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4 FOOTNOTE(S):

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6 **Editor's note**—Printed herein is the Charter of the City of Lakeland, as adopted by Ord. No. 1976, 8-16-76 and subsequently approved by a  
7 referendum of the electorate on November 2, 1976. Amendments to the Charter are indicated by parenthetical history notes following  
8 amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious  
9 misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and  
10 citations to state statutes has been used. Additions made for clarity are indicated by brackets.

11 --- (2) ---

12 **Note**—The provisions relating to the municipal court, being former §§ 28—35, were repealed by Ord. No. 2008, § 1, adopted Feb. 7, 1977,  
13 pursuant to Article V, Section 20(d)(4) of the Constitution of the State of Florida.

14 --- (3) ---

15 **Editor's note**—The provisions relating to the municipal court, being former §§ 28—35, were repealed by Ord. No. 2008, § 1, adopted Feb. 7,  
16 1977, pursuant to Article V, Section 20(d)(4) of the Constitution of the State of Florida.

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

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

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

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

30 **Sec. 3. - Municipal government created with perpetual succession.**

31 The said municipality, and all the inhabitants comprehended within the territorial limits hereinbefore described, shall be, and are hereby  
32 created and constituted a body corporate and politic under and by the name of the City of Lakeland, and by that name may have perpetual  
33 succession, may hold real estate, personal and mixed property, and dispose of the same for the benefit of the city; and may purchase, lease,  
34 receive, acquire by eminent domain and hold property, real and personal, within or beyond the limits of the city to be used for the burial or  
35 cremation of the dead, the erection and maintenance of electrical generating facilities, power lines, waterworks, water lines, pumps and water  
36 systems, airports, neutralizing or otherwise destroying of sewage, garbage and refuse, to extend sewer and drainage pipes and water mains,  
37 and for any public municipal purpose that the ~~city-commission~~ City of Lakeland may deem proper; and may sell, lease or dispose of said  
38 property for the benefit of the city to the same intent that natural persons might do. The City of Lakeland shall have all governmental,  
39 corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services,  
40 and may exercise any power for municipal purposes except when expressly prohibited by law. The aforementioned powers of the City of  
41 Lakeland shall include, but not be limited to:

42 a) The City shall have authority to provide electric, gas and water systems within and beyond the corporate limits and to operate, extend  
43 or modify the same within or beyond the corporate limits and to acquire and hold by grant, lease, eminent domain, purchase, conveyance or  
44 otherwise lands, easements, rights or privileges corporeal or incorporeal as may be necessary or incident to the full execution and use of this  
45 power.

46 b) To provide, maintain, and support a pension or group insurance plan or both, for the employees of the said city.

47 c) To take and appropriate private grounds and property in the manner and form provided by law for condemnation, for widening streets  
48 or parts thereof or for extending the same or for laying out new streets, avenues, alleys or squares, parks or promenades, when the public  
49 convenience may require, and to assess the costs and expenses of such improvement pro rata upon the property especially benefited  
50 thereby; to take and appropriate cemeteries, cemetery lots, parcels, places of entombment and burial or interment rights and to remove and  
51 relocate deceased bodies from graves, tombs, burial plots or parcels of land when same may be required for streets or parts thereof or for

52 [extending same or for laying out new streets, avenues, alleys, squares or parks or for other public purposes when the public convenience may](#)  
53 [require.](#)

54 **Sec. 4. - Boundaries.**

55 Beginning at the SW corner of Section 31, Township 28 South, Range 24 East; thence run east along the south line of said Section 31  
56 to the SE corner of said Section 31, the same being the NW corner of Section 5, Township 29 South, Range 24 East; thence continue east  
57 along the north line of said Section 5 a distance of 560 feet; thence south 480 feet parallel to the west line of said Section 5; thence west 560  
58 feet parallel to the north line of said Section 5 to the west line of said Section 5; the same being the east line of Section 6, Township 29 South,  
59 Range 24 East; thence continue west 555 feet parallel to the north line of said Section 6; thence south parallel to the west line of said Section  
60 6 to the north right-of-way line of Rolling Woods Lane as recorded in O.R. 740, pages 426, 427, 428, public records of Polk County, Florida;  
61 thence easterly and southerly along said right-of-way line to a point on the easterly right-of-way line of said Rolling Woods Lane 275.33' south  
62 of the north line of the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of aforesaid Section 5; thence east parallel to said North  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  line to the east line of said  $\frac{1}{4}$ -  
63  $\frac{1}{4}$ - $\frac{1}{4}$ ; thence south along the west line of E $\frac{1}{2}$  of W $\frac{1}{2}$  of NW $\frac{1}{4}$  of said Section 5 to a point 74.55 feet north of the SE corner of the NW $\frac{1}{4}$  of  
64 SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 5; thence west parallel to the south line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  130 feet; thence south parallel to the east line of said  $\frac{1}{4}$ -  
65  $\frac{1}{4}$ - $\frac{1}{4}$  74.55 feet to the aforesaid south line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ ; thence continue south parallel to the east line of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  379.95 feet;  
66 thence west parallel to the north line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  179.35 feet; thence north parallel to the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  208.02 feet; thence west  
67 parallel to the north line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  354.97 feet to the west line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ ; thence north along said west line 171.93 feet to the SW  
68 corner of aforesaid NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ; thence continue north on the west line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  to a point 595.23 feet south of the NW  
69 corner of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ ; thence east parallel to the north line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  to a point 514.23 feet west of the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ ; thence  
70 north parallel to the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  25 feet; thence east parallel to the north line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  to a point 172.82 feet west of the east  
71 line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ ; thence north parallel to the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  140 feet; thence west parallel to the north line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  to the  
72 east line of NE $\frac{1}{2}$  [sic] of SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of aforesaid Section 6; thence north on said east line 123.08 feet; thence west parallel to the north  
73 line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  201.25 feet; thence north parallel to the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  to the south line of aforesaid SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ; thence  
74 continue north parallel to the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  to a point 605.33 feet from the north line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ ; thence west parallel to said  
75 north line 201.25 feet to a point 402.50 feet west of the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ ; thence north 0°25'38" West to a point of intersection with the  
76 south right-of-way line of Rolling Woods Lane as identified herein before; thence westerly along said south right-of-way line to a point 475.02  
77 feet east of the west line of the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of aforesaid Section 6; thence south parallel to said west line 180.17 feet to a point on the south  
78 line of said  $\frac{1}{4}$ - $\frac{1}{4}$ ; thence east along said south line to the NW corner of Lot 13 of Stonegate Subdivision, as recorded in Plat Book 48, page 24,  
79 public records of Polk County, Florida; thence south along the west lot line of Lots 13, 12 and 11 to the SW corner of Lot 11; thence east along  
80 the south lot line of said Lot 11 to the west right-of-way line of Cheverly Drive in said Stonegate Subdivision; thence south and southeasterly  
81 along said west right-of-way line to a point of intersection with the west line of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of aforesaid Section 6; thence south along  
82 the west lines of said  $\frac{1}{4}$ - $\frac{1}{4}$  and of the N $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 6 to the NE corner of N $\frac{1}{2}$  of S $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 6,  
83 the same being the NE corner of Brookwood Subdivision as recorded in Plat Book 58, page 21, public records of Polk County, Florida; thence  
84 circumscribe the boundary of said subdivision, returning to said NE corner thereof; thence east along the south line of N $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of  
85 Section 6 to the SE corner thereof; thence north along the east line of said N $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 6 to the NE corner thereof; thence  
86 east along the south lines of the W $\frac{1}{2}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  and of E $\frac{1}{2}$  of W $\frac{1}{2}$  of NW $\frac{1}{4}$  of aforesaid Section 5 to the NW corner of the N $\frac{1}{2}$  of NE $\frac{1}{4}$  of  
87 SW $\frac{1}{4}$  of Section 5; thence south along the west lines of said N $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  and of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 5 to the SW  
88 corner of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ ; thence east along the south line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  to a point 165 feet west of the SE corner thereof; thence north parallel  
89 to the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  185 feet; thence east parallel to the south line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  165 feet to the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ ; thence  
90 north along the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$  to the NE corner thereof; thence east along the south lines of the N $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  and the N $\frac{1}{2}$  of  
91 NW $\frac{1}{4}$  of SE $\frac{1}{4}$  to the SE corner of said N $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ ; thence south along the west lines of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the N $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$   
92 to the SW corner of said N $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ; thence east along the south line of said N $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  to a point on the west right-of-way  
93 line of State Road S-37-B (Lakeland Highlands Road); thence north along said right-of-way line to a point 1270 feet south of the north line of  
94 aforesaid Section 5; thence deflect 89°24'58" left and run 808.00 feet; thence deflect 89°24'58" right and run 808.00 feet; thence deflect  
95 90°35'02" right and run 808.00 feet to a point on aforesaid right-of-way line; thence north on said right-of-way line 462 feet to the north line of  
96 aforesaid Section 5; thence east along said north line to the NE corner of said Section 5; same being the SE corner of Section 32, Township  
97 28 South, Range 24 East; thence north to the SE corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 32; thence west to the east line of the west  
98 606.25 feet of the E $\frac{3}{4}$  of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 32; thence north 880 feet along said east boundary of the west 606.25 feet to a point;  
99 thence east to a point on the west right-of-way line of State Road S-37-B (Lakeland Highlands Road) lying 449.57 feet south of the north line  
100 and 85 feet west of the east line of aforesaid Section 32; thence north parallel with said east line along said west right-of-way line 399.57 feet  
101 to a point on the back tangent of a curve to the northeast defining the south right-of-way boundary of State Road S-33-A (Edgewood Drive);  
102 thence west along aforesaid back tangent 348.38 feet to the P.C. of said curve; thence northeasterly along said curve (south right-of-way line)  
103 to its intersection with the east line of Section 29, Township 28 South, Range 24 East; thence south along said east line to a point 40 feet  
104 north of the SW corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 28, Township 28 South, Range 24 East; thence east parallel with the south line of  
105 said SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  460 feet; thence deflect 90°09' left and run 10 feet; thence deflect 90°09' right and run 175 feet; thence deflect 90°09'  
106 left and run 250 feet; thence run S 89°44'51" E a distance of 265.52 feet to a point 300 feet north of the south line of aforesaid Section 28;  
107 thence run N-00°14'20" E a distance of 311.88 feet to a point on the south right-of-way line of State Road S-33-A (Edgewood Drive); thence  
108 continue N-00°14'20"-E a distance of 120.00 feet to a point on the north right-of-way line of said State Road S-33-A; thence run easterly along  
109 said north right-of-way line to the east line of aforesaid SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 28; thence north along said east line to the NE corner of said  
110  $\frac{1}{4}$ - $\frac{1}{4}$ ; thence west along the north line of said  $\frac{1}{4}$ - $\frac{1}{4}$  to the SE corner of the W $\frac{3}{4}$  of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 28; thence north along  
111 the east line of said W $\frac{3}{4}$  to the southern right-of-way line of Sylvester Road; thence east along said right-of-way line and its easterly extension  
112 to its intersection with the easterly right-of-way line of the Seaboard Coast Line Railroad, which is oriented on a NW-SE bearing; thence run S-  
113 44°05'41"-E along said right-of-way line a distance of 1061.97 feet to intersection with the east line of NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of aforesaid Section  
114 28; Township 28 South, Range 24 East; run thence S-0°10'45"-E along said east line a distance of 72.12 feet coincident with a reduction in  
115 RR right-of-way width, to a point of resumption of the NW-SE orientation of the easterly RR right-of-way line; run thence S-44°05'41"-E along  
116 said right-of-way line of Seaboard Coast Line Railroad a distance of 39.30 feet to the northwesterly right-of-way line of A-Z Park Road; run  
117 thence N-45°53'45"-E along said right-of-way line of A-Z Park Road a distance of 86.06 feet to the beginning of a curve to the right having a  
118 radius of 411.97 feet; run thence northeasterly around said curve, through a central angle of 43°49', an arc distance of 315.05 feet to the end  
119 of said curve; run thence N-89°42'45"-E along north right-of-way line of A-Z Park Road, a distance of 927.15 feet to the beginning of a curve to  
120 the left having a radius of 351.97 feet; run thence easterly around said curve, through a central angle of 3°46'22", an arc distance of 23.22 feet

