

## PART I - CHARTER<sup>[1]</sup>

### Footnotes:

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**Editor's note**— Printed herein is the Charter of the City of Auburndale, Florida, Ord. No. 569, adopted on September 25, 1974 and approved in a referendum on November 5, 1974. Amendments adopted appear in the history note following the amended section. Where no history note appears, the language remains unchanged. Style and capitalization have been made uniform. Obviously misspelled words have been corrected without notation. Additions or corrections appear in brackets.

## ARTICLE I. - CREATION AND POWERS

### Sec. 1. - Present municipality abolished.

The present municipal government existing under the name of the City of Auburndale, Florida, be and the same is hereby abolished.

### Sec. 2. - Creation and powers.

The City of Auburndale is created which shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

### Sec. 3. - Title reserve—Contracts binding.

The title, rights and ownership of property, uncollected taxes, due and claims held or owned by the City of Auburndale, Polk County, Florida, shall pass to and be vested in the municipal corporation organized under this act to succeed the municipality abolished, and no obligation or contract of the said City of Auburndale, including bonds heretofore issued, shall be impaired or voided, but shall pass to and be binding upon the new municipality which is hereby organized and created and all officers now holding office shall continue to hold their respective office until their successors are elected and qualified under the provisions of this act; and all existing ordinances not in conflict with this act shall continue.

## ARTICLE II. - CORPORATE LIMITS

### Sec. 4. - Boundaries.

The City of Auburndale shall include and have jurisdiction over all the territory in Polk County, Florida, included in the following boundaries, to wit:

(The boundary description of the City of Auburndale is on file in the city clerk's office.)

## ARTICLE III. - FORM OF GOVERNMENT

### Sec. 5. - General description.

The form of government of the City of Auburndale, provided under this charter, shall be known as "commission—manager plan", and the commission shall consist of five (5) citizens, who shall be elected in the manner hereinafter provided. The commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations and appoint a chief administrative officer to be known as the "city manager", and to exercise all other powers hereinafter provided.

Sec. 6. - Qualifications; removal from corporate limits.

The members of the city commission must be qualified to vote at city elections and must have resided within the city for not less than one year preceding their nomination or candidacy for the office of commissioner, and shall remain residents of the city for their respective terms of office. The office of a commissioner who shall remove from the corporate limits of the city during the term for which he was elected, and the office of mayor or mayor pro tem if either is held by such commissioner at the time of removal from the city, shall automatically become vacant from the date of such removal.

(Minutes of 3-2-15)

Sec. 7. - Compensation of commissioners.

The commission may, by ordinance, provide for the compensation of its members.

Sec. 8. - Mayor; powers and duties.

- (a) The mayor shall preside at all meetings of the commission, shall appoint all standing committees of the commission, and perform such other duties consistent with his office as may be imposed by it, and he shall have a voice and a vote in the proceedings of the commission, but no veto power. He may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state is required; but this shall not be considered as conferring upon him the 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 by the courts for the purposes of serving civil processes, by the government in the exercise of military law, and for all ceremonial purposes. He may take command of the police and govern the city by proclamation during times of grave public danger or emergency, and he shall himself be the judge of what constitutes such danger or emergency. 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 this charter, and no other.
- (b) The mayor pro tem shall temporarily discharge the duties of the mayor in the event of his absence, disability, disqualification, removal or death. He shall not automatically succeed to the office of mayor in any event, but shall serve as such only until such time as the mayor is able to resume his duties or until a successor mayor is elected as provided elsewhere herein, as the case may be.

Sec. 9. - City commission; powers generally; noninterference with city manager.

All powers of the city, except as otherwise provided by this charter, or by the constitution of the state, are hereby vested in the city commission; and, except as otherwise provided by this charter, or by the constitution of the state, the city commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. Neither the commission nor any of its members shall dictate the appointment of any person to office or employment by the city manager or in any manner prevent the city manager from exercising his own judgment in selection of personnel of his administration. The commission and its members shall deal with the administrative service solely through the city manager and neither the commission nor any member thereof shall give orders to, nor make requests of, any of the subordinates of the city manager, either publicly or privately. Any such dictation, orders, requests or other interferences upon the part of a member of the city commission with the administration of the city shall constitute grounds for public censure of such commissioner.

