



2024 Charter Review Committee (CRC)
Joseph E. Johnston III Council Chambers
201 Howell Avenue, Brooksville, Florida 34601

AGENDA

January 31, 2024

6:30 P.M.

- A. Introduction of Members
- B. Selection of Chair And Vice-Chair
- C. CRC Tasks and Timeline – City Attorney and City Clerk
- D. Initial Review of Charter
- E. Questions and/or Comments
- F. Set Future Meeting Schedule

Possible: February 22, 2024

March 21, 2024

April 18, 2024

May 23, 2024

- G. Citizens Input
- H. Adjourn

Attachment: Brooksville Charter

Two or more Council members may participate in this meeting. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the ADA Coordinator, no later than 48 hours in advance of the meeting at (352)540-3810. Meeting agendas and supporting documentation are available from the City Clerk's office and on line at www.cityofbrooksville.us. Any person desiring to appeal any decision with respect to any matter considered at this meeting may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and, therefore, must make arrangements for a court reporter to ensure that a verbatim record of the proceeding is made.

PART I - CHARTER

Footnotes:

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Editor's note— *Printed in this part is the city Charter, being Ord. No. 287 as adopted by October 1, 1979, and approved at referendum on December 1979. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.*

ARTICLE I. - CREATION AND POWERS

Sec. 1.01. - Purpose.

We, the people of the City of Brooksville, Florida, desiring to avail ourselves of the right to establish a home rule charter form of government, do ordain and establish, in accordance with the constitution and laws of the State of Florida, this organic structure of government for the City of Brooksville, Florida.

Sec. 1.02. - Corporate limits.

The following area shall constitute the corporate limits:

[The boundary description for the City of Brooksville is not printed herein but is on file in the city clerk's office.]

The corporate limits may be increased or contracted as provided by law.

Sec. 1.03. - Powers.

The city shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and it may exercise any power for municipal purposes except when expressly prohibited by law. All extraterritorial powers and jurisdiction, powers of taxation and powers to impose and enforce liens which the city now has are preserved.

The powers of the city shall be construed liberally in favor of the city, limited only by the Constitution of the State of Florida, general law and specific limitations contained herein. Special acts pertaining to the jurisdiction and exercise of powers by this city shall be considered amendments to this charter and, pursuant to the provisions adopted for incorporation of other charter amendments, shall be incorporated as official amendments to the charter.

ARTICLE II. - LEGISLATIVE

Sec. 2.01. - City council; powers and composition.

There shall be a city council with all legislative powers of the city vested therein, consisting of five (5) members, who shall be electors of the city, elected by the electors of the city.

Sec. 2.02. - Qualifications of city council members; term of office.

- (a) Any elector who has continuously resided in the City of Brooksville for at least one (1) year, immediately prior to qualifying, shall be eligible to hold the office of city council member.
- (b) Members shall be elected for a four-year term. Consecutive terms shall be limited to two (2), full, four (4) year terms with a minimum of a one-year period of time out of office before being allowed to run for council subsequently.

(Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

Editor's note— The requirement for a candidate to be a real property owner was editorially deleted as it is of doubtful constitutionality.

Sec. 2.03. - Mayor; vice-mayor.

The council shall elect from among its members a mayor and a vice-mayor. Election of the mayor and vice-mayor shall be done annually at the first regular council meeting in December of each year. The mayor shall preside at meetings of the council, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the city official designated to represent the city in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The vice-mayor shall act as mayor during the absence or disability of the mayor.

(Ord. No. 287-C, § 1, 8-17-1998)

Sec. 2.04. - Disqualification and forfeiture of office.

The council shall be the judge of the disqualification of its members and of the grounds for forfeiture of their office. Forfeiture of office by a council member shall be limited to the following:

- (1) Permanent inability to perform official duties.
- (2) Conviction of a felony.
- (3) Neglect of duty for failure to attend a majority of council meetings within the immediate prior six (6) months' term of office without just cause.

- (4) Council member no longer meets residency requirements of having primary residence within the city limits.

A member charged with conduct constituting grounds for forfeiture of his or her office shall be entitled to a public hearing on demand and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the city at least one (1) week in advance of the hearing. Forfeiture of office shall require not less than a four-fifths ($\frac{4}{5}$) vote of the entire council.

(Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-A, 10-15-1990; Ord. No. 287-B, 9-11-1995; Ord. No. 828 § 1, 6-4-2012/11-6-2012)

Sec. 2.05. - Compensation and expenses.

The council may determine the annual salary of council members and mayor or vice-mayor by ordinance, but no ordinance increasing such salary shall become effective until the commencement of the fiscal year. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by law.

(Res. No. 90-13, § 1, 10-15-1990)

Sec. 2.06. - Election.

All municipal elections shall be conducted and vacancies filled in accordance with the provisions of F.S. chs. 97—106, inclusive, known as the Florida Election Code, and as may be amended, except as provided or modified by the city charter, its amendments or ordinances.

Sec. 2.07. - Electors.

Any person who is a resident of the city, and who is qualified as an elector of this state and who registered in the procedural manner prescribed by general law and ordinance of the city, shall be an elector of the city.

State Law reference— Qualifications for municipal elector, F.S. § 166.032.

Sec. 2.08. - Nominations.

Candidates for the offices of city council shall be nominated for such office by the filing of a written notice of candidacy with the designated city official at such time and in such manner as may be prescribed by general law and ordinance.

Sec. 2.09. - Form of ballots.

The council, by resolution, shall prescribe the form of ballot, including the method of listing candidates for city council and any other city election, in accordance with the provisions of Florida Statutes. A charter amendment or referendum question to be voted on by the city electors shall be presented to the voters by ballot title. The ballot title of the measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice.

(Ord. No. 287-D, 7-3-2000)

Sec. 2.10. - Candidates.

- (a) *One (1) single candidate:* In the event that no more than one (1) person qualifies as a candidate, either for ballot listing or write-in, for a designated seat on the city council, that seat or office shall not be listed on the regular city election ballot. The city council by resolution shall designate the qualified candidate as the council member for the designated seat.
- (b) *One (1) candidate for each open seat:* In the event that all the seats scheduled for election have only one (1) candidate qualify, the city council, by a resolution, shall declare that no election shall be held and the qualified candidate shall fill the designated seat.

(Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

Sec. 2.11. - Nonpartisan elections.

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

(Ord. No. 287-F, § 1, 8-21-2006)

Sec. 2.12. - Procedure.

- (a) *Meeting:* The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of a majority of the members and, whenever practicable, upon no less than twenty-four (24) hours' notice to each member and the public. All meetings shall be public.
- (b) *Rules in general:* The council shall determine its own rules and the mayor shall set the order of business for each meeting.
- (c) *Voting:* Voting on ordinances and resolutions shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject

to the penalties prescribed by the rules of the council. No action of the council shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present, except as may be more specifically described in this charter.

(Ord. No. 287-A, 10-15-1990; Ord. No. 287-F, § 1, 8-21-2006)

Sec. 2.13. - Ordinances in general.

- (a) [*Definitions:*] "Ordinance" means an official, legislative action of the council, which action is a regulation of a general and permanent nature and enforceable as a local law.
- (b) [*Form, procedure generally:*] Ordinances, including the form, procedure, effective date, action required in ordinance, emergency ordinances, emergency appropriations, budget adoption, reduction of appropriation and limitations shall be as prescribed by general law.
- (c) *Emergency ordinances:* To meet a public emergency affecting life, health, property, welfare or the public peace, the council may adopt one (1) or more emergency ordinances, but such ordinance may not levy taxes, grant, renew or extend, a franchise, [or] set service or user charges for any municipal services.
 - (1) *Form:* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in the preamble as an emergency ordinance and shall contain, after the enactment clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
 - (2) *Procedure:* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least three-fifths ($\frac{3}{5}$) of all the council shall be required for adoption. After its adoption, the ordinance shall be printed and published as prescribed for other adopted ordinances.
 - (3) *Effective date:* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
 - (4) *Repeal:* Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by the adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
 - (5) *Emergency appropriations:* The council may make emergency appropriations in the manner provided in this section. To meet such appropriations, the council may, by such emergency ordinance, authorize the issuance of emergency notes which may be renewed from time to

time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(Ord. No. 287-F, § 1, 8-21-2006)

State Law reference— Ordinance adoption procedure, F.S. § 166.041.

Sec. 2.14. - Budget adoption.