121 to an intersection with the east line of NW¼ of the SE¼ of aforesaid Section 28; run thence N-0°16'15"-W along said east line, a distance of  
122 691.20 feet to the NE corner of said ¼-¼; run thence northerly along east line of the SW¼ of NE¼ of said Section 28, to the NE corner  
123 thereof; run thence westerly to the east line of the west ½ of Lot 9 in O.C. Lanphear's Subdivision as recorded in Plat Book 3, page 65, public  
124 records of Polk County, Florida; thence run northerly along said east line to the NE corner of said west ½ of Lot 9; run thence westerly along  
125 the north line of Lots 9 and 10 to the NW corner of Lot 10 of said subdivision; thence run southerly along west line of Lot 10 to the SW corner  
126 thereof, this being also the northwest corner of the SW¼ of NE¼ of aforesaid Section 28; continue southerly along west line of said ¼-¼ to the  
127 southwest corner thereof; thence run westerly along the north line of NE¼ of the SW¼ of said Section 28 to the easterly right-of-way line of  
128 Seaboard Coast Line Railroad; thence run northwesterly along said easterly right-of-way line to the west line of the E½ of SE¼ of Section 20,  
129 Township 28 South, Range 24 East; thence north along the west line of said E½ of SE¼ to its intersection with the southern shoreline of Lake  
130 Bonny; thence run southeasterly along said shoreline to its intersection with a line lying 264 feet east of and parallel to the west line of said E½  
131 of SE¼; run thence S-0°14'-19"-W along said line 190 feet, more or less, to an iron rod; continue thence S-0°14'19"-W 914.15 feet, more or  
132 less, to an iron rod; thence N-89°52'30"-E 519.12 feet more or less to a concrete monument; thence run S-3°33'-W 233.63 feet, more or less;  
133 thence run west 180 feet, thence run S-3°33'-W 222.37 feet to the north line of Department of Transportation lateral drainage ditch easement  
134 recorded in O.R. 282, page 495, Public Records, Polk County, Florida; thence run easterly along said north line to its intersection with the west  
135 line of a Department of Transportation lateral drainage ditch right-of-way recorded in O.R. 282, page 495, Public Records, Polk County,  
136 Florida; thence run northerly along said west line of said ditch right-of-way to an intersection with the southern shoreline of Lake Bonny; thence  
137 turning northeasterly, run along the southern and easterly shoreline of Lake Bonny to its intersection with the west line of Section 16,  
138 Township 28 South, Range 24 East; thence run north along the west line of said Section 16, to its intersection with the south right-of-way line  
139 of U.S. Highway 92; thence easterly along said line to the northeast corner of Lot 4, Block 2, of Replat of Shore Acres Gardens as recorded in  
140 plat book 31, page 31, Public Records of Polk County, Florida; thence southwesterly along the east line of said Lot 4 to the SE corner thereof,  
141 located on the north right-of-way line of the Seaboard Coast Line Railroad; thence easterly along said right-of-way line a distance of 431.93  
142 feet; thence north and parallel to the aforesaid west line of Section 16 to the shoreline of Lake Parker; thence follow said shoreline of Lake  
143 Parker northeasterly, northerly, and northwesterly to its intersection with the south line of the E½ of W½ of NW¼ of Section 4, Township 28  
144 South, Range 24 East; thence run east along said south line to its intersection with the westerly right-of-way line of Lake Parker Drive as  
145 recorded in O.R. 631, page 128 of the Public Records of Polk County, Florida; thence run northwesterly along said right-of-way line to its  
146 intersection with the east line of the W½ of NW¼ of NW¼ of said Section 4; thence run northerly along said east line to its intersection with the  
147 south line of Township 27 South, Range 24 East; thence run easterly along south line of Sections 32 and 33 of said township and range to the  
148 east line of the SW¼ of SW¼ of said Section 33; thence north to the NE corner of said ¼-¼; thence west along north lines of said ¼-¼ and of  
149 the SE¼ of SE¼ of aforesaid Section 32 to the NW corner of said SE¼ of SE¼; thence run south 773.94 feet along the west line of said ¼-¼;  
150 thence run west 1418.03 feet; thence run south 660 feet to a point on the aforesaid south line of Township 27 South located 664.25 feet east  
151 of the NW corner of NE¼ of Section 5, Township 28 South, Range 24 East; thence continue south 1365.59 feet; thence run east 330 feet;  
152 thence run south 1274.48 feet more or less to the northerly shoreline of Lake Parker; thence run westerly and northerly along said shoreline to  
153 its intersection with the aforesaid shoreline of Township 27 South, Range 24 East; thence run west along the south line of said Township 27  
154 South, Range 24 East, to the SE corner of the SW¼ of SW¼ of Section 31, Township 27 South, Range 24 East; thence run north on a bearing  
155 of N-0°15'E a distance of 338.80 feet; thence run westerly on a line parallel with the south line of said Section 31 a distance of 782.28 feet to  
156 its intersection with the east right-of-way line of Lakeland Hills Boulevard also known as S.R. No. 33; thence run southerly along said right-of-  
157 way line to its intersection with the south line of aforesaid Township 27 South; thence run west along said line to the NE corner of the W½ of  
158 the NW¼ of Section 6, Township 28 South, Range 24 East; thence south along east line of said W½ of NW¼ to the SE corner thereof; thence  
159 west along south line of said W½ of NW¼ to the SW corner thereof; thence north along west line of said W½ of NW¼ to the NW corner  
160 thereof; thence west along the north line of the E½ of the E½ of Section 1, Township 28 South, Range 23 East to NW corner thereof; thence  
161 south along the west line of said E½ of E½ to the SW corner thereof; thence west along the south line of the SE¼ of Section 1 to the SW  
162 corner thereof; thence south along the north-south center line of Section 12, Township 28 South, Range 23 East to the center of said Section  
163 12; thence west along the east-west center line of said Section to the SW corner of the E½ of the E½ of the NW¼ of said Section 12; thence  
164 north 1112 feet along the west line of said E½ of E½ to the point; thence westerly to a point on the west line of said Section 12 located 208  
165 feet south of the southwest corner of NW¼ of the NW¼ of said Section 12; thence south 159.32 feet along the west line of said Section 12;  
166 thence run west on a line parallel to and 367.32 feet south of the north line of the S½ of the NE¼ of Section 11, Township 28 South, Range 24  
167 East to its intersection with the westerly right-of-way line of Montrose Avenue, as shown on plat of Rochester Heights recorded in Plat Book 9,  
168 Page 50, Public Records of Polk County, Florida; thence run north and northeasterly along said right-of-way line to an intersection with the  
169 westerly right-of-way line of Kathleen Road, also known as S.R. No. 35A; thence run northwesterly along said road right-of-way line to its  
170 intersection with the westerly line of Lot 42 in said Rochester Heights; thence run southwesterly and south along said westerly lot line to an  
171 intersection with the aforesaid line located 367.32 feet south of and parallel to the north line of the S½ of the NE¼ of Section 11; thence west  
172 along said parallel line to the north-south center line of said Section 11; thence south along said center line to a point located 1030.15 feet  
173 north of SE corner of NE¼ of said Section 11; thence west 474.62 feet on a line parallel to the south line of said NE¼; thence south 267.19  
174 feet to a point located 762.96 feet north of said south line of NE¼; thence east 8 feet; thence south 762.96 feet; thence east 466.62 feet to  
175 aforesaid SE corner of NE¼; thence continue south along said north-south center line of Section 11 to the north line of Lot 11, Block 13,  
176 Weswego Unit No. 3, as recorded in Plat Book 12, Page 32, Public Records of Polk County, Florida; thence follow the perimeter of said Lot 11  
177 along its north, west and south line to a point of intersection with the aforesaid center line of Section 11; thence continue south along said  
178 center line of Section 11 and the center line of Section 14, Township 28 South, Range 23 East to the NE corner of the NE¼ of the SW¼ of  
179 said Section 14; thence west along the north line of said ¼-¼ to the NE corner of the NW¼ of the SW¼ of said Section 14; thence west along  
180 the north line of said ¼-¼ to the east right-of-way line of S.R. 600-B (Wabash Avenue); thence south along said east right-of-way line to an  
181 intersection with the south line of said ¼-¼; thence west to the SW corner of said ¼-¼, said corner being also the NE corner of SE¼ of SE¼  
182 of Section 15, Township 28 South, Range 23 East; thence west along the north line of said ¼-¼ to the NW corner thereof; thence south along  
183 the west line of said ¼-¼ to a point 408 feet north of the intersection of the said west line and the north right-of-way line of U.S. Highway 92;  
184 thence northeasterly parallel with said north right-of-way line 209 feet; thence south parallel with the aforesaid west line of the SE¼ of the  
185 SE¼ to the south line of said ¼-¼; thence east along said south line 479.69 feet; thence north parallel with aforesaid west line of the SE¼ of  
186 the SE¼ to the aforesaid north right-of-way line of U.S. Highway 92; thence northeasterly along said north right-of-way line to the west line of  
187 the S½ of the SW¼ of aforesaid Section 14, Township 28 South, Range 23 East; thence south along said west line to its intersection with the  
188 south right-of-way line of aforesaid U.S. Highway 92; thence northeasterly along said south right-of-way line 806.50 feet to the west right-of-  
189 way line of Strain Boulevard, according to plat of Tampa Highway Industrial Addition recorded in Plat Book 30, Page 49-A, Public Records of  
190 Polk County, Florida; thence south along said west line of Strain Boulevard and the west line of Strain Boulevard extended, to the north right-  
191 of-way line of the Seaboard Coast Line Railroad; thence southwesterly along said right-of-way line to the west line of Section 23, Township 28