Sec. 10. - Judge of own election; regulation of members.

The city commission shall be the judge of the qualifications, elections and returns of its own members. It may enact and prescribe penalties for the nonattendance or disorderly conduct of its members and enforce the same. Under the provisions of ordinances or rules of procedure [the commission] may compel the attendance of absent members by the imposition of forfeitures of city salary and removal from office.

Sec. 11. - Vacancies; forfeiture of office; filling of vacancies.

- (a) *Vacancies.* The office of the mayor, mayor pro tem or commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the commission.
- (b) *Forfeiture of office.* The mayor, mayor pro tem or commissioner shall forfeit his office if he:
  - (1) Lacks at any time during his term of office any qualification for the office prescribed by this charter or by law, or;
  - (2) Violates any standard of conduct or code of ethics established by law for public officials, such violation to be determined by remaining members of the commission as herein prescribed.
- (c) *Filling of vacancies.* If any vacancy shall occur in the membership of the city commission or the offices of mayor or mayor pro tem, the remaining commissioners shall elect an eligible person to fill the same until a successor is elected at the next regular municipal election to fill the unexpired term; if not, a special election shall be called within thirty (30) days to fill such vacancy. At such special election, the qualifications for candidates for commission shall be as herein prescribed but only the remaining incumbent commissioners shall be eligible as candidates for mayor or mayor pro tem.
- (d) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability or forfeiture of office, the governor shall appoint an interim commission that shall call a special election as provided in [subsection] (c) above and such election shall be done in the same manner as the first election under this charter.

Sec. 12. - Regular meetings.

The city commission shall hold not less than two (2) regular meetings during each month in the city commissioner chamber at 7:30 p.m., unless such hour and place shall otherwise be fixed by resolution or ordinance. All meetings of the city commission shall be public and any city electors shall have access to the minutes and records thereof at all reasonable times. The city commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

**State Law reference**— Public meetings law, F.S. § 286.0105 et seq.; certain public records open to any citizen, F.S. § 119.01 et seq.

Sec. 13. - Special meetings; notice.

The mayor, mayor pro tem, in the absence or disability of the mayor, any two (2) members of the city commission or the city manager may call special meetings upon at least six (6) hours' written notice to each member, unless such notice be waived in writing, served personally, or left at his usual place of residence. Such call shall state by message in writing the object or objects for which it is made, and the business of such meeting shall be restricted to the object or objects so stated.

Sec. 14. - Power to punish for contempt.

The city commission shall have power to punish any person who may be guilty of contempt of that body while in session, in a sum not exceeding twenty dollars (\$20.00), or to imprison such person in the city jail not exceeding twenty-four (24) hours for each offense.

Sec. 15. - Commissioners; term of office; election.

The city commission shall consist of five electors of the city, to be elected at large by a majority vote who shall hold office for four (4) years, or until their successors are appointed or elected and qualified in accordance with the provisions of the charter of said city; provided: That the present members of the commission shall hold office until the first regular meeting in January following the expiration day of the term for which they are elected unless a vacancy occurs by death, resignation or removal in accordance with the terms of this charter. All commissioners elected hereafter shall take office at the first regular meeting in January following their election. A person may not be elected to more than two (2) consecutive four (4) year terms. At the expiration of the second term, that person will not be eligible to serve as a city commissioner either by appointment or by election for a period of one (1) year. The city commission of the City of Auburndale may enact an ordinance making separate numerical designation of each of the five (5) memberships of said commission and providing for the election of city commissioners by separate groups according to such designation.

(Ord. No. 728, § 1, 9-25-89; Ord. No. 1112, § 1, 5-19-03)

**Editor's note**— Ord. No. 728, § 1, adopted Sept. 25, 1989, providing a limitation on the number of consecutive city commissioner terms was approved by the electorate Nov. 7, 1989. Ord. No. 1112 was approved by the electorate Nov. 4, 2003.

Sec. 16. - Mayor; mayor pro tem; term of office; election.

