initial council shall have the authority and power to enter into contracts, arrange for the hiring of legal counsel, begin recruiting applicants for town manager, provide for necessary town offices and facilities, and do such other things as it deems necessary and appropriate for the town.

#### **Sec. 9.03. First two-year expenses.**

The town council during the first two fiscal years of the existence of the town, in order to provide funds for the expenses and support of the town, shall have the power to borrow money necessary for the operation of municipal government until such time as a budget is adopted and revenues are raised in accordance with this charter. The initial expenses of the town council, including the expense of recruiting a town manager, shall be paid by the town on vouchers signed by the mayor.

#### **Sec. 9.04. Transitional ordinances and resolutions.**

1. All applicable county ordinances currently in place at the time of passage of the referendum, unless specifically referenced in this charter, shall remain in place until and unless rescinded by action of the town council, except that a county ordinance, rule, or regulation which is in conflict with an ordinance, rule, or regulation of the town shall not be effective to the extent of such conflict. Any existing Escambia County ordinances, rules, and regulations, as of November 5, 2024, shall not be altered, changed, rescinded, or added to, nor shall any variance be granted, if such action would affect the town without the approval of the council.
2. The council shall adopt ordinances and resolutions required to affect the transition. Ordinances adopted within 90 days after the first council meeting may be passed as emergency ordinances, as provided in this charter, except the transitional ordinances shall be effective for no longer than 90 days after adoption and, thereafter, may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

#### **Sec. 9.05. Transitional comprehensive plan.**

Until such time as the town adopts a comprehensive plan, the county comprehensive plan, as it exists on the day that the town commences corporate existence or upon the date of annexation of land into the town, shall remain in effect as the town's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the council, which shall be deemed the local planning agency until the town council establishes a separate local planning agency. The town will submit its first Comprehensive Plan within three (3) years of incorporation, in accordance with Florida Statutes.

#### **Sec. 9.06. Transitional charter review.**

The initial charter review will be scheduled to commence within five (5) years following the effective date of incorporation in accordance with the procedures outlined in section 7.05 of this charter. Subsequently the provisions of section 7.05 will apply.

### **Sec. 9.07. Transitional Land Development Regulations.**

To implement the transitional comprehensive land use plan when adopted, the town shall, in accordance with the procedures required by the laws of the state, adopt ordinances providing for land use development regulations within the corporate limits. Until the town adopts the ordinances:

1. The comprehensive land use plan and land use development regulations of the county, as they exist on the date that the town commences corporate existence, shall remain in effect as the town's transitional land use development regulations and comprehensive land use plan. Variances shall not be granted to any existing county ordinance, rule, or regulation in existence as of November 5, 2024, insofar as such action would affect the town without the approval of the town council, except as authorized by the county charter, as may be amended from time to time.
2. All powers and duties of the Escambia County Department of Community Development, the Escambia County Hearing Examiner, and Board of County Commissioners of Escambia County, as set forth in these transitional land use development regulations, shall be vested in the council until such time as the council delegates all powers and duties, or a portion thereof, to another agency, department, or entity.
3. Subject to general law, the council is fully empowered to amend, supersede, enforce, or repeal the transitional land use development regulations, or any portion thereof, by ordinance. All approved developments of regional impact (DRIs) located within the jurisdictional boundaries of and existing on the date of incorporation of the town, if any, are not required to submit a notice of proposed change application to adopt a new DRI development order. Effective December 31, 2024, any existing DRI development orders are deemed subject to the jurisdiction of the town without the need to amend the existing DRI development order.
4. Jurisdiction over existing DRI development orders by the town is subject to, without limitation, all rights, entitlements, covenants, and commitments adopted in DRI development orders and zoning adopted in conjunction with or pursuant to the DRI development order before December 31, 2024, including, without limitation, all rights and entitlements included in any local development orders or plats adopted pursuant to the DRI development order and related zoning. The town shall recognize the property rights and interests held by property owners under such DRI development orders and all other vested property rights held by such property owners as such rights and entitlements existed on or before December 31, 2024.
5. Subsequent to the commencement of the town's corporate existence, an amendment of the comprehensive land use plan or land use development regulations enacted by the Board of County Commissioners of Escambia County shall not be deemed an amendment of the town's transitional comprehensive land

use plan or land use development regulations or otherwise take effect within the town's municipal boundaries.

6. As utilized in this section of the charter, the terms “development,” “development order,” and “land development regulation”, shall be as defined in section 163.3164, Florida Statutes (2023).

#### **Sec. 9.08. State-shared revenues.**

The town shall be entitled to participate in all revenue sharing programs of the state effective January 1, 2025. The provisions of s. 218.23(1), Florida Statutes [F.S. § 218.23(1)], shall be waived for the purpose of eligibility to receive revenue sharing funds through the end of state fiscal year 2026-2027, conducting audits and financial reporting through the end of fiscal year 2026-2027, and the apportionment factors for the municipalities and counties shall be recalculated pursuant to section 218.245, Florida Statutes. For purposes of complying with s. 218.23(1), Florida Statutes [F.S. § 218.23(1)], relating to *ad valorem* taxation, the millage levied by special districts or municipal service taxing units, may be used for an indefinite period of time, or until such time as those assessments are no longer made within the town. Initial revised population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population estimate, the Escambia County Department of Development Services shall provide the estimate. For the purposes of qualifying for revenue sharing, the following revenue sources shall be considered: municipal service taxing units, fire municipal service taxing units, water control district revenues, occupational license taxes, ad valorem taxes, public utility service taxes, communications services tax, and franchise fees.