192 South, Range 23 East; thence south along said west line to SW corner of the N½ of NW¼ of said Section 23; thence east along the south line  
193 of said N½ of NW¼ to the NW corner of the E½ of the SE¼ of the NW¼ of said Section 23; run thence south along the west line of said E½ to  
194 the north right-of-way line of Josephine Street; thence east along said right-of-way line to the west line of the NW¼ of the SE¼ of said Section  
195 23; thence south along said west line to the SW corner of said ¼-¼; thence east along the south line of said ¼-¼ to the SE corner thereof;  
196 thence north along the east line of said ¼-¼ to the SW corner of Lot 14, in Block "A" of Pinewood Park, according to the plat thereof recorded  
197 in Plat Book 8, Page 31, Public Records of Polk County, Florida; thence east along the south lines of Lots 14 thru 26 of said Block "A" to the  
198 west line of the E½ of the E½ of SE¼ of aforesaid Section 23; thence south along said west line to the SW corner of said E½ of E½ of SE¼;  
199 thence east along the south line of said E½ of E½ of SE¼ to the SE corner of said Section 23, the same being also the NW corner of Section  
200 25, Township 28 South, Range 23 East; thence south along the west line of said Section 25 to the SW corner of the NW¼ of the NW¼ of said  
201 Section 25; thence east along the south line of said ¼-¼ to the NW corner of the SE¼ of NW¼ of said Section 25; thence south along the  
202 west line of said ¼-¼ to the SW corner thereof, the same being the NW corner of Block 1 of West Hollingsworth Road Addition according to  
203 plat thereof recorded in Plat Book 6, Page 16, Public Records of Polk County, Florida; thence follow the perimeter of said Block 1 in a  
204 clockwise direction along its north, east, southeast, south and west lines to the south right-of-way line of Beacon Road; thence west along said  
205 south right-of-way line and said right-of-way line extended to the east line of the N½ of the SE¼ of Section 26, Township 28 South, Range 23  
206 East; thence north along said east line to the NE corner of said N½ of SE¼; thence west along the north line of said N½ of SE¼ to the NW  
207 corner thereof; thence south along the west boundary of said N½ of SE¼ to the SW corner thereof; thence east along the south line of said  
208 N½ of SE¼ of said Section 26, and along the south line of the NW¼ of the SW¼ of aforesaid Section 25 to the SE corner of said ¼-¼; thence  
209 south along the west line of E½ of SW¼ of Section 25 to the SW corner thereof; thence east along the south line of said E½ of SW¼ to the SE  
210 corner thereof; thence south along the west line of the NW¼ of the NE¼ of Section 36, Township 28 South, Range 23 East to the SW corner  
211 thereof; thence east along the north line of the S½ of the NE¼ of said Section 36 to the NW corner of the NE¼ of the SW¼ of the NE¼ of said  
212 Section 36; thence south along the west line of said ¼-¼ to the SW corner thereof; thence east along the south line of the N½ of the S½ of the  
213 NE¼ of said Section 36 to the west line of the east 105 feet of the west 210 feet of Acreage Tract 1, Block A, South Oaks Subdivision,  
214 according to plat thereof recorded in Plat Book 45, Page 5 of the Public Records of Polk County, Florida; thence south along said west line to  
215 the south line of said east 105 feet; thence east 105 feet along said south line to the east line of said east 105 feet; thence north along said  
216 east line of said east 105 feet to the aforesaid south line of N½ of S½ of NE¼ of Section 36; thence east along said south line to the east line  
217 of said Section 36; thence south along said east line of said Section 36 to the SE corner of said Section 36, the same being the SW corner of  
218 Section 31, Township 28 South, Range 24 East; that is, the point of beginning. Less and except: The east 240 feet of the north 150 feet of the  
219 N½ of the SE¼ of the NE¼ of Section 36, Township 28 South, Range 23 East. Also, less and except: A strip of land 80 feet in width, the  
220 center line of which commences on the west line of the SE¼ of Section 31, Township 28 South, Range 24 East at a point located 2,069.45  
221 feet north of the SW corner of said SE¼, and runs easterly, at an angle of 90° with said west line, to terminate at a distance of 1700 feet from  
222 said west line of the SE¼ of Section 31. Also, less and except: A strip of land 85 feet in width measured at right angles to the center line, said  
223 strip being 45 feet in width on the northerly portion and 40 feet on the southerly portion; located 626.65 feet north of the SW corner of the SE¼  
224 of Section 31, Township 28 South, Range 24 East for a point of beginning of center line; run thence S. 89°52' E. for a distance of 1520.55 feet;  
225 thence N. 45°08'E. for a distance of 479.45 feet to a point of termination. Also, less and except: The south 220 feet of the west 855 feet of the  
226 NE¼ of the SW¼ of Section 14, Township 28 South, Range 23 East. Also, less and except: Lot 6, Block 7 of Waverly Place, according to plat  
227 thereof recorded in Plat Book 28, Page 46 of the Public Records of Polk County, Florida, and that portion of land lying south of Lot 6 between  
228 the south line of Lot 6 and the south boundary of Section 29, Township 28 South, Range 24 East, and bounded on the east and west by the  
229 east and west lot lines of said Lot 6 extended. Also, less and except: Begin at the SE corner of the SE¼ of Section 29, Township 28 South,  
230 Range 24 East, run west along the south line of said SE¼ 1603.96 feet; thence north 30 feet to a point of beginning; thence continue north  
231 263.53 feet; thence east 6.5 feet; thence deflect 45°-00' from east to NE and run 96.65 feet; thence south 332.23 feet; thence west 75 feet to  
232 the point of beginning. Also, less and except: The NW¼ of the SE¼ of the NE¼ of Section 23, Township 28 South, Range 23 East less Lots  
233 17 thru 26 of W.E. Moody's First Addition, according to plat thereof recorded in Plat Book 6, Page 14 of the Public Records of Polk County,  
234 Florida. Also, less and except: Begin at the SE corner of the SE¼ of Section 29, Township 28 South, Range 24 East, thence run west along  
235 the south line of said SE¼ 1407.37 feet; thence north 30 feet to a point of beginning on the north right-of-way line of State Road S-33-A  
236 (Edgewood Drive); thence north 369.88 feet; thence east parallel to aforesaid south line of Section 29, 183.26 feet, more or less, to the west  
237 line of the south 800 feet of the east 1225 feet of the SE¼ of the SE¼ of said Section 29; thence south along said west line to a point 185 feet  
238 north of aforesaid south line of Section 29; thence southeasterly 169.82 feet to the aforesaid north right-of-way line of State Road S-33-A  
239 (Edgewood Drive); thence west along said north right-of-way line to the point of beginning. Also, less and except: Begin at the NE corner of  
240 the NE¼ of Section 32, Township 28 South, Range 24 East; thence run west along the north line of said NE¼ 860.29 feet; thence south 30  
241 feet to a point of beginning on the south right-of-way line of State Road S-33-A (Edgewood Drive); thence continue south to the north line of  
242 the south 880 feet of the NE¼ of the NE¼ of said Section 32; thence west to the east boundary of the W¼ of said NE¼ of NE¼ of Section 32;  
243 thence north along said east boundary of W¼ to its intersection with the aforesaid south right-of-way line of State Road S-33-A (Edgewood  
244 Drive); thence east along said right-of-way line to the point of beginning. Also, less and except: Beginning at the NE corner of the west 990.0  
245 feet of the SE¼ of the NW¼ of Section 31, Township 28 South, Range 24 East, run thence east along the north line of said SE¼ of NW¼ a  
246 distance of 138.22 feet to the west line of Cleveland Heights Subdivision as recorded in Plat Book 8, Pages 36 and 37 of the Public Records of  
247 Polk County, Florida; run thence south along the west line of Cleveland Heights Subdivision a distance of 640.80 feet; run thence west a  
248 distance of 138.80 feet to the east line of Glendale Manor First Addition; run thence north a distance of 641.11 feet to the point of beginning of  
249 this exception. Also, less and except the following described tract: From a point 40 feet west of the NE corner of the NE¼ of the SW¼ of  
250 Section 31, Township 28 South, Range 24 East, run south parallel to and 40 feet west of the east boundary of said NE¼ of SW¼ a distance of  
251 590.23 feet to a point of beginning; thence deflect to the right 80°07' and run 380.00 feet; thence deflect to the left 5°17' and run 220.00 feet;  
252 thence deflect to the right 12°26'23" and run 84.57 feet; thence deflect to the left 46°25'23" and run 359.93 feet; thence deflect to the left  
253 130°47'00" and run 75.00 feet; thence deflect to the right 89°53' and run 140.00 feet; thence deflect to the left 89°53' and run 75.00 feet;  
254 thence deflect to the right 89°53' and run 190.00 feet to the south boundary of said NE¼ of the SW¼ of said Section 31, which point is 525.00  
255 feet east of the SW corner of said NE¼ of the SW¼; thence east along the south boundary of said NE¼ of the SW¼ to a point which is 240  
256 feet west of the east boundary of said NE¼ of the SW¼; thence north and parallel to said east boundary of said NE¼ of SW¼ a distance of  
257 100 feet; thence east and parallel to the south boundary of said NE¼ of SW¼ a distance of 200 feet; thence north parallel to and 40 feet west  
258 of the east boundary of said NE¼ of SW¼ to the point of beginning.

259 **Sec. 5. - Form of government.**

260 The form of government of the City of Lakeland provided for under the charter shall be that known as the "~~commission-manager~~ mayor –  
261 city commission plan." The city commission shall constitute the governing legislative body with power as hereinafter provided to pass  
262 ordinances, adopt regulations, and ~~appoint a chief administrative officer to be known as the "city manager,"~~ and to exercise all other powers  
263 hereinafter provided. The mayor shall constitute the executive authority of the city, shall serve as the chief administrative official of the city,  
264 shall be responsible for the administration and daily operations of all city affairs, and shall exercise all other powers hereinafter provided.

265 **Sec. 6. - Vacancies; forfeiture of office; filling of vacancies.**

- 266 (a) Vacancies of commissioners. The office of a commissioner ~~or that of mayor~~, shall become vacant upon his death, resignation, removal  
267 from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the  
268 commission.
- 269 (b) Forfeiture of office of commissioners. A commissioner ~~or the mayor~~ shall forfeit his office if he lacks at any time during his term of office  
270 any qualification for the office prescribed by this charter or by law.
- 271 (c) Filling of vacancies of commissioners. A vacancy of the commission ~~or the office of mayor~~ shall be filled in one of the following ways:
- 272 (1) If there are less than six (6) months remaining in the unexpired term or if there are less than six (6) months before the next regular  
273 city election, the commission by a majority vote of the remaining members shall choose a successor to serve until the newly  
274 elected ~~mayor or~~ commissioner is qualified. If two (2) years remain in the term of the vacated seat at the time of the next regular  
275 election, that seat shall be filled by election for the remaining two (2) years;
- 276 (2) If there are more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6)  
277 months, the commission shall fill the vacancy on an interim basis as provided in (1), and shall schedule a special election to be  
278 held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy, and if a runoff  
279 election is necessary, it shall be scheduled three (3) weeks after the special election.

280 Any vacancy of a commissioner occurring later than fourteen (14) days prior to the last day on which a candidate could qualify to fill such  
281 vacancy shall be filled by interim appointment and a special election shall be called as provided under (2) herein. Notwithstanding any quorum  
282 requirements established herein, if at any time the membership of the commission is reduced to less than a quorum, the remaining members  
283 may by majority vote, appoint additional members under either (1) or (2) above.

- 284 (d) Extraordinary vacancies of commissioners. In the event that all members of the commission are removed by death, disability, law or  
285 forfeiture of office, the governor shall appoint an interim commission that shall call a special election as provided in (c) above.
- 286 (e) Mayoral vacancies. The office of mayor shall become vacant upon his death, resignation, removal from office in any manner authorized  
287 by law or forfeiture of his office.
- 288 (f) Mayoral forfeiture. The mayor shall forfeit his office if he lacks at any time during his term of office any qualification for the office  
289 prescribed by this charter or by law.
- 290 (g) Filling of mayoral vacancies. A vacancy in the office of mayor shall be temporarily filled by an interim mayor in accordance with Section  
291 14, Paragraph (b) of the city charter until the office of mayor is filled by election as follows:
- 292 (1) If there are fewer than six (6) months remaining in the unexpired term and there are fewer than six (6) months before the next  
293 regular city election and there are more than fourteen (14) days before the last day on which a candidate could qualify to fill such  
294 vacancy, the office of mayor shall be filled by regular election;
- 295 (2) If there are more than six (6) months remaining in the unexpired term and there are fewer than six (6) months before the next  
296 regular city election and there are more than fourteen (14) days before the last day on which a candidate could qualify to fill such  
297 vacancy, the office of mayor shall be filled by regular election for a term of two (2) years;
- 298 (3) If the conditions in (1) and (2) above are not met, that is, there are more than six (6) months before the next regular city election or  
299 there are fewer than fourteen (14) days before the last day on which a candidate could qualify to fill such vacancy, the commission  
300 shall schedule a special election to fill the remainder of the term of the office of mayor. The special election shall be held no  
301 sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy, and if a runoff election is  
302 necessary, it shall be scheduled three (3) weeks after the special election.