Only commissioners who have held office for more than ten (10) months immediately preceding nomination shall be eligible as candidates for nomination by the city commission as mayor or mayor pro tem. The city commission at its first meeting in January shall elect one of its members as mayor and another member as mayor pro tem, provided, however, that should the members of the commission be unable to agree within five (5) days after the time fixed herein for the selection of a mayor or mayor pro tem, then either or both of such offices shall be chosen by lot, conducted by the city clerk, who shall certify the results of such lot upon the minutes of the commission.

(Ord. No. 587, § 1, 9-30-76; Ord. No. 1112, § 1, 5-19-03)

**Editor's note**— Ord. No. 1112 was approved by the electorate Nov. 4, 2003.

Sec. 17. - Quorum; rules of procedure; necessary affirmative vote.

A majority of all members elected to the city commission shall constitute a quorum; but a less number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the commission.

The city commission may enact its own rules of procedure. The affirmative vote of at least three (3) members shall be necessary to adopt any ordinance or resolution and the passage of all ordinances and resolutions shall be taken by "yeas" or "nays" and entered upon the journal.

#### ARTICLE IV. - ORDINANCES AND RESOLUTIONS

Sec. 18. - Form and contents; enactment procedure.

Every proposed ordinance or resolution shall be introduced in written or printed form and shall contain not more than one subject, which subject shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which monies are to be appropriated. No ordinance, unless it shall be an emergency measure, shall be passed until it shall have been read at two

(2) meetings, not less than one week apart, or unless the requirements of such reading have been dispensed with a majority vote of the commission at the time of each reading.

**State Law reference**— Uniform minimum procedure for the adoption of ordinances, F.S. § 166.041.

Sec. 19. - Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the commission may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, set service or user charges for any municipal services or authorize the borrowing of money except as allowed under the emergency appropriations provisions herein.

- (1) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (2) *Effective date.* Except as otherwise provided in this charter, every adopted ordinance shall become effective ten (10) days after adoption or as otherwise specified therein and every adopted resolution shall become effective immediately after adoption or as otherwise specified therein.

**State Law reference**— Emergency ordinance prohibited for zoning changes, F.S. § 166.041.

ARTICLE V. - ADMINISTRATIVE

Sec. 20. - City manager.

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

Sec. 21. - Appointment; removal; compensation.

- (a) *Appointment.* The commission shall appoint a city manager for an indefinite term by a majority vote of all the commission members.
- (b) *Removal.* The commission may remove the manager by a majority vote of all the commission members, and upon demand by the manager, a public hearing will be held prior to a vote to remove the manager.

Sec. 22. - Acting city manager.

By letter filed with the commission, the manager may designate, subject to approval of the commission, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, 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 disability shall cease.

Sec. 23. - Powers and duties of the city manager.

The city manager shall:

- (1) Appoint and, when he deems it necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.
- (3) Attend all commission meetings and shall have the right to take part in discussion but may not vote.
- (4) See that all laws, provisions of this charter and acts of the commission, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- (5) Prepare and submit the annual budget (budget message) and capital program to the commission in a form provided by ordinance.
- (6) Submit to the commission and make available to the public a complete report on the finances and administrative activities of the city monthly.
- (7) Make such other reports as the commission may require concerning the operation of city departments, offices and agencies subject to his direction and supervision.
- (8) Keep the commission fully advised as to the financial condition and future needs of the city and make such recommendations to the commission concerning the affairs of the city as he deems desirable.
- (9) Signs contracts on behalf of the city pursuant to the provisions of appropriations ordinances.
- (10) Perform such other duties as are specified in this charter or may be required by the commission.

Sec. 24. - Supervision of departments.

Except as otherwise provided in this charter or by general law, the city manager will be responsible for the supervision and direction of all departments, agencies or offices of the city. All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the commission, the manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

Sec. 25. - City attorney; city commission to employ.

The city commission may employ an attorney to serve at its pleasure, to perform such legal services as the city commission may authorize or designate, and pay such attorney for services rendered.

Sec. 26. - Commission to set salaries.