The council shall, by ordinance, adopt the budget on or before the 30th day of September of each year. If it fails to adopt a budget by this date, the council, by resolution, may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and renewed by resolution each fifteen (15) days with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

State Law reference— Method of fixing millage and budget adoption procedure, F.S. § 200.065; preparation and adoption of budget, F.S. § 129.03.

Sec. 2.15. - Appropriations amendments during the fiscal year.

- (a) *Budget Transfers*: With the approval of council any sum appropriated during a fiscal year within the various departments and funds of the city for a particular use(s), which are not required for such use(s), may be applied to other expenses of the department to which said sums are appropriated or to the fund from which it was appropriated.
- (b) *Budget over-expenditures*: Departmental appropriations may not be exceeded without the consent and approval of council and transfer of the additional funds from reserve for contingencies or other sources.
- (c) *Additional revenue-supplemental appropriations*: If during the fiscal year, revenues in excess of those estimated in the budget, are available for appropriation, the council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.
- (d) *Insufficient revenues-reduction of appropriations*: If, at any time, during the fiscal year, it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, he or she shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him/her and his or her recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one (1) or more appropriations.
- (e)

Limitations; effective date: No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-D, 7-3-2000; Ord. No. 287-F, § 1, 8-21-2006; Ord. No. 919, § 1, 3-2-2020)

Sec. 2.16. - Authentication, recording and disposition of charter amendments, ordinances and resolutions.

- (a) *Authentication:* The presiding officer of the council and the city clerk shall authenticate by their signatures all ordinances and resolutions adopted by the council. In addition, when charter amendments have been approved by the electors, the presiding officer of the council and the city clerk shall authenticate by their signature the charter amendment, such authentication to reflect the approval of the charter amendment by the electorate.
- (b) *Recording:* The city clerk shall keep properly indexed books in which all ordinances and resolutions passed by the council shall be recorded in full. Ordinances shall, at the direction of the council, be periodically codified. The city clerk shall also maintain the city charter in current form and shall enter all charter amendments and send a copy of the revised charter incorporating amendments to the secretary of state's office.
- (c) *Printing:* The council shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this charter available to the people of the city for public inspection and available for purchase at a reasonable price, but not to be less than the cost to the city.

(Ord. No. 287-F, § 1, 8-21-2006)

Editor's note— The words city clerk was editorially inserted in place of person charged with keeping the journal at the direction of the city.

State Law reference— Charter amendment procedure, F.S. § 166.031.

ARTICLE III. - ADMINISTRATION

Sec. 3.01. - City manager.

There shall be a city manager who shall be the chief administrative officer of the city. He or she shall be responsible to the council for the administration of all city affairs placed in his or her charge by, or under this charter.

(Res. No. 90-13, § 1, 10-15-1990)

Sec. 3.02. - Appointment; removal; compensation.

- (a) *Appointment*: The council shall appoint a city manager by a majority vote of all of the council members.
- (b) *Removal*: The council may remove the manager by a majority vote of all the council members.
- (c) *Compensation*: The compensation of the manager shall be fixed by the council.

(Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

Sec. 3.03. - Acting city manager.

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

(Res. No. 90-13, § 1, 10-15-1990)

Sec. 3.04. - Powers and duties of the city manager.

The city manager shall:

- (1) Appoint, suspend or remove all city employees and appoint administrative officers provided for by and under this charter, except as otherwise provided by law.
- (2) Administer and enforce all laws, ordinances, contracts and franchises.
- (3) Negotiate all contracts, franchises, acquisition and disposition of property either in proper person or through agents designated by him or her and, upon approval thereof by the council, implement on behalf of the city all agreements, leases, deeds and other instruments in connection therewith.
- (4) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.
- (5) Attend all council meetings and have the right to take part in discussion but not vote.
- (6) See that all laws, provisions of this charter and acts of the council, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
- (7) Prepare and submit the annual budget, budget message and capital program to the council in a form provided by ordinance.