303

304 (Ord. No. 2976, § 1, 12-21-87, election of 3-8-88)

305 **Sec. 7. - Power to borrow money.**

306 The city commission shall have the right to borrow money to pay debts or for any proper and authorized city purpose, and shall give a  
307 note or notes evidencing same which shall be executed by the mayor, after resolution by the city commission authorizing same; provided,  
308 however, that at no time shall the notes so given aggregate more than one hundred thousand dollars (\$100,000.00). The commissioners in the  
309 succeeding assessment shall provide for the liquidation of all amounts so borrowed and not repaid. The limitations of this section shall apply  
310 only to unsecured indebtedness.

311 **Sec. 8. - General powers and duties of commission.**

- 312 (a) The city commission of the City of Lakeland, as the governing legislative body pursuant to the provisions of Article VIII, Section 2(b) of  
313 the state constitution and the provisions of the Municipal Home Rule Powers Act, Chapter 73-129, Laws of Florida, has the power to

314 enact any legislation concerning any subject matter upon which the state legislature may act except when expressly prohibited by law  
315 ~~and shall have the governmental, corporate and proprietary powers to enable it to conduct municipal functions, and render municipal~~  
316 ~~services, and may exercise any power for municipal purposes, as provided by law, except when expressly prohibited by law, or this~~  
317 ~~charter.~~

318 (b) The City Commission as the legislative body shall adopt ordinances and resolutions in the best interest of all citizens of the City; and,  
319 shall adopt the annual budget and all other appropriations necessary for efficient City government.

320 (c) The City Commission shall have the authority to conduct in good faith and with reasonable cause investigations into the conduct of any  
321 municipal office, department, agency or officer and to investigate municipal affairs, and for that purpose, may subpoena witnesses,  
322 administer oaths and compel the production of books, papers, or other evidence.

323 ~~(b) All powers of the city, except such as are vested in the jurisdiction of the municipal court<sup>(2)</sup> and except as otherwise provided by this~~  
324 ~~charter, or by the constitution of the state, are hereby vested in the city commission; and except as otherwise provided by this charter, or~~  
325 ~~by the constitution of the state, the city commission may, by ordinance or resolution, prescribe the manner in which any power of the city~~  
326 ~~shall be exercised.~~

327 ~~(c) The city commission shall have authority to provide electric, gas and water systems within and beyond the corporate limits and to~~  
328 ~~operate, extend or modify the same within or beyond the corporate limits and to acquire and hold by grant, lease, eminent domain,~~  
329 ~~purchase, conveyance or otherwise lands, easements, rights or privileges corporeal or incorporeal as may be necessary or incident to~~  
330 ~~the full execution and use of this power.~~

331 ~~(d) To provide, maintain and support a pension or group insurance plan or both, for the employees of the said city.~~

332 ~~(e) To take and appropriate private grounds and property in the manner and form provided by law for condemnation, for widening streets or~~  
333 ~~parts thereof or for extending the same or for laying out new streets, avenues, alleys or squares, parks or promenades, when the public~~  
334 ~~convenience may require, and to assess the costs and expenses of such improvement pro rata upon the property especially benefited~~  
335 ~~thereby; to take and appropriate cemeteries, cemetery lots, parcels, places of entombment and burial or interment rights and to remove~~  
336 ~~and relocate deceased bodies from graves, tombs, burial plots or parcels of land when same may be required for streets or parts thereof~~  
337 ~~or for extending same or for laying out new streets, avenues, alleys, squares or parks or for other public purposes when the public~~  
338 ~~convenience may require.~~

339

340 (fd) The city commission shall fix the salary or compensation of the ~~city manager and his assistants, and the city attorney and his assistants~~  
341 mayor, the city attorney, and the general manager of Lakeland Electric by appropriation in the city budget and as defined in this charter.

342 (e) The city commission shall have complete supervision over lakes or parts of lakes, or submerged lands, within its corporate limits, with the  
343 right to regulate and restrict the filling of lake shores or lake bottoms.

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

348 (g) Sale of city owned lands:

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

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

354 (3) The city commission may reserve the right to reject any bids received for lands offered for sale at public outcry.

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

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

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

364 (h) The city commission shall supervise the general manager of Lakeland Electric and shall hire and fire the general manager in  
365 accordance with state and federal law and the provisions of this charter. The city commission shall not supervise, hire, or fire other staff  
366 of Lakeland Electric but shall rely on the general manager to manage personnel and lead day to day operations. Except for the purpose  
367 of inquiries, and investigations under § 8(c) of this charter, the city commission or its members shall deal with employees of Lakeland  
368 Electric who are subject to the direction and supervision of the General Manager solely through the General Manager and neither the  
369 commission nor its members shall give orders to any such employee, either publicly or privately.

370 (i) The city commission may, by an affirmative vote of at least two thirds (2/3) of the entire membership of the city commission, override the  
371 mayor's veto of an ordinance at any time prior to the conclusion of the second regularly scheduled commission meeting after the  
372 exercise of the mayoral veto or within thirty (30) calendar days, whichever first occurs.

373 (j) The city commission may, by an affirmative vote of at least two thirds (2/3) of the entire membership of the city commission, override the  
374 mayor's line item veto of a portion of a budget or appropriation ordinance at any time prior to the conclusion of the second regularly  
375 scheduled commission meeting after the exercise of the mayoral veto or within thirty (30) calendar days, whichever first occurs. If the  
376 total effect of all action taken to override the vetoes of the mayor would be to cause expenditures to exceed revenues as projected and  
377 contained in the adopted budget, then all actions to override the mayor's vetoes with respect to line items of the budget shall be null and  
378 void and all items vetoed by the mayor shall remain stricken from the budget.

379

380 **Sec. 9. - Limitations on powers of city commission.**

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

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

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

393 (b) The City of Lakeland shall not sell, lease or otherwise dispose of any water plant, or all or substantially all of the assets of the electric  
394 utility until such sale or lease has previously been authorized by an affirmative vote of two-thirds (2/3) of the electors, otherwise qualified  
395 to vote in an election duly called for that purpose. For the purpose of this section only, electric utility shall mean those assets used to  
396 engage in the business of generating, transmitting, or distributing electrical energy, as well as any related activities authorized by this  
397 Charter or applicable law.

398 (Res. No. 4155, § 1, 11-19-01)

399 **Sec. 10. - City commission.**

400 The city commission shall consist of seven (7) electors of the city, ~~including the mayor, elected at large~~, all of whom shall hold office for  
401 four (4) years unless that term is altered due to a change in municipal election dates authorized by this ordinance. One each of the  
402 commissioners shall have been for one (1) year prior to election, a resident of that part of said city described as follows:

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

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

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

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

411 and ~~two (2)~~ three (3) commissioners shall be elected at large, without regard to the district in which they may reside. The mayor shall  
412 likewise be elected at large. The present members of the city commission shall hold office for the terms for which they are respectively  
413 elected, unless a vacancy occurs by death, resignation or removal in accordance with the terms of this charter and respective  
414 successors to the present commissioners shall take office at the first city commission meeting in January after their election, or as soon  
415 thereafter as may be practicable.

416 The city commissioners elected from Districts C and D, the at large commissioner, and the mayor, whose terms would otherwise expire  
417 on the first regular city commission meeting in the year 2005, shall have their terms respectively extended for one (1) year with the election for  
418 those offices to be held on November 1, 2005. In the event a run-off election is required, it shall then be conducted on December 6, 2005.  
419 Those city commissioners representing District A and B, and the at large commissioner whose term would have expired on the first regular city  
420 commission meeting in the year 2007, shall have their terms respectively extended for one (1) year. The election for those offices shall be held  
421 November 6, 2007. In the event a run-off is required for that election, the run-off election shall be held on December 4, 2007. Those  
422 commissioners elected pursuant to this section shall take office in accordance with the provisions of this Charter.

423 (Ord. No. 2340, § 1, 4-5-82, election of 11-2-82; Ord. No. 2599, § 1, 8-6-84, election of 11-6-84; Ord. No. 2976, § 2, 12-21-87, election of 3-8-88; Ord. No.  
424 4486, § 3, 11-17-03)

425 **Sec. 11. - Qualification of ~~members~~ elected officials.**

426 Members of the city commission and the mayor shall have been residents of the city for one (1) year, and have the qualifications of  
427 electors of the city. No one shall serve, or but for resignation would have served, more than twelve (12) consecutive years, or three (3)  
428 complete terms, whichever is longer, in the ~~singular~~ position of ~~Mayor or~~ Commissioner. No one shall serve, or but for resignation would have  
429 served, more than eight (8) consecutive years, or two (2) complete terms, whichever is longer, in the position of Mayor, or more than sixteen  
430 (16) consecutive years, or four (4) complete terms, whichever is longer, in any combination of the positions of Mayor and Commissioner. The  
431 foregoing limitations shall not apply to any years or terms served prior to January 1, 1999, or to partial terms served thereafter, or to any years  
432 or terms served beyond the foregoing limitations as a result of election as a write-in candidate. Elective officers of the city shall not hold any  
433 other elective public office, shall not serve as employees of the City of Lakeland during their terms of office and shall not be interested in the  
434 profits or emoluments of any contract, work, or service for the city, and any such contract in which any officer or employee is or may become  
435 interested shall be void, and so declared by the city commission. Any member ceasing to possess the qualifications for office herein required  
436 shall forfeit his office.

437 (Ord. No. 3845, § 1, 9-15-97, election of 9-1-98; H.B. 0825, 2005)

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

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

444 **Sec. 13. - ~~Mayor pro tem.~~ Chair and vice chair of the city commission.**

445 The city commission shall elect one of its members as ~~mayor pro tem of the city, chair of the city commission and another of its~~  
446 members as vice chair of the city commission at the first regular or regular adjourned meeting in January of each year. The chair will preside  
447 at the meetings of the city commission and assume the duties of mayor if required by the provisions of Section 14, Paragraph (b) of the city  
448 charter. The vice chair of the city commission will preside at the meetings of the city commission in the event of the chair's absence.

449 (Ord. No. 2976, § 3, 12-21-87, election of 3-8-88)

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

451 (a) There shall be a Mayor of the city in whom the executive power of the city shall be vested and who shall be the administrative head of  
452 the municipal government. The administration of the city government shall be that of the Mayor unless specified otherwise by law or this  
453 charter. ~~The mayor shall be a member of the commission, shall preside at all meetings of the commission and shall perform such other~~  
454 ~~duties consistent with his office as may be imposed by the commission; and he shall have a voice and a vote in the proceedings of the~~  
455 ~~commission, but no veto power.~~ He may use the title of mayor in any case in which the execution of legal instruments or writings or  
456 other necessity arising from the general laws of the state so require; ~~but this shall not be considered as conferring upon him the~~  
457 ~~administrative or judicial functions of a mayor under the general laws of the state.~~ He shall be recognized as the official head of the city  
458 by the courts for the purpose of serving civil processes; by the government in the exercise of military law, and for all ceremonial  
459 purposes. He may take command of the police and govern the city by proclamation during times of grave public danger or emergency.  
460 The powers and duties of the mayor shall be such as are conferred upon him by ~~the city commission in pursuance of~~ the provisions of  
461 this charter and no others.

462 (b) A vacancy in the office of mayor shall be filled as follows:

463 (1) ~~In the absence of the mayor, the mayor pro tem shall have the same powers and duties as the mayor; and if~~ In the event of death,  
464 resignation or removal of the mayor in accordance with this charter, the ~~mayor pro tem~~ chair of the city commission shall become  
465 interim mayor and shall continue in office until the vacancy is filled in accordance with the provisions of this charter. While serving  
466 as interim mayor, the chair of the city commission shall not preside over the meetings of the commission nor vote in its  
467 proceedings.

468 (2) The vice chair of the city commission will become interim chair and the commission shall choose another of its members to serve  
469 as interim vice chair.