#### **Sec. 9.09. Local revenue sources.**

1. Communication services tax. The town shall be entitled to receive all local revenue sources available pursuant to general law, including, but not limited to, the local communications services tax imposed under s. 202.19, Florida Statutes [F.S. § 202.19]. The local communications services tax rate imposed by Escambia County will continue within the town boundaries during the period commencing with the date of incorporation through December 31, 2026. Revenues from the tax shall be shared by Escambia County with the town in proportion to the projected town population estimate of the Escambia County Planning Division compared with the unincorporated population of Escambia County before the incorporation of the town.
2. Gas tax revenues. To the extent provided by section 336.025, Florida Statutes, or as agreed to by applicable interlocal agreement to the contrary, the town shall be entitled to receive local option gas tax revenues beginning January 1, 2025. These revenues shall be distributed in accordance with any applicable existing effective interlocal agreements with Escambia County and municipalities located within the county, until said agreement(s) may be modified, or pursuant to section 336.025. These revenues shall be distributed to the town as a fully eligible incorporated municipality of the county in accordance with the distribution formula initially established and adopted on, as part of any applicable local option

gasoline tax revenue tax distribution formula or interlocal agreement, as amended, or otherwise.

**Sec. 9.10. Contractual Services and Facilities.**

1. Contractual services for police, emergency management, public works, parks and recreation, planning and zoning, building inspection, development review, animal control, library services, and solid waste collection may be supplied by an interlocal agreement or contract between the town and Escambia County, special districts, municipalities, or private enterprise until such time as the council establishes such independent services. However, existing solid-waste contracts shall be honored as required by Florida Statutes [F.S. § 165.061(1)(f)], and s. 10, Article I of the State Constitution. Facilities for housing the newly formed municipal operations may be rented or leased until the town selects more permanent facilities.
2. Law enforcement or sheriff municipal service taxing unit (“MSTU”). The county sheriff or law enforcement municipal service taxing unit within the town shall remain in place in the town until terminated by resolution of the town council. The town council may determine to terminate the municipal service taxing unit within the town at any time from time to time, but the initial consideration of the issue shall be made not later than October 1, 2026. The municipal service taxing unit may be replaced by an interlocal agreement for law enforcement with the county sheriff whereby the county sheriff furnishes law enforcement services, through the creation of a town police department, or by other method.

**Sec. 9.11. Continuity of services during transition.**

To ensure that there is no discontinuity in the provision, level, or quality of municipal service delivery to the proposed town, and until such time as the town may enter into interlocal agreements with Escambia County, or Escambia County constitutional officers, regarding the provision of municipal services, or make independent arrangement for furnishing various governmental and municipal services, all municipal services currently provided by Escambia County, or Escambia County constitutional officers, shall continue to be provided by Escambia County, or Escambia County constitutional officers, at the levels of service existing at the time of municipal incorporation. All federal, state, grant, and other shall continue to be applied in the manner and at the level anticipated and projected by the Escambia County budget prior to the incorporation of the town. The future cost and level of municipal service delivery provided to the town and its populace by Escambia County beyond fiscal year 2024-2025 may, at the option of the town council, be negotiated and determined through an interlocal agreement between the town and appropriate representatives of Escambia County.

**Sec. 9.12. Revenue source transition.**

Until otherwise modified by the town council, all taxes and fees, including *ad valorem* taxes, franchise fees, and communications services taxes, imposed within the municipal boundaries by the county as the municipal government for unincorporated Escambia County, which taxes and fees are in effect on the date of incorporation of the town, shall



continue at the same rate and under the same conditions as if those taxes and fees had been adopted and assessed by the town. This calculation shall be based upon a population projection as prepared by Escambia County and using calculations and data supplied by the University of Florida Bureau of Economic and Business Research (BEBR).

**Sec. 9.13. Elimination of transitional elements from this charter.**

Upon completion of the transitional phase provided in this charter, the sections of the charter relating to transition, including article IX and sections 9.01 through 9.13, inclusive, shall expire and automatically be repealed and deleted from this charter effective January 1, 2028; provided, that no such expiration, repealing, or deleting shall otherwise void or make improper any action taken in reliance, pursuit, or implementation, of said sections and provisions.

Section 2. Referendum to be held.--- Section 1. of this act shall only take effect upon approval by a majority vote of those qualified electors casting ballots within the area described in subsection 1.05 of Section 1. Of this act voting in a referendum to be coordinated by the Escambia County Supervisor of Elections on November 5, 2024. The Escambia County Commission shall hold the referendum election and pay for said election as called for by this act on November 5, 2024, at which time the following question shall be placed upon the ballot:

INCORPORATION OF TOWN OF PERDIDO

Shall the creation of the Town of Perdido and its charter be approved?

Yes \_\_\_\_\_  
No \_\_\_\_\_

Section 3. Waiver. The thresholds established by section 165.061, Florida Statutes, for incorporation have been met with one exception due to the fact that the proposed municipality includes a broad area with beaches and water. Therefore, a waiver is granted to provisions of section 165.061(1)(c), Florida Statutes, relating to the minimum density of population of 1.5 persons per acre, to protect the historic, rural, and agricultural character of the town from surrounding development pressure.

Section 4. Severability. If any section or part of a section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or partial section so held invalid may appear, except to the extent that an entire section or a partial section may be inseparably connected in meaning and effect with the section or partial section to which such holding shall directly apply.

Section 5. Effective Date. Section 1. of this act shall only take effect upon approval by a majority vote of those qualified electors casting ballots within the area described in subsection 1.05 of Section 1. All other sections and provisions of this act shall be effective upon becoming a law.