- (8) Submit to the council and make available to the public a complete report of the finances and administrative activities of the city as of the end of each quarter and fiscal year.
- (9) Make such other reports as the council may require concerning the operation of the city departments, offices and agencies subject to his or her direction and supervision.
- (10) Keep the council fully advised as to the financial condition and future needs of the city and make recommendations to the council concerning the affairs of the city.
- (11) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances.
- (12) Perform such other duties as are specified in this charter or as may be required by the council.
- (13) Make such recommendations as the manager deems necessary or expedient in the interest of the city to the council relating to the adoption of ordinances and resolutions; provided, however, that nothing herein contained shall prevent the city council in the exercise of its legislative functions and powers from calling into consultation the boards or departments and other officers and employees of the city wherever in the judgment of the council it may be necessary, but neither the council nor any member shall interfere with the conduct of any department officer or an employee in the discharge of his or her duty.

(Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-A, 10-15-1990; Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

Sec. 3.05. - Supervision of departments.

Except as otherwise provided in this charter or by general law, the city manager shall be responsible for the supervision and direction of all departments, agencies and offices of the city. All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council the manager may serve as the temporary head (six-month maximum without further approval of council) of one (1) or more departments, offices or agencies or may appoint one (1) person as the temporary head (six-month maximum without further approval of council) of two (2) or more of them.

(Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

Sec. 3.06. - Personnel system.

All appointments and promotions of city officers and employees, except those specifically exempted by policy, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and, to this end, the council shall, by policy, establish personnel procedures and rules.

(Res. No. 95-12, § 1, 9-11-1995; Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

Sec. 3.07. - Administrative code.

The manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the council.

ARTICLE IV. - DEPARTMENTS

Sec. 4.01. - Departments.

The affairs of the city shall be administered by departments. The jurisdiction, duty and functions of various departments shall be created by ordinance by the city council, as the council determines the need for various departments for the orderly and efficient operation of the city. The council may add to or delete from any department currently existing, including the number of departments and personnel required to keep any department properly functioning.

Sec. 4.02. - Professionals, consultants.

- (a) *City attorney:* There shall be a city attorney, and as many assistants as the council may, from time to time, deem necessary. The city attorney and assistants may be part-time or full-time, and shall serve under and at the pleasure of, the city council.
- (b) *Consultants:* The city council may retain consultants, without limitations, as the council deems necessary, and as may be required by general law or governmental rule and regulation. Said consultants may include, but not be limited to, engineers, architects, accountants, auditors and surveyors. Said consultants shall serve under, and at the pleasure, of the city council.

(Ord. No. 287-F, § 1, 8-21-2006)

ARTICLE V. - CONTRACTS AND BIDDING

Sec. 5.01. - Contracts; form and execution.

Every contract made by the city shall be in writing, approved by the city council, or its designee, signed by the mayor, or designee, attested to and the official city seal affixed thereto by the city official so designated, or their successors, otherwise such instruments shall be void.

Sec. 5.02. - Verbal contract.

No promise or representation of any kind or character whatsoever by any officer or employee of the city shall be binding upon, or enforceable against, nor create an estoppel, an implied contract, or any liability against or upon the city unless ratified by (1) a contract made, approved and executed as above provided, or (2) in a permit, license, approval, consent or other instrument issued pursuant to and in accordance with an ordinance of a general and permanent nature.

(Ord. No. 287-F, § 1, 8-21-2006)

Sec. 5.03. - Void contracts.

Any contract in violation of or in conflict with the Charter or any ordinance of the city shall be void.

(Ord. No. 287-F, § 1, 8-21-2006)

Sec. 5.04. - Competitive bidding.

Except where an essential public service seriously affecting the public health and safety is involved due to emergency conditions set forth by ordinance, the procurement of personal property or services shall be awarded within the statutory categories and limits established pursuant to F.S. ch. 287. Upon the recommendation of the manager, the council, may, by ordinance, decrease the amount of expenditure for which the city may obligate itself without competitive bids, bond, or approval of council.

(Res. No. 90-13, § 2, 10-15-1990; Ord. No. 287-B, 9-11-1995; Ord. No. 287-D, 7-3-2000; Ord. No. 287-F, § 1, 8-21-2006)

Sec. 5.05. - Supplemental provisions.

Where, after advertisement for bids, no bids are received for any of the items as required in section 5.04, "Competitive bidding," of the quality and within the quantities and time limits as originally advertised, the items may be purchased on the open market at the best price obtainable; and, where one (1) or more bids are the same and are the lowest received, the contract may be awarded to one (1) of the bidders or apportioned among them where the goods are susceptible to apportionment; and, where the bids are for machinery, equipment, tools and appliances, any responsible bid may be accepted.