470 (3) After the vacancy in the office of mayor is filled in accordance with Section 6 Paragraph (g) of this charter, the interim mayor will  
471 revert to serving as chair of the city commission, the interim chair will revert to serving as vice chair, and the interim vice chair will  
472 revert to the regular duties of a city commissioner, unless: the regular time for choosing a chair and vice chair in accordance with  
473 Section 13 of this charter occurs while an interim mayor is serving, in which case the person serving as interim mayor shall  
474 continue in that role and the commission shall proceed with choosing a new chair and vice chair, who will replace the interim chair  
475 and interim vice chair; and, the interim mayor, after the vacancy in the office of mayor is filled in accordance with Section 6  
476 Paragraph (g) of this charter, will revert to the regular duties of a city commissioner.

477 (4) Should the interim mayor leave office due to expiration of term, loss of an election, death, resignation, or removal in accordance  
478 with this charter, the interim chair of the city commission shall become interim mayor unless he has also left office, in which case  
479 the city commission shall choose from among themselves a commissioner to serve as interim mayor.

480 (5) The interim mayor will receive the salary of the mayor on a prorata basis for the duration of time serving as interim mayor.

481 (c) The Mayor, who shall serve in a full-time capacity, shall have the following powers and duties:



- 482 (1) To take responsibility for the proper administration and conduct of the executive work and affairs of the city;
- 483 (2) To appoint, and when the Mayor deems necessary for the good of the City, suspend, demote, or remove all City employees and  
484 appointive administrative officers provided for by this Charter, except as otherwise provided by law or this Charter;
- 485 (3) To determine the salaries and wages of officers and employees of the city, except as otherwise provided by law or this Charter;
- 486 (4) To supervise and administer the departments, divisions, and boards created by law, by this Charter, or by ordinance;
- 487 (5) To create or discontinue other departments, divisions, or boards in furthering the proper administration of the City, except that the  
488 Mayor may not discontinue any department, division, or board created by law, by this Charter, or by ordinance;
- 489 (6) To attend, or cause a representative of the Mayor to attend, all City Commission Meetings, and the Mayor or the Mayor's  
490 representative shall have the right to take part in discussion, but may not vote;
- 491 (7) To enforce all laws, provisions of this Charter, acts, ordinances, provisions of the City Commission, and all contracts of the City;
- 492 (8) To prepare and submit the annual budget of the City to the City Commission in a form provided by ordinance and by a deadline  
493 set by ordinance, and to be responsible for its administration after adoption;
- 494 (9) To submit to the City Commission and make available to the public a complete report on the finances and administrative activities  
495 of the City as of the end of each fiscal year;
- 496 (10) To keep the City Commission apprised of the financial condition and future needs of the City and make recommendations to the  
497 City Commission concerning the business and affairs of the City;
- 498 (11) To execute contracts on behalf of the City pursuant to the provisions of appropriations ordinances and in the manner provided by  
499 ordinance, which must allow for competitive bidding for all contracts for public works or improvements;
- 500 (12) To negotiate all contracts, franchises, acquisition, and disposition of property and, upon approval thereof by the City Commission,  
501 the execution on behalf of the City of all agreements, leases, deeds, and other instruments in connection therewith;
- 502 (13) To assume the general charge, management, control, and supervision of all property of the City.
- 503 (d) The Mayor may veto any ordinance or resolution passed by the City Commission, except for zoning ordinances, emergency ordinances,  
504 ordinances passed as a result of quasi-judicial proceedings when such proceedings are mandated by law, and ordinances for proposed  
505 amendments to the City Charter that the City Commission is required by law or this Charter to place on the ballot. The Mayor must  
506 exercise his veto prior to 5:00 p.m. on the fourteenth (14th) calendar day after the day the City Commission adopts the ordinance. On  
507 the day the Mayor vetoes an ordinance, the Mayor shall deliver or caused to be delivered specific written objections to the City  
508 Commission at the City Commission's office.
- 509 (e) The Mayor may veto any "line item" in a budget or appropriation ordinance. The Mayor must exercise his veto prior to 5:00 p.m. on the  
510 fourteenth (14th) calendar day after the City Commission adopts the ordinance. On the day the Mayor vetoes a line item in a budget or  
511 appropriation ordinance, the Mayor shall deliver or caused to be delivered specific written objections to the City Commission at the City  
512 Commission's office. If the total effect of all vetoes of the Mayor would be to cause expenditures to exceed revenues as projected and  
513 contained in the adopted budget, then all vetoes of the Mayor with respect to line items of the budget shall be null and void and all items  
514 vetoes by the Mayor shall remain in the budget.
- 515 (f) The City Commission shall fix the salary or compensation of the Mayor by ordinance and no reduction in salary or compensation may  
516 take effect while a sitting Mayor is serving a term of office and no reduction in salary or compensation may be initiated while a Mayor-  
517 elect is awaiting the start of a new term. The salary of the Mayor shall be an amount not less than \$100,000 per year. The City  
518 Commission shall appropriate sufficient funds to pay the salary and compensation of the Mayor.

519

520 (Ord. No. 2976, § 4, 12-21-87, election of 3-3-88)

521 **Sec. 15. - Meetings.**

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

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

525 (a) The mayor; ~~or~~ any three (3) members of the city commission; ~~or the city manager;~~ may call special meetings of the commission upon at  
526 least three (3) hours' notice to each member served personally, or left at his usual place of residence. All meetings of the city  
527 commission and of the committee thereof shall be open to the public, and any citizen shall have access to the minutes and reports  
528 thereof at all reasonable times.

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

530 **Sec. 17. - Absence from meeting.**

531 No commissioner shall be absent from any regular meeting of the commission without an excuse acceptable to the commission.  
532 Absence from four (4) consecutive regular meetings of the commission shall operate to vacate the seat of the member, unless such absence  
533 is excused by the commission by resolution setting forth the facts of each excuse duly entered upon the journal.

534 **Sec. 18. - Compensation of city commission.**

535 The city commission shall fix the salary or compensation of the mayor and the city commissioners by appropriation in the city budget;  
536 provided, however, that before the compensation of the mayor or the ~~other~~ city commissioners may be increased from their respective  
537 compensations received in the next preceding budget year, the city commission shall first hold a public hearing upon the matter of the  
538 increase, notice of which hearing shall be published in a newspaper of general circulation in the City of Lakeland one time not less than thirty  
539 (30) days prior to the hearing. ~~The salary or compensation of the mayor as determined herein shall not be an amount less than one hundred~~  
540 ~~fifty (150) percent of the salary or compensation of a city commissioner.~~

541 (Ord. No. 2976, § 5, 12-21-87, election of 3-8-88)

542 **Sec. 19. - Ordinance enactment.**

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

547 **Sec. 20. - ~~City manager~~ Chief Administrative Officer—Appointment and removal.**

548 The ~~city commission~~ mayor shall appoint a ~~city manager~~ chief administrative officer who shall be chosen solely on the basis of his  
549 executive and administrative qualifications. The ~~city manager~~ chief administrative officer shall receive such salary as may be fixed by the ~~city~~  
550 ~~commission~~ mayor and provided for by appropriations ordinance in the annual budget passed by the city commission. No city commissioner  
551 shall, during the time for which he is elected, be chosen as ~~city manager~~ chief administrative officer. The ~~city manager~~ chief administrative  
552 officer shall be appointed for an indefinite term and shall serve at the pleasure of the mayor. ~~be removable for cause by the city commission;~~  
553 ~~and, before the city manager may be removed for cause by a majority of the city commission, if he so demands, he shall be given a written~~  
554 ~~statement of the reason for his removal and the right to be heard publicly thereon at a meeting of the city commission, prior to the final vote on~~  
555 ~~the question of his removal, but pending and during such hearing the city commission may suspend him from office.~~ The action of the ~~city~~  
556 ~~commission~~ mayor in appointing, suspending or removing the ~~city manager~~ chief administrative officer shall be final. It is the intention of this  
557 charter to vest all authority and fix all responsibility for such appointment, suspension or removal in the ~~city commission~~ mayor. The chief  
558 administrative officer shall be responsible to the mayor for the proper administration of the daily operations of the city and shall perform such  
559 other or further duties as may be assigned by the mayor.

560 ~~Sec. 21.—Same—Powers and duties, generally.~~

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

- 564 (1) ~~Appoint and, when necessary for the good of the city, remove officers and employees of the city except as otherwise provided by~~  
565 ~~the civil service laws relating to the city and as otherwise provided by its charter and except as the city manager may authorize the~~  
566 ~~head of a department or office to appoint and remove subordinates in such department or office.~~
- 567 (2) ~~Prepare an annual budget and submit it to the city commission and be responsible for its administration after adoption.~~
- 568 (3) ~~Prepare and submit to the city commission as of the end of the fiscal year a complete report on the finances of the city for the~~  
569 ~~preceding year.~~
- 570 (4) ~~Keep the city commission advised of the financial condition and future needs of the city and make such recommendations as may~~  
571 ~~seem to him advisable.~~
- 572 (5) ~~See that the laws and ordinances of the city are enforced.~~
- 573 (6) ~~Exercise control and direct supervision over all departments and divisions of the municipal government under its charter, including~~  
574 ~~public utilities owned or operated by the city.~~
- 575 (7) ~~Attend all meetings of the city commission, and of its committees, with right to take part in the discussions but without having a~~  
576 ~~vote.~~

577 ~~Sec. 22.—Absence of the city manager.~~

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

582 **Secs. 21—22. - Reserved.**

583 Editor's note— Ord. No. \_\_\_\_\_, § \_\_\_\_\_, adopted \_\_\_\_\_, specifically amended the charter by establishing a mayor – city commission form of government and  
584 repealing §§ 21—22, which had pertained to the city manager. Said section had been contained in the revised charter, adopted by Ord. No. \_\_\_\_\_,  
585 approved by a referendum of the electorate \_\_\_\_\_.

586 **Sec. 23. - Administrative departments.**

587 The Mayor shall have the power to determine, consistent with this Charter, the organization of the city government and the powers and  
588 duties assigned to the various departments. The ~~city-manager mayor~~ may establish such departments and offices as may be required for the  
589 efficient operation of the city. At the head of each department there shall be a director who shall be an officer of the city and shall have  
590 supervision and control of the department subject to the ~~city-manager mayor~~. The general manager of Lakeland Electric ~~city attorney and his~~  
591 ~~assistants and the municipal judge [3], city prosecutor and public defender are~~ is excepted from all provisions hereof relative to supervision  
592 and control by the ~~city-manager mayor~~, and shall be responsible only to the city commission.

593 **Sec. 24. - Purchasing.**

594 The ~~city-manager mayor~~ shall be responsible for the purchasing of all supplies, materials and other matters or things necessary for the  
595 operation of the affairs of the City of Lakeland, both in its governmental and proprietary capacity. A purchasing department may be created as  
596 hereinabove provided, to conduct all purchases and sales of personal property which the ~~city-manager mayor~~ or city commission may  
597 authorize to be purchased or sold for the use and benefit of the City of Lakeland. All sales and conditions of all contracts for the furnishing of  
598 work, labor and material shall conform to such regulations as the ~~city-manager mayor~~ or city commission may prescribe, but in any case if an  
599 amount in excess of one thousand five hundred dollars (\$1,500.00) be involved, opportunity for competition shall be given. This section shall  
600 not preclude purchases without opportunity for competition being provided in cases of emergency where the existence of an emergency and  
601 the need for purchasing in the manner chosen are confirmed by the ~~city-manager mayor~~ and documented in the appropriate department's  
602 files, and shall not apply to purchases which are made from the sole source of supply of such materials or services.