The city commission shall fix the salary or compensation of the city manager and city attorney. The city manager, subject to the approval of the city commission, shall fix the number and compensation of all other officers and employees. All such salaries and rates of pay, with dates of employment and discharge, shall be immediately reported to the city clerk. Any increase in salary or the creation of a new job classification shall be reported to the city commissioners by the next regular meeting.

(Ord. No. 865, § 1, 9-3-96)

ARTICLE VI. - ELECTIONS<sup>2</sup>

Footnotes:

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**State Law reference**— Florida Election Law, F.S. Chs. 97—106.

Sec. 27. - Time for elections; qualifications of voters; commission to prescribe method and manner.

- (a) Regular municipal elections shall be held on the first Tuesday after the first Monday of November of each year. Any person who is a resident of the city, who has qualified as an elector of this state, and who registers in the procedural manner prescribed by general law and ordinance of the city, shall be an elector of the city.
- (b) A notice of the calling and holding of a regular election, except run-off election, shall be published once in a newspaper of general circulation in the City of Auburndale at least thirty (30) days before the date upon which such election shall be held. The city commission shall, by ordinance, prescribe the manner and method of holding all elections in said city, and shall also prescribe the form of the ballot including the method of listing the candidates, which are not provided for by the terms of this charter, including run-off elections, and shall by ordinance prescribe when and how special elections shall be called and held and shall provide for publication of reasonable notice thereof. All elections shall be conducted substantially on the principles adopted for state elections, insofar as there is no conflict with the terms of this charter; provided that the city commission may, by ordinance, prescribe the manner, method and conduct of elections not in conflict with this charter.

ARTICLE VII. - ANNEXATION OF LANDS<sup>[3]</sup>

Footnotes:

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**Editor's note**— This article on annexation procedures was formerly sections 135 through 140 of Laws of Fla., ch. 69-1866, as amended by Laws of Fla. Ch. 69-822 and was incorporated in the new Charter in its entirety. The Constitution provides that municipal annexations shall be as provided by general or special law (section 2(c), Article VII of the Florida Constitution).

**State Law reference**— Procedure for annexations, F.S. Ch. 171.

Sec. 28. - Greater Auburndale area.

The following area is hereby described as the City of greater Auburndale area:

Begin at the northwest (NW) corner of Section Five, Township Twenty-eight South, Range Twenty-five East, run thence south along the west boundary of said Section Five to the southwest (SW) corner of said Section Five, thence east along the south boundary of Section Five to the southeast (SE) corner of Section Five, same also being the Northwest (NW) corner of Section Nine, Township Twenty-eight South, Range Twenty-five East, thence south along the west boundaries of Sections Nine, Sixteen and Twenty-one of said Township Twenty-eight South, Range Twenty-one of said Township Twenty-eight South, Range Twenty-five East to the southwest (SW) corner of the northwest (NW) quarter of said Section Twenty-one, thence run east along the quarterline through the centers of Sections Twenty-one, Twenty-two and Twenty-three of said township and range to its intersection with the easterly (Ely) right-of-way line of the Seaboard Coast Line Railroad Company, thence northwesterly (NWly) along the easterly right-of-way boundary of the