(Ord. No. 287-B, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

Sec. 5.06. - Splitting.

No contract or purchase or the quantities thereof shall be split for the purpose of avoiding competitive bidding.

Sec. 5.07. - Conflicts.

No officer or employee, either individually or through any firm of which he or she is a member, or through any corporation of which he or she is a stockholder, shall receive any benefit or profit out of any contract or obligation entered into with the city, or have any financial interest in effecting any such contract or obligation; and in the event of violation of this section by an elective officer, same shall be grounds for his or her recall, and in the event of violation by any other officer or employee of the city, the person offending shall be immediately removed or discharged; provided, however, that the provision of this section shall not be more liberally or restrictively construed as provided in F.S. § 112.311 et seq., and as may be amended.

(Res. No. 90-13, § 1, 10-15-1990)

State Law reference— Code of ethics, F.S. § 112.311 et seq.

Sec. 5.08. - Contracts of indemnification.

No contract entered into on behalf of the city shall contain any provision by which the city agrees to indemnify, or to obtain insurance for the benefit of, any other party to the contract.

(Ord. No. 287-E, § 1, 8-21-2006; Res. No. 2006-31, 1 b), 11-20-2006)

ARTICLE VI. - GENERAL PROVISIONS**Sec. 6.01. - Charter amendment.**

This Charter may be amended in two (2) ways:

- (1) *Initiation by ordinance:* The council may, by ordinance, propose amendments to all or any part of this charter, except Article I, Section 1.02, prescribing boundaries and upon passage of the initiating ordinance, shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election for that purpose. Amendment of Article I, Section 1.02, resulting from annexation done in accordance with general law shall be by ordinance of the council and shall not be subject to the vote of the electors except as provided by general law.
- (2) *Initiation by petition:* The electors of the city may propose amendments to this charter by petition signed by at least ten (10) percent of the total number of qualified voters registered to vote in the last regular city election.
 - (a) *Form and content of petition:* All papers of an initiation 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 or indelible pencil and shall be followed by the address of the person

signing. The petitions shall contain, or have attached thereto, throughout their circulation, a full text of the Charter amendment.

- (b) *Affidavit of circulators:* 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 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 signor had an opportunity before signing to read the full text of the proposed charter amendment.
- (c) *Certification of petition:* Upon certification of the sufficiency of the petition by the designated official, such certification is to include the validity of the names on the petition as qualified voters registered to vote in the last regular city election, the council shall place the proposed amendment to the 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.

(Res. No. 90-13, § 1, 10-15-1990; Ord. No. 287-F, § 1, 8-21-2006)

State Law reference— Charter amendment procedure, F.S. § 166.031.

Sec. 6.02. - Standards of ethics.

All elected officials and employees of the city shall be subject to the standards of conduct of public officers and employees set by general law. In addition, the council may, by ordinance, establish a code of ethics for officials and employees of the city which may be supplemental to general law but in no case may an ordinance diminish the provisions of general law.

(Ord. No. 287-F, § 1, 8-21-2006)

State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Sec. 6.03. - Discrimination prohibited.

Neither the city, nor any of its officers or employees, shall engage in any practice or enter into a contract which shall result in discrimination against any person or group of persons because of race, gender, religion or national origin, age or disability.

(Res. No. 95-12, § 2, 9-11-1995; Ord. No. 287-F, § 1, 8-21-2006)

Sec. 6.04. - Facsimile signature.

Except with regard to the passage of ordinances, the manager by executive order, or the city council, by rule, may authorize the use of facsimile signatures by such persons and under such conditions as may be therein prescribed.

(Ord. No. 287-F, § 1, 8-21-2006)

Sec. 6.05. - Reemployment.

No former elected official of the city shall hold any compensated city office or employment until one (1) year after his or her termination from his or her elected position.

(Res. No. 90-13, § 1, 10-15-1990)

Sec. 6.06. - Initiative and referendum.

Qualified voters of the city shall have power to propose ordinances to the council or to require reconsideration of any adopted ordinance by petition signed by the electors of the city equal in number to not less than ten (10) percent of the electors qualified to vote in the last general municipal election; the form and content of such petition shall be as provided for under the provisions related to the proposal of charter amendments by petition as provided in subsections (2)(a) and (2)(b) of Section 6.01. If the council fails to adopt an ordinance so proposed or to repeal an ordinance so reconsidered, the qualified voters shall approve or reject such ordinance at a city election, provided that such power shall not extend to the budget or capital improvement program or emergency ordinances, or ordinances relating to apportionment of money, levy of taxes or salaries of city officers or employees.