603 (Ord. No. 3471, § 1, 11-1-93)

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

- 605 (a) The city commission shall appoint a city attorney, subject to confirmation by the mayor, who shall hold office at the pleasure of the city  
606 commission and mayor, and who shall act as the legal advisor to, and attorney and counselor for, the municipality and all its officers in  
607 matters relating to their official duties. The city commission may terminate the employment of the city attorney if the mayor concurs.
- 608 (b) He shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each  
609 his approval or disapproval of the form and correctness thereof.
- 610 (c) When required to do so by resolution of the city commission, he shall prosecute and defend, for and in behalf of the city, all complaints,  
611 suits and controversies in which the city is a party.
- 612 (d) He shall furnish the city commission, the ~~city-manager mayor~~, the head of any department, or any officer or board not included in any  
613 department, his opinion on any question of law relating to their respective powers and duties.
- 614 (e) The city attorney shall maintain an office in the city hall. His compensation shall be fixed by the city commission. Should it become  
615 necessary for the city attorney, or his assistants, in the proper presentation of the interests of the city, to go beyond the limits of the City  
616 of Lakeland, the city commission may, in its discretion, reimburse him for all expenses properly incurred in connection therewith.
- 617 (f) The city attorney and his assistants shall be members of the Florida Bar in good standing.

618 **Sec. 26. - Same—Specific duties.**

619 Before any ordinance so proposed shall be submitted to the city commission, it shall first be approved as to its form by the city attorney  
620 or an assistant, whose duty it shall be to draft such proposed ordinance in proper legal language if called upon so to do, and to render such  
621 other service to persons desiring to propose such ordinances as shall be necessary to make the same proper for consideration by the city  
622 commission.

623 **Sec. 27. - Same—Additional duties.**

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

627 **Secs. 28—35. - Reserved.**

628 **Editor's note—** Ord. No. 2008, § 1, adopted Feb. 7, 1977, specifically amended the charter by repealing §§ 28—35, which had pertained to the municipal  
629 court. Said section had been contained in the revised charter, adopted by Ord. No. 1976, 8-16-76, approved by a referendum of the electorate Nov. 2, 1976.

630 **DEPARTMENT OF FINANCE**

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

632 There shall be a finance director, and an assistant finance director who shall act in his absence.

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

- 634 (1) To invest all funds of the city according to law, and the instructions of the city commission.

- 635 (2) To pay out on behalf of the city under the supervision of the ~~city manager~~ mayor by checks or other orders of payment, all  
636 payments due from the city, provided that the city commission shall provide by ordinance or resolution, the manner in which  
637 all checks or other orders of payment are to be signed, which shall require at least two (2) countersignatures, all of which  
638 may be by facsimile.
- 639 (3) To prescribe all records and forms pertaining to the disbursement and receipt of funds.
- 640 (4) To submit monthly financial statements to the mayor and the city commission showing all receipts and disbursements, and  
641 the financial condition of the city.
- 642 (5) To furnish to the ~~city manager~~ mayor such financial services as may be required from time to time.
- 643 (b) The finance director shall:
- 644 (1) Have access to inspect, copy, or take possession of all records relating to the receipt or expenditure of funds of the city.
- 645 (2) Require regular reports from each department, office or employee receiving or disbursing funds of the city, showing the  
646 amounts, source and purpose thereof.
- 647 (3) Keep an accurate account of all appropriations made by the city commission.
- 648 (c) The city commission shall annually employ an independent auditor to make a complete audit of the city.

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

650 No contract, agreement or other obligation involving the expenditure of money shall be entered into by the city commission, nor shall  
651 any ordinance, resolution or order for the expenditure of money be passed by the city commission, nor shall the city commission authorize any  
652 officer of the city to create any such obligation, unless the finance director publicly announces to the city commission in a regular or special  
653 session that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it  
654 is to be drawn, and not appropriated for any other purpose, which announcement shall be recorded in the minutes of the meeting of the city  
655 commission at which such announcement is made. After such announcement, the sum necessary for the fulfillment of such contract,  
656 agreement or other obligation shall not thereafter be considered unappropriated until the city is discharged from such obligation. All moneys in  
657 the treasury to the credit of the fund from which they are drawn, and all moneys applicable to the payment of obligations or appropriation  
658 involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes or  
659 assessments, or from sales or services, products or byproducts, or from any city undertaking, fees, charges, accounts, and bills receivable, or  
660 other claims in the process of collection, and all moneys applicable to the payment of such obligation or appropriation, which are to be paid  
661 into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and the money to be derived from  
662 lawfully authorized bonds sold and in process of delivery, shall, for the purpose of public announcement, be deemed in the treasury to the  
663 credit of the appropriate fund, and subject to such public announcement.

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

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

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

669 There shall be a city clerk who shall be appointed according to law and who shall act under the supervision of the finance director. The  
670 finance director or the assistant finance director shall serve in the absence of the city clerk. The clerk shall attend all meetings of the city  
671 commission and shall keep a journal of its proceedings, which shall be certified to by the signature of the clerk and of the presiding officer of  
672 the city commission. The clerk shall be the custodian of the seal of the city and of all contracts, records and papers of a general character  
673 pertaining to the affairs of the municipality and shall perform such other duties as may be assigned. No contract on behalf of the city shall be  
674 valid unless countersigned by the clerk.

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

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

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

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

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

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

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

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

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

- 696 (a) Proposed expenditures for each department and division of city government, including all public utilities and enterprises conducted  
697 by the city.
- 698 (b) Expenditures for the preceding fiscal year and projected expenditures for the current fiscal year for corresponding items.
- 699 (c) Such other information as is required by the city commission or as the ~~city manager~~ mayor may deem advisable to submit.

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

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

706 The city commission may amend the items included within the budget submitted by the ~~city manager~~ mayor, but where the total  
707 proposed expenditures are increased the city commission shall increase the total anticipated revenue to at least equal such proposed  
708 expenditures. After review and revision of the budget submitted by the ~~city manager~~ mayor, the city commission shall cause an appropriation  
709 ordinance to be prepared to meet the requirements of the budget, and before finally acting upon such ordinance shall fix a time and place for  
710 holding public hearing upon the intended appropriation, and shall give public notice at least one time, not less than one week prior to the  
711 hearing, in a local newspaper. At such hearing the city commission may revise the proposed appropriation ordinance and may adjourn the  
712 hearing from time to time until the appropriation ordinance is finally acted upon. If the city commission fails to adopt such appropriation  
713 ordinance prior to the commencement of the next fiscal year, the amounts appropriated for current operations for the current fiscal year shall  
714 be deemed appropriated for the ensuing fiscal year on the month to month basis with all items prorated accordingly until such time as the city  
715 commission adopts a budget for the ensuing fiscal year.

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

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

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

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

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

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

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

733 The city commission may annually levy and collect a special tax for permanent improvements, and the adornment, paving and  
734 improvement of the streets and public grounds of the city, and the property of the city beyond the limits of the city, which levy shall not exceed  
735 one-quarter (0.25) of one percent of the assessed value of the taxable property of the city. The city commission shall also levy and collect  
736 annually upon its taxable property aforesaid such sums as may be necessary:

- 737 (1) To pay interest upon the indebtedness of the city, and for the maintenance and repairs of its properties and public works;
- 738 (2) To create a sinking fund for the payment of such indebtedness as may be incurred;
- 739 (3) And to pay the bonds of the city already issued, or any bonds which may be issued in accordance with law;
- 740 (4) To pay any judgment against the city, and any such sums as may be commanded to be levied by any mandamus legally issued  
741 against the city.

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

743 The city commission shall have the power by resolution to provide for the installation, laying, construction, reconstruction, repair and  
744 maintenance by contract, or directly by the employment of labor and furnishing materials of and for all things in the nature of local  
745 improvements, including, but not limited to, whiteways, grading, regrading, paving, repaving, general repairing, replacing or improving public  
746 ways, sewers, drainage or other local improvements of any kind and description within the city.

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

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

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

752 Special assessments upon the property deemed to be benefited by local improvements shall be by the front footage of the property  
753 abounding and abutting upon the improvements or other property deemed to be benefited by such improvements.

754 The city commission may, if it finds that any local improvement should not be borne entirely by the abounding and abutting property, pay  
755 for such portion of such improvement as may be deemed proper.

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

757 When the city commission may determine to make any local improvements and provide for the payment of the cost thereof, in whole or  
758 in part, by special assessment, declaration thereof shall be made by resolution stating the nature of the proposed improvement, designating  
759 the location of such improvement and what portion of the expense thereof is to be made by special assessment, the manner in which said  
760 assessment shall be made and when said assessment shall be paid, and what part shall be apportioned to be paid from the improvement fund  
761 of the city, if any; this provision, however, shall in no wise require the city to pay any portion of said improvements; said resolution shall also  
762 designate the lands upon which special assessments shall be levied and the amount thereof; said lands deemed to be specially benefited  
763 abutting upon and contiguous to the contemplated improvements shall be sufficiently described as "all lots and lands adjoining and contiguous  
764 or abounding and abutting upon such improvements or is deemed to be benefited thereby." Said resolution shall be published once in a local  
765 newspaper at least fifteen (15) days before said improvement is started.

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

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

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

775 Each annual installment provided for herein shall be paid upon the dates specified in said resolution, with interest upon all deferred  
776 payments until the entire amount of said assessment has been paid and upon failure of any property owner to pay any annual installment due,  
777 or any part thereof, or any annual interest upon deferred payments, the city commission shall cause to be brought the necessary legal  
778 proceedings to enforce payment with all accrued interest, together with all legal cost incurred, including a reasonable attorney's fee, to be  
779 assessed as part of the costs, and in the event of default in the payment of any installment of an assessment or any accrued interest on said  
780 assessment, the whole assessment with interest thereon shall immediately become due and payable and subject to foreclosure. In the  
781 foreclosure of any special assessment, service of process against unknown or nonresident defendants may be had by publication as now  
782 approved by law in other chancery suits. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved  
783 in said proceedings as now provided by law in suits to foreclose mortgages.

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

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

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

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

792 **Sec. 56. - Publication of assessment resolution.**

793 Upon the adoption of the resolution provided for herein, the resolution shall be published one time in a newspaper of general circulation  
794 in the city.

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

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

801 **Sec. 58. - Publication of assessment roll; notice to property owners of hearing.**

802 Upon the completion of said assessment roll, the city commission shall cause a copy thereof to be published two (2) times successfully,  
803 once each week, in a newspaper of general circulation, published in the city, and in the publication of said special assessment roll the said city  
804 commission shall cause to be attached to the copy of the assessment roll, a notice directed to all property owners interested in said  
805 assessments of the time and place where complaints will be heard with reference to said assessments and when said assessment roll will be  
806 finally approved and confirmed by the city commission sitting as an equalizing board.

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

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

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

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

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

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

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

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

835 **Sec. 63. - Construction and repair generally; notice to owner, etc.**

836 The city commission may, by resolution, declare that certain specified sidewalks, curbing, gutters, drains, street paving, sanitary and  
837 storm sewers, shall be constructed or repaired. Upon the passing of such resolutions, the ~~city manager~~ [mayor](#) shall cause written notice of the  
838 passage thereof to be mailed by first class U.S. mail to the owner of each parcel of land abutting upon such public improvement. Such notice  
839 shall be mailed to the owner as shown on the tax rolls of Polk County, Florida. The ~~city manager~~ [mayor](#) shall also publish a copy of the  
840 resolution in a daily newspaper of general circulation in the city.

841 **Sec. 64. - Method of procedure.**

842 If sidewalks, curbing, gutters, drains, street paving, sanitary and storm sewers be not constructed or repaired within sixty (60) days from  
843 the mailing of the notice provided for in the preceding section, the ~~city manager~~ [mayor](#) may proceed by direct employment of labor, or by  
844 contract, to carry out such construction or repairs at the expense of the owner, as in the case of other improvements, and all such expenses  
845 shall be reported by the ~~city manager~~ [mayor](#) to the city commission. The city commission shall thereupon assess the cost and expense thereof  
846 upon the owner or the owners of all property bounding or abutting thereupon. Notice and all procedures of assessment required by the  
847 preceding sections shall apply to this section.