Seaboard Coast Line Railroad Company to its intersection with the south boundary of Section Fourteen, Township Twenty-eight South, Range Twenty-five East, thence east along the south boundary of Section Fourteen, said township and range to its intersection with the centerline of 42nd Street Northwest, thence north along the centerline of said 42nd Street Northwest to its intersection with the south boundary of the northwest quarter (NW¼) of the northwest quarter (NW¼) of Section Thirteen, Township Twenty-eight South, Range Twenty-five East, thence run east along the south boundary of the north one-half (N½) of the northwest quarter (NW¼) of Section Thirteen, said township and range to its intersection with the centerline of Jersey Road, thence north along the centerline of Jersey Road to its intersection with the north right-of-way boundary of U.S. Highway 92, thence run in a northeasterly (NEly) direction along the north right-of-way boundary of U.S. Highway 92 to its intersection with the east right-of-way boundary of Lynchburg Road, thence northerly along said east right-of-way boundary of Lynchburg Road and an extension thereof to the north right-of-way boundary of the Lake Alfred Road in Section thirty-one Township Twenty-seven South, Range Twenty-six East, thence run westerly along said north right-of-way boundary of the Lake Alfred Road to the east right-of-way boundary of the Adams Grove Road, run thence northerly along said east right-of-way boundary of the Adams Grove Road to the south boundary of the northwest quarter (NW¼) of Section Thirty, Township Twenty-seven South, Range Twenty-six East, thence west along the south boundary of the northeast quarter (NW¼) of Section Thirty, Township Twenty-seven South, Range Twenty-six East, to the southeast corner of the northeast quarter (NE¼) of Section Twenty-five, Township Twenty-seven South, Range Twenty-five East, thence run north along the east boundary of the northeast quarter (NE¼) of said Section Twenty-five to the northeast corner of Section Twenty-five, Township Twenty-seven South, Range Twenty-five East, run thence west along the north boundaries of Sections Twenty-five, Twenty-six, Twenty-seven, Twenty-eight and Twenty-nine to the northwest (NW) corner of Section Twenty-nine, Township Twenty-seven South, Range Twenty-five East, thence run south along the west boundaries of Sections Twenty-nine and Thirty-two in Township Twenty-seven South, Range Twenty-five East to the southwest (SW) corner of Section Thirty-two, Township Twenty-seven South, Range Twenty-five East, thence run west along the south township boundary of Township Twenty-seven South and the north township boundary of Township Twenty-eight South to the northwest (NW) corner of Section Five, Township Twenty-eight South, Range Twenty-five East, same being the point of beginning.

Sec. 29. - Integration of contiguous territory.

All or any part of such territory not within the corporate limits of the City of Auburndale as it now exists or may hereafter exist, lying contiguous or adjacent to any of the boundaries of said City of Auburndale, as they now exist or may hereafter exist, may be integrated into and made a part of said City of Auburndale. When so integrated into and made a part of said city such territory shall be subject to the jurisdiction, obligation, debts, benefits and privileges of the said City of Auburndale, except as herein otherwise provided, the same as the area now constituting the said City of Auburndale.

Sec. 30. - Petition; requirements and form.

- (a) All or any part of such territory having an area of ten (10) acres or more, or containing ten (10) or more qualified electors residing in such territory who are registered as freeholders on the registration records of Polk County may be integrated into and made a part of the City of Auburndale upon the petition to said city of not less than fifty-one (51) per cent of the registered freeholders residing therein; provided that the city commission of the city may, in its discretion, receive and accept petitions for the integration of areas of less than ten (10) acres, or areas containing less than ten (10) qualified electors residing in said territory who are freeholders, if such incorporation is deemed practical and expedient and in conformity with the overall plan for extending the boundaries of the city into the City of Greater Auburndale, and if all the owners thereof, whether or not such owners are registered electors who are freeholders, sign such petition; and provided further, that no unit or parcel or units or parcels, of land consisting of one or more acres in one contiguous body or common boundary, (road rights-of-way intercepting or crossing the same excepted) and used for business, commercial, agricultural or industrial purposes shall be included in or made a part of any area or territory sought to be so integrated, or be integrated into and made a part of the City of Auburndale, unless the person, firm or corporation owning such unit or parcel shall sign the petition or one of the petitions provided for in this



act or shall, by written instrument filed with the city clerk of the City of Auburndale, assent to the integration of such unit or parcel into the territorial limits of the City of Auburndale.

- (b) The petition or petitions for integration into the City of Auburndale shall be substantially in the following form:

PETITION TO INTEGRATE TERRITORY  
INTO THE CITY OF AUBURNDALE

This petition is filed pursuant to chapter (here insert official chapter number of this chapter as the same appears in the office of the secretary of state), Laws of Florida, for the purpose of integrating the hereinafter described lands into the City of Auburndale. We, the undersigned, ("being qualified electors residing in the hereinafter described territory, who are duly registered as freeholders on the registration records of Polk County," or "being the owners of the hereinafter described territory," as appropriate) hereby file our petition for annexation of the following described territory into the City of Auburndale, in accordance with the above described chapter of the Laws of Florida, to wit:

(Here describe territory)

(Here place signatures of petitioners, showing in detail place of residence, showing street and number when available).