(Ord. No. 287-F, § 1, 8-21-2006; Ord. No. 891, § 1, 7-16-2018)

Sec. 6.07. - Recall.

The recall of elected officials shall be governed by F.S. § 100.361, and as may be amended from time to time.

Sec. 6.08. - Charter review.

- (a) Effective following the Charter Review Process in 2000, and every six (6) years thereafter, at the first regularly scheduled council meeting in January, the council shall appoint a committee of not less than seven (7) members, all of whom shall be City residents, who shall review the charter. The charter review committee shall report to the council no later than the first regularly scheduled council meeting in May of its review year. The charter review committee shall prepare a report which shall include, but not be limited to, the following:
- (1) Whether or not the charter needs revision.
 - (2) If the report states that the charter needs revision, the report shall state specifically what revisions need to be made.

(b)

If a charter revision is recommended by the charter review committee, the council, no later than the first regularly scheduled meeting in June of the review year, shall by a majority vote of the entire council determine whether or not to submit a revised charter for a referendum vote at the next scheduled election, or a special election called for that purpose.

(Ord. No. 287-D, 7-3-2000; Ord. No. 287-E, § 1, 8-21-2006; Res. No. 2006-31, 1 d), 11-20-2006)

Sec. 6.09. - Severability and retention clause.

If any item, classification, sentence, clause, phrase or word of this charter is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable or void, such holding or declaration shall not be construed to affect the portion of this charter not so held or declared or affect the application of this charter to other circumstances not so held or declared; and, to the extent that such item, part, classification, sentence, clause, phrase or word was contained in the former charter then that portion of the former charter shall be revived instantly and may become a part hereof as if fully set out herein, being hereby declared to be the express intent of the people of the City of Brooksville that any such unconstitutional, inoperative, invalid, ineffective, inapplicable or void portion or portions of this Charter did not induce its ratification in that without the inclusion of any such unconstitutional, inoperative, invalid, ineffective, [in]applicable or void portion or portions of this charter, the people of the City of Brooksville would have ratified the valid and constitutional portion thereof, and would have brought forth and ratified the former charter to the extent that the former charter created the same subject as was treated by the item, part, classification, sentence, clause, phrase, word held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable or void.

(Ord. No. 287-F, § 1, 8-21-2006)

ARTICLE VII. - TRANSITION SCHEDULE

Sec. 7.01. - Continuation of former charter provisions.

All provisions of special laws of Florida of which the former Charter, hereby supplanted, is comprised, and which are not embodied herein specifically or by reference, and which are not inconsistent with this Charter, shall become ordinances of the city subject to amendment or repeal in the same manner as other ordinances of the city.

Sec. 7.02. - Ordinances preserved.

All ordinances in effect upon the adoption of this charter, to the extent not inconsistent with it, shall remain in full force and effect until amended or repealed.

Sec. 7.03. - Pending matters.

All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the city shall continue and remain in full force and effect except as modified pursuant to the provisions of this charter. All right, title, and interest in property, real or personal, uncollected taxes due, claims, judgments, decrees, liens, suits, actions, and choses in action, held or owned by the existing municipality shall pass to, and the same are hereby vested in, the municipality continued under this revised charter.

(Ord. No. 287-F, § 1, 8-21-2006)

Sec. 7.04. - Obligation of contracts preserved.

No debt or obligation of contract of the city shall be impaired as a result of the adoption of this charter, but all such debts and obligations shall pass to and be binding upon the municipality which is hereby organized and continued.

Sec. 7.05. - Existing rights, obligations, duties and relationships.

All rights, obligations, duties and relationships now existing by law or agreement between the city and other governmental units shall be unaffected and shall remain in full force and effect.

Secs. 7.06, 7.07. - Reserved.

Editor's note— Ord. No. 287-F, § 1, adopted Aug. 21, 2006, deleted §§ 7.06, 7.07 which pertained to deletion of obsolete schedule items and referendum vote, respectively, and derived from Res. No. 90-13, § 3, adopted Oct. 15, 1990.