848 **Sec. 65. - Assessment bonds.**

849 The city commission may at any time borrow money, and authorize the issuance of notice to bond, and to bond therefor in anticipation of  
850 the collection of unpaid special assessments, levied for the purpose of paying the cost of constructing or repairing sidewalks, curbing, gutters,

851 drains, street or alley paving, sanitary or storm sewers, which are to be or have been constructed by the city, because of the failure of the  
852 owners of the property to construct or repair the same pursuant to notice as hereinbefore provided for.

853 **Sec. 66. - Assessment for removal of weeds, rubbish, etc.**

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

858 **BONDS**

859

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

861 (1) The city commission, in its corporate capacity, is authorized to issue, from time to time, general obligation bonds of said city of such  
862 denominations and bearing such rates of interest, not exceeding six (6) percent, and becoming due in such time and upon such  
863 conditions as may be determined, to an amount not exceeding in the aggregate seventeen (17) percent of the assessed value of the  
864 taxable real estate in the city at the time of issue; provided, that no such bonds shall be issued except for the purpose indicated for the  
865 floating of the debt of the city, refunding of previous issues of bonds, establishment of public works and utilities, construction of  
866 necessary municipal buildings, and for the purpose and improvement of parks, golf courses, playgrounds, highways, streets and alleys,  
867 lakes, and other municipal purposes as are of general benefit in their relation to the city; provided, further, that before the issuance of  
868 any such bonds, an ordinance shall be passed expressing in exact terms the amount of the contemplated bond issue and purposes for  
869 which moneys so to be realized are to be used, which said ordinance proposing the issue of the bonds shall subsequently be approved  
870 by a majority of the votes cast in an election held for that purpose, at which time and in such manner as may be prescribed by law and  
871 city ordinances, in which a majority of the duly qualified electors residing in the City of Lakeland shall participate without limitation to  
872 freeholders.

873 (2) The question of the issuance of bonds for any specified purpose may be submitted from time to time, not oftener than once each year,  
874 with relation to each purpose specified, provided that nothing in this section shall apply to refunding bonds, capital fund bonds or special  
875 improvement bonds which are issued under general or special act, which do not require election.

876 **Sec. 68. - Prerequisite to passing of bonding ordinance.**

877 Unless for special reasons which shall be stated in the ordinance levying an assessment, and providing for the issue of bonds to pay  
878 any part of the cost of any public improvement to be made pursuant to contract, no such ordinance shall be passed or assessment levied or  
879 money borrowed until estimates of the labor and material have been received, and the approximate cost of the improvement determined;  
880 provided, however, that nothing in this section shall be construed to prohibit the city commission from doing any necessary labor, and the  
881 purchase of the necessary supplies and material with separate account as to each improvement so made but the city commission may, upon  
882 declaration by ordinance or resolution, cause any public work or improvement to be done in such manner.

883 **Sec. 69. - Advertisement and sale of bonds.**

884 All general obligation bonds issued under the provision of this charter shall be advertised for sale on sealed bids, which advertisement  
885 shall be published once a week for three (3) weeks in a newspaper of general circulation published in the city, and if there is no newspaper  
886 published in said city, the city commission shall cause the advertisement for the sale of said bonds to be published in a newspaper of general  
887 circulation published in the county in which said city is located. Notice of said sale may, at the option of the city commission, be published  
888 once a week for two (2) weeks in a financial paper published in the City of New York, Chicago, or Toledo, or any newspaper of general  
889 circulation published in the city in the State of Florida having a population of not less than twenty thousand (20,000) inhabitants according to  
890 the last Florida census.

891 If the bonds be not sold pursuant to such advertisement, they may be sold at private sale at any time after the date advertised for the  
892 reception of sealed bids, provided no bonds issued under the authority of this charter shall be for less than ninety-five (95) percent of the par  
893 value thereof, with accrued interest; and, provided further, that no private sale thereof shall be made at a price lower than the best sealed bid  
894 received therefor, and no private sale shall be made of said bonds subsequent to thirty (30) days after the advertised date for the reception of  
895 sealed bids.

896 **Sec. 70. - Revenue and excise tax bonds.**

897 (1) The city shall have power to issue from time to time revenue bonds and industrial revenue bonds payable from the revenue derived from  
898 the electric system of the city, the water system of the city, the sewer system of the city, the parking system of the city, including both  
899 on-street and off-street parking facilities, industrial plants, industrial parks, airport or any other revenue-producing undertaking or  
900 enterprise, or any combination of such systems, undertakings or enterprises, to finance or refinance the cost or part of the cost of the  
901 acquisition, construction, reconstruction, extension or improvement of such systems, undertakings or enterprises or any combination  
902 thereof, or the acquisition of any property, real or personal, therefor.

903 (2) Such revenue bonds shall mature at such time or times, not later than thirty (30) years from the date of issuance thereof, shall bear  
904 interest at the rate or rates not exceeding eight (8) percent per annum, may have such provisions of redemption prior to maturity, under  
905 such terms and at such prices, and such other terms and provisions as the city commission shall determine by ordinance. Such revenue  
906 bonds may be authorized by ordinance, which need not be published or posted, which ordinance may be adopted at a regular or  
907 adjourned meeting. Such revenue bonds may be sold at public sale after such advertisement as the city commission shall deem



908 advisable, or at private sale without advertisement, at such price or prices as the city commission shall deem advisable, but not in any  
909 event less than ninety-five (95) percent of the par value thereof, together with accrued interest thereon.

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

921 (4) The city also shall have power to pledge as additional security for any of said revenue bonds any one or more of the utilities services  
922 taxes levied and collected in the city pursuant to F.S. ch. 167, and franchise taxes collected by said city for any public utilities, or any  
923 other excise taxes.

924 (5) The city shall also have power to issue from time to time excise tax bonds payable from the proceeds of utilities services taxes,  
925 franchise taxes or any other excise taxes, referred to in paragraph (4) above, to finance or refinance the cost or part of the cost of the  
926 acquisition or construction of any properties, works, betterments or improvements which said city is authorized to acquire or construct  
927 pursuant to this charter or any other law or laws.

928 Notwithstanding the provisions of any other law or laws to the contrary, such excise tax bonds payable from the proceeds of utilities  
929 services taxes, franchise taxes or any other excise taxes, may be issued to finance the cost of the relocation of railroad depots,  
930 tracks, switching yards or other railroad facilities in the city, including the acquisition of a new site or sites for such railroad facilities  
931 and the demolition or removal, if deemed advisable, of such existing railroad facilities and any other purposes necessary therefor  
932 or appurtenant or incidental thereto. Any lands or buildings acquired by the city in connection with such relocation project may be  
933 used for any municipal purpose or disposed of in the manner provided by law.

934 Such excise tax bonds may be authorized and issued in the manner provided for the authorization and issuance of revenue bonds  
935 in paragraphs two (2) to five (5) hereof, and all of the provisions of paragraphs two (2) to five (5) hereof relative to revenue bonds shall  
936 apply fully to such excise tax bonds.

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

942 (7) No election of the qualified electors residing in said city shall be required for the issuance of any of said revenue bonds or excise tax  
943 bonds unless the full faith and credit and ad valorem taxing power of the city is pledged as additional security for the payment of the  
944 principal of and interest on such revenue bonds or excise tax bonds. Such revenue bonds or excise tax bonds may be issued under the  
945 provisions of subsections (1) to (8), inclusive, or of any other laws, and shall be subject to any limitations contained in any other laws.

946 (8) The authority granted to said city in paragraphs one (1) to eight (8) to issue revenue bonds and excise tax bonds shall be deemed to be  
947 supplemental, alternative and complete authority for the issuance of such revenue bonds and excise tax bonds, and such authority shall  
948 not be deemed to affect or take away the right of said city to issue such revenue bonds or excise tax bonds under any other laws of the  
949 State of Florida.

## 950 **FRANCHISES AND PUBLIC UTILITIES**

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

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

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

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

### 961 **Sec. 73. - Conditions.**

962 The city commission shall, in ordinances granting or renewing any franchise to construct or operate a public utility, prescribe the kind  
963 and quality of service or product to be furnished, and the manner in which the streets and public grounds shall be used and occupied, and  
964 other terms and conditions conducive to the public interest. All such grants and renewals thereof shall reserve to the city the right to terminate  
965 the same upon purchasing all the property and property rights of the utility, as well as extensions thereof within or without the city, used in or  
966 useful in or connected with such utility, and extension, as may be provided for in the ordinance making the grant or renewal, and including all

967 contracts for service or motor power fairly and reasonably made in good faith by the utility at a price either fixed in the ordinance, or to be fixed  
968 in the manner provided by the ordinance making the granting or renewals of the grant, such contracts, if so purchased to be performed by the  
969 city. Nothing in such ordinance shall prevent the city from acquiring said property of any such utility by condemnation proceedings, or in any  
970 other lawful mode; and all such methods of acquisition shall be alternative to the power of purchase reserved in the grant or renewal, as  
971 hereby provided. In such event, however, said contracts of such utility shall be performed by the city. Upon the acquisition by the city of the  
972 property of any utility, by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

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

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

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

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

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

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

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

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

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

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

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

1000 It shall be the duty of each such person or corporation to furnish the city commission such supplementary or special information about  
1001 its affairs as the city commission may demand; and the city commission or its authorized representative shall at any and all reasonable times  
1002 have access to all the books, records and papers of each and every such person or corporation, with privilege of taking copies of same or any  
1003 part thereof.

1004 The duties herein prescribed may be specifically enforced by appropriate legal proceedings, and, in addition, each such person or  
1005 corporation for failure to comply with the provisions of this section, shall be liable in damages to the City of Lakeland, Florida, to be recovered  
1006 in a civil action in the name of the city.

1007 The provisions of this section do not apply to any utility extending in its operations to other communities not properly suburban to the  
1008 City of Lakeland, Florida; but the city commission, by ordinance, may make the same or any part thereof applicable to the portion of any such  
1009 utility operated within the limits of the city and the suburban area adjacent thereto and served by said utility.

1010 **Sec. 79. - Revocable permits for laying spur tracks not considered grants.**

1011 Revocable permits for laying spur tracks across or along streets, alleys or public grounds, to connect a steam or electric railroad with  
1012 any property in need of switching facilities, shall not be regarded as a grant within the meaning herein, but may be permitted in accordance  
1013 with such terms and conditions as the city commission may by ordinance prescribe.

1014 **Sec. 80. - Powers of city commission not limited.**

1015 Nothing herein contained shall operate in any way, except as herein specifically stated, to limit the city commission in the exercise of  
1016 any of its lawful powers respecting public utilities, or to prohibit the city commission from imposing in any such grant such further restrictions  
1017 and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions [hereof of the](#)  
1018 [Charter](#) or the constitution of the state.