- (c) As many separate petitions as may be desired may be filed affecting the same area, and if such petitions are insufficient for any reason, additional or supplemental petitions may be filed, provided, however, that such petitions shall be valid only for a period of sixty (60) days after same are filed with the city clerk of the City of Auburndale.
- (d) When completed, such petitions and additional and supplemental petitions shall be filed with the city clerk of the City of Auburndale, who shall, if such petitions contain the names of persons purported to be registered freeholders, within five (5) days after the filing of such petitions with him, deliver the same to the supervisor of elections of Polk County, who shall thereupon check the names of petitioners and shall certify within thirty (30) days which signatures on said petition appear to said supervisor to be genuine, and which petitioners whose names appear on said petition or petitions are registered as freeholders on the registration records of said county. In the event that the number of qualified petitioners is found to be insufficient, supplemental petitions may be filed until the sufficient number is obtained, and the supervisor of elections shall have the same time, as herein provided, to check such supplemental petition as the original petition. After filing with the city clerk, no petition shall be withdrawn for a period of sixty (60) days, nor shall any petitioner be permitted to withdraw his signature therefrom within sixty (60) days of the filing thereof with the city clerk, but after sixty (60) days the petition or any name thereon may be withdrawn. The petition meeting the requirements of this act shall thereupon be presented to the city commission at its next regular meeting, together with the aforesaid certificate of the supervisor of elections, if required, and a certificate from a licensed surveyor showing a sufficient legal description of the area to be annexed and the quantity of land contained in said area. At the meeting, the city commission may in its discretion adopt a resolution setting forth the filing of said petition, the certificate of the supervisor of elections, if required and the certification of the licensed surveyor as to the sufficiency of the description and the quantity of land contained therein, and may thereupon resolve that the area is incorporated into the City of Auburndale under the provisions of this chapter.

Sec. 31. - Taxation of annexed lands.

Upon the adoption of the resolution and a certified copy thereof being recorded in the public records of Polk County, Florida, the area shall forthwith become a part of the City of Auburndale, except that not until January 1 following the date of the adoption of said resolution shall the property within said annexed territory be subject to ad valorem taxation.

Sec. 32. - Rights of residents of annexed lands.

After the adoption of said resolution all residents in the newly annexed territory shall have the same right to vote in the city elections and to hold public office within the city, as though the newly annexed

territory had been a part of the City of Auburndale for at least six (6) months prior to the date of said resolution, provided that said residents shall meet all requirements of the city charter for qualified electors of the City of Auburndale. All persons, firms and corporations lawfully engaged in any profession, occupation, trade or business within the annexed territory on the effective date of its annexation and holding valid state and county licenses therefrom, may upon paying the license taxes required by the City of Auburndale thereupon be entitled to carry on their professions, occupations, trade or business in the City of Auburndale without the necessity of a permit or certificate granted by any examining board of the City of Auburndale, but such right may be terminated for cause after a hearing by the appropriate examining board of the City of Auburndale.

Sec. 33. - Law cumulative.

The provisions of Article VII of this act shall not be construed to repeal or modify any other act of statute whether an act of the 1969 session of the legislature, or prior thereto, whereby territory may be annexed to the City of Winter Haven or the City of Auburndale but shall be supplemental and cumulative.

#### ARTICLE VIII. - TRANSITION SCHEDULE

Sec. 34. - Continuation of former charter provisions.

All provisions of Chapter 61-1866, Laws of Florida (the former charter) as amended, which are not embraced herein and which are not inconsistent with this charter shall become ordinances of the city subject to modification or repeal in the same manner as other ordinances of the city.

Sec. 35. - Ordinances preserved.

All ordinances in effect upon the adoption of this charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

Sec. 36. - Rights of officers and employees.

Nothing in this charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption.

Sec. 37. - Time of taking full effect.

This charter shall be in full force and effect immediately upon ratification by the electorate of the City of Auburndale, and compliance with the statutes of the State of Florida.

Sec. 38. - First election.

At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election for members of the city commission and the office of mayor and mayor pro tem may be conducted in accordance with the provisions herein. The first election shall be held on the 3rd day of 1974.