1019 **ELECTIONS**

1020 **Sec. 81. - Elections; time and method of holding.**

- 1021 (a) An election for the offices of city commission and mayor of the City of Lakeland shall be held every odd-numbered year on the first  
1022 Tuesday after the first Monday of November and, if applicable, to coincide with any regular or special federal, state, or county election to  
1023 be held in the city, provided two (2) or more candidates have become qualified for the office of mayor and one or more positions on the  
1024 commission to be filled as herein provided. Should any candidate receive a clear majority of all votes cast, he shall be declared regularly  
1025 elected. If no candidate receives a clear majority of all votes cast, the two (2) candidates for each place to be filled who received the  
1026 highest number of votes in said election shall be certified as the candidates at a runoff election.
- 1027 (b) The runoff election, if necessary, shall be held on the first Tuesday after the first Monday of December following the election specified in  
1028 Section (a) and, if applicable, to coincide with any regular or special federal, state, or county election to be held in the city unless all  
1029 candidates shall have received a clear majority of all votes cast, or were unopposed in the election, shall be declared elected. In the  
1030 event of a tie between two (2) candidates, one shall be elected as provided by ordinance.
- 1031 (c) The qualifications of all candidates shall be in accordance with the provisions of this charter. All candidates shall be voted on at large  
1032 throughout the city.
- 1033 (d) Candidates for the city commission, when qualifying, shall designate the district in which they are candidates, whether at large, or from  
1034 one of the four (4) districts established herein. Candidates shall be grouped by district on the ballot at the election and any runoff  
1035 election.
- 1036 (e) Any matters which, by the terms of this charter, may be submitted to the electors of the city at any special election, may be submitted at  
1037 any election herein provided for.

1038 (Ord. No. 2340, § 2, 4-5-82, election of 11-2-82; Ord. No. 2976, § 6, 12-21-87, election of 3-8-88; Ord. No. 4486, § 2, 11-17-03; Ord. No. 5108, § 2, 7-6-09)

1039 **Sec. 82. - Elections scheduled to coincide with national, state or county elections.**

1040 The city commission may, by resolution, schedule any municipal election, on dates which coincide with national, state or county  
1041 elections, even though such date or dates may be on a date other than as prescribed in section 81 of this charter.

1042 **Sec. 83. - Commission to make arrangements for holding; inspectors and clerks.**

1043 The city commission shall make all the necessary arrangements for holding all municipal elections, and shall declare the result thereof.  
1044 Inspectors and the clerks of elections shall be appointed by the city commission, except that if the commission shall fail to appoint them at  
1045 least two (2) days before the date of any election, the mayor shall appoint them.

1046 **Sec. 84. - Opening and closing polls; canvass of returns; certificates of election; when successful candidate to assume office.**

1047 The polls shall open at 7:00 a.m., and shall close at 7:00 p.m. The result of the voting at each polling place, when ascertained, shall be  
1048 certified by return in duplicate, signed by the clerks of the election and a majority of the inspectors of election; one copy being delivered by  
1049 such clerk and inspectors to the mayor and the other to the city clerk, both of whom shall transmit such returns to the city commission at a  
1050 meeting to be held within three (3) days following the election. At such meeting, the city commission shall canvass the returns and the result  
1051 as shown by such returns shall be declared by the commission as the result of the election.

1052 The city clerk shall, not later than noon on the second day after the canvass, furnish a certificate of election to each person shown to  
1053 have been elected. The person or persons so elected shall assume office at the first city commission meeting in January following the date of  
1054 election, except that any person elected to fill a vacancy shall take office immediately on receiving a certificate of election, and taking the oath  
1055 of office.

1056 **Sec. 85. - Form of ballots.**

1057 The city commission, by ordinance, may prescribe the form of the ballot for city elections. Such ballots shall conform as nearly as  
1058 possible to the form prescribed by the general laws of the State of Florida. A charter amendment to be voted by the electors of the city shall be  
1059 presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing  
1060 the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above  
1061 described amendment be adopted?" Immediately below such question shall appear, in the following order, the words, "for approval" and also  
1062 the words "against approval" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice or with a  
1063 lever opposite "for approval" or "against approval" if voting machines are used.

1064 **Sec. 86. - Candidates; nominees; time and manner of qualifications of candidates; fee.**

1065 Any qualified elector of the City of Lakeland, Florida, possessing the requirements to hold the office of mayor or city commissioner, may  
1066 become a candidate for said office of mayor or city commissioner by filing in the office of the city clerk of said city not earlier than noon of the  
1067 fiftieth day prior to a regular or special city election, but not later than noon of the forty-sixth day prior to a regular or special city election, a  
1068 request in writing that his or her name be printed on the next city election ballots as a candidate for such office and by paying the said city  
1069 therewith, as an election or qualification fee, the sum of twenty-five dollars (\$25.00). Only the name or names of candidates so qualified shall  
1070 appear on the ballots of the next regular or special election held in said city.

1071 No candidate having qualified and thereafter withdrawing or becoming disqualified, under the provisions of this charter, shall be entitled  
1072 to a refund of the fee paid by him or her.

1073 (Ord. No. 2606, § 1, 9-4-84, election of 11-6-84; Ord. No. 2976, § 7, 12-21-87, election of 3-8-88)

1074 **Sec. 87. - General laws to apply.**

1075 All elections shall be conducted, except as otherwise specifically provided under this charter, under the rules and conditions prescribed  
1076 by law, and subject to the general election laws of the state.

1077 **THE INITIATIVE**

1078 **Sec. 88. - Initiative and referendum.**

1079 (a) Initiative. The qualified voters of the city shall have power to propose ordinances to the city commission and, if the city commission fails  
1080 to adopt an ordinance so proposed without any change in substance, such voters, shall have the power to adopt or reject it at a city  
1081 election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money,  
1082 levy of taxes or salaries of city officers or employees.

1083 (b) Referendum. The qualified voters of the city shall have power to require reconsideration by the city commission of any adopted  
1084 ordinance and, if the city commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that  
1085 such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of  
1086 money, levy of taxes or salaries of city officers or employees.

1087 **Sec. 89. - Commencement of proceedings.**

1088 Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk or other official designated  
1089 by the city commission an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing  
1090 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  
1091 out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

1092 Promptly after the affidavit of the petitioners' committee is filed, the city clerk or other official designated by the city commission may, at  
1093 the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

1094 **Sec. 90. - Petitions.**

1095 (a) Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least  
1096 twenty (20) percent of the total number of qualified voters registered to vote at the last regular city election.

1097 (b) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each  
1098 signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or  
1099 have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

1100 (c) Affidavit of circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating  
1101 that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he  
1102 believes them to be the genuine signature of the persons whose names they purport to be, and that each signer had an opportunity  
1103 before signing to read the full text of the ordinance proposed or sought to be reconsidered.

1104 (d) Time for filing referendum petitions. Referendum petitions must be filed within thirty (30) days after adoption by the city commission of  
1105 the ordinance sought to be reconsidered.

1106 **Sec. 91. - Procedure for filing.**

1107 (a) Certificate of clerk; amendment. Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the  
1108 city clerk or other official designated by the city commission shall complete a certificate as to its sufficiency, specifying, if it is insufficient,  
1109 the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail.  
1110 Grounds for insufficiency are only those specified in section 90. A petition certified insufficient for lack of the required number of valid  
1111 signatures may be amended once if the petitioners' committee filed a notice of intention to amend it with the city clerk or other official  
1112 designated by the city commission within two (2) days after receiving the copy of the certificate and files a supplementary petition upon  
1113 additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the  
1114 requirements of subsections (b) and (c) of section 90 hereof, and within five (5) days after it is filed, the city clerk or other official  
1115 designated by the city commission shall complete a certificate as to the sufficiency of the petition as amended, and promptly send a  
1116 copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended  
1117 petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to  
1118 amend or request city commission review under subsection (b) of this section within the time required, the city clerk or other official  
1119 designated by the city commission shall promptly present his certificate to the city commission, and the certificate shall then be a final  
1120 determination as to the sufficiency of the petition.

1121 (b) City commission review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to  
1122 amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such  
1123 certificate, file a request that it be reviewed by the city commission. The city commission shall review the certificate at its next meeting  
1124 following the filing of such request and approve or disapprove it, and the city commission's determination shall then be a final  
1125 determination as to the sufficiency of the petition.

1126 **Sec. 92. - Referendum petitions; suspension of effect of ordinance.**

1127 When a referendum petition is filed with the city clerk or other official designated by the city commission, the ordinance sought to be  
1128 reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- 1129 (1) There is a final determination of insufficiency of the petition, or;  
1130 (2) The petitioners' committee withdraws the petition, or;  
1131 (3) The city commission repeals the ordinance, or;  
1132 (4) After a vote of the city on the ordinance has been certified.

1133 **Sec. 93. - Action on petitions.**

- 1134 (a) Action by city commission. When an initiative or referendum petition has been finally determined sufficient, the city commission shall  
1135 promptly consider the proposed initiative ordinance in the manner provided for adoption of ordinances, generally, or reconsider the  
1136 referred ordinance by voting its repeal. If the city commission fails to adopt a proposed initiative ordinance without any change in  
1137 substance within sixty (60) days, or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred  
1138 ordinance to the voters of the city.
- 1139 (b) Submission to voters. The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later  
1140 than sixty (60) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period  
1141 described in this subsection, the city commission shall provide for a special election, except that the city commission may, in its  
1142 discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance  
1143 shall be made available at the polls.
- 1144 (c) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day  
1145 scheduled for a vote of the city by filing with the city clerk or other official designated by the city commission a request for withdrawal  
1146 signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force  
1147 or effect and all proceedings thereon shall be terminated.

1148 **Sec. 94. - Results of election.**

- 1149 (a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted  
1150 upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted  
1151 by the city commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative  
1152 votes shall prevail to the extent of such conflict.
- 1153 (b) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon  
1154 certification of the election results.

1155 **Sec. 95. - Recall.**

1156 The qualified electors of the City of Lakeland shall have the right power of recall to remove the Mayor or a Member of the City  
1157 Commission as provided by state law in the same manner provided by general law in Florida Statute § 100.361, as that provision may from  
1158 time to time be amended.

1159 **Sec. 96. – Effective Date.**

1160 Upon approval of a majority of the electorate voting at a referendum on the Charter, this Charter will become effective in January 2018  
1161 at the first city commission meeting in January following the 2017 Lakeland elections, to coincide with newly elected city officials assuming  
1162 office as specified in Section 84.

1163 **Sec. 97. – Ordinances Preserved.**

1164 All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent herewith, shall remain in full force and effect until  
1165 amended or repealed.

1166 **Sec. 98. – Precedence over Code Provisions.**

1167 If a conflict exists between the provisions of this Charter and the Code of Ordinances, the Charter provisions shall control.

1168 **Sec. 99. – Officers and Employees.**

1169 The adoption of this Charter shall not affect or impair the rights, privileges, or immunities of City officers or employees at the time of the  
1170 effective date of this Charter, including rights provided for pursuant to Chapter 447, Florida Statutes, and collective bargaining agreements.  
1171 Elected officers shall continue to hold their offices for the terms prescribed by the Charter in effect on the date of their election, and they shall  
1172 discharge their duties until their successors are elected.

1173 **Sec. 100. – Existing Rights, Obligations, Duties and Relationships.**

1174 (a) Continuity. All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue  
1175 except as modified pursuant to the provisions of this Charter.

1176 (b) Obligations. No debt, contract obligation, or assessment by the City shall be impaired by adoption of this Charter. All existing  
1177 debts, obligations and assessments shall remain valid and enforceable, according to their terms, under the Charter provisions applicable at  
1178 the time the debt was incurred, contract signed, or assessment imposed. All obligations and rights arising in connections with projects  
1179 financed under former Charter provisions shall be unaffected and remain in full force and effect as if the borrowing, taxing, bonding or other  
1180 financing provisions had survived the adoption of this Charter.

1181 (c) Other Government Units. All existing rights, obligations, duties and relationships by law or agreement between the City and other  
1182 governmental units shall be unaffected by the adoption of this Charter and remain in full force and effect.

1183 **Sec. 101. – Severability.**

1184 If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, the court decision invalidating  
1185 any section or part of section shall not affect the remainder of this Charter or the context in which the invalidated section or part of section may  
1186 appear, except to the extent that an entire section or part of section may be inseparable connected in meaning and effect with the section or  
1187 part of section to which the court decision may directly apply.

1188