

# Town of Perdido Incorporation

*August 2023*

# Town of Perdido Incorporation: Legislative Summary

## *Background*

Perdido, Florida, is an unincorporated coastal community (population 23,154) in Escambia County (population 329,192). It includes both Perdido Key (south of the Intracoastal waterway) and the mainland area to the north along Perdido Bay. Located on the Florida state line between Orange Beach, Alabama, and Pensacola, Florida, Perdido is the true “Western gate to the Sunshine State.” The community is responsible for the first impression of Florida for tourists arriving from the west to experience its emerald Gulf coast and white sand beaches.

Geographically isolated, Perdido’s local challenges are often the last to be addressed by the Escambia County government. With high median income and property values, its strong tax base is a significant revenue generator for the county. This combination makes residents feel overtaxed and under-served, as has been the case for decades.

Many programs and projects in Escambia County are underfunded. The local government lags behind the rest of the state in comprehensive planning, land use and zoning, code enforcement, traffic planning, stormwater management, and economic development. For example, the county has only completed 8% of the stormwater management projects it planned in 2015. One of the Perdido community’s three fire stations has been closed for six years, giving more than 15% of Perdido’s population the worst possible fire safety rating. Nevertheless, the county recently approved over 870 new residential units for development in the middle of this high-risk area. More than 1200 residential units have been approved for Perdido in the past year, with little to no attention given to infrastructure or continuity of community.

The county’s cascade of underfunded liabilities is an increasing cause of concern for residents of the coastal community, where property insurance costs now spike from unnecessary flood and fire risk. Escambia County’s universal zoning and planning fuels rapid development without appropriate infrastructure or consideration for the coastal community’s uniqueness or long-term viability. Localized comprehensive long-term planning is needed to address the growing traffic and infrastructure issues. Residents have long realized these needs but historically struggled to capture the attention of their county leaders.

## *Approach*

**As with many panhandle cities, the Perdido, Florida, community remains politically and fiscally conservative.** Its citizens understand the need to keep taxes low. They have been considering options that utilize only existing revenue to address community challenges, perhaps reducing the burden on their already stressed county government. All this with the goal of not raising additional taxes.

Not surprisingly, community leaders are looking towards a fiscally conservative municipal governance model known as “government lite.” With it, the community could drastically streamline town government costs by outsourcing most existing services (fire, emergency services, and law enforcement) to existing providers and prevent legacy cost buildup by minimizing employees. The outsourcing of services would free up locally elected leaders and town staff to focus on specific immediate priorities:

- Develop and administer a localized long-term comprehensive plan
- Maintain and adjust service levels for contracted services as needed
- Resolve the unfunded liabilities to benefit the citizens, the county, and the state of Florida

Community leaders from Perdido — retired military, business executives, entrepreneurs, professionals, non-profit directors, and even a retired NASA astronaut — formed a community organization (We Are Perdido) to commission a feasibility study exploring the possibility of municipal incorporation. Together, they asked these two questions:

What if Perdido were a town? And what if it solely used existing revenue sources?

### *Feasibility Study*

These questions were the premise for the attached feasibility study. After exploring them, the report unequivocally showed that **both are, in fact, feasible**. The report also includes a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis, with input from the firm’s research and community leader questionnaires.

*What follows is a summary of the firm’s findings.*

# SWOT Analysis Summary

## Strengths

- Perdido is an established, close-knit community with some necessary infrastructure in place.
- Perdido's ad valorem tax base growth far exceeds the annual 3% projection used in the study (30.6% growth from FY 22 to FY 23, double that of Escambia County for the same period).
- Perdido has a high median income, low crime, and low poverty levels.
- The community can incorporate their county's existing land use conditions into the zoning regulations of a new town.
- The new municipality, as proposed, could operate on a minimal number of employees and provide a high quality of life with good levels of service.
- Natural amenities include 12.5 miles of white sand beaches, three state parks, and a national seashore.
- The community has proved its resiliency and generosity through multiple catastrophic events.
- The people of Perdido are smart and include multi-generational residents who see the unique value of the area and are passionate about maintaining it.

## Weaknesses

- Perdido has never been through the State of Florida Comprehensive planning process required of cities. This exercise will be new to the town.
- The Town of Perdido must establish a working relationship with State and Federal agencies.
- Plans to outsource essential services will make quality control an important factor.
- There is an underfunded liability for disaster funds in coastal communities throughout Florida.
- There is a lack of commercial- and industrial-zoned land in the present comprehensive plans.
- There is a lack of jobs available within the community.
- There is a lack of a proper fire department.

## Opportunities

- Local governmental agencies may be willing to negotiate for services, allowing Perdido to determine service levels.
- Incorporation would give Perdido "home rule" powers to protect community interests and guide growth.
- Perdido could issue Tax Anticipatory Notes (TANs) to cover any shortfall in funding for natural disasters.
- A local government entity can more easily interact with surrounding governments.
- Long-term comprehensive planning with community vision would help positively guide growth.

## Threats

- Uncontrolled growth continues to impact the present quality of life.
- Over-development cannot be properly addressed without a comprehensive community vision.
- New development needs to consider the lack of existing infrastructure.
- The availability of a government body within the community may provide access to local special interest groups.
- The community’s history demonstrates that one cannot reasonably expect positive change via the status quo.
- Citizens must be willing to step into local elected leadership.
- The business community would need to interact with a new town government.
- Diverse opinions within the community could complicate local governance without a consensus of vision.

## *Unfunded Liabilities*

Stormwater runoff and flooding will require capital investment for at least five years, not covered by the general fund. However, other existing revenue sources could assist in addressing this.

The present level of County funding is an issue for transportation needs. If the new town assumes responsibility for evacuation routes and roads that flood, it would need to invest funds to raise these areas.

The financial impact of a hurricane during the early years of incorporation is a concern. These events can require local governments to front the cost for response and clean up. While a portion (80% - 95%) of costs are refunded by the Federal and State governments, the local town would be responsible until relief refunds arrive. Tax Anticipatory Notes (TANs) are an option to cover any shortfalls.

## *Fiscal Projection Summary*

	<u>BEST CASE</u>	<u>WORST CASE</u>
Projected FY 2025 Revenue: <i>(entirely from existing sources, no net increase)</i>	\$16,345,062	\$15,510,145
New Local Government Expense (FY 2025): <i>(covered entirely by existing franchise fees)</i>	\$ 2,668,315	\$ 2,668,315
<b>Five-Year Cumulative Reserves (general fund):</b>	<b>\$16,920,703</b>	<b>\$14,464,588</b>

## *Impact on Residents of Perdido*

Initial impacts on residents of Perdido would be very limited. There would be no new ad valorem taxes, and budget projections show positive margins with no net financial change to local residents. Some businesses may be charged an additional annual Business Tax Receipt (BTR) if operating in both Perdido and Escambia County. (This impact would be minimal, as Escambia County BTR is currently \$26.25 per business annually.) Perdido would gain total control of an additional \$6M annually earmarked for capital maintenance and new projects.

## *Impact on Other Escambia County Governments*

Escambia County would lose \$4.95M of ad valorem taxes in FY 2025 and recover the entire amount through the interlocal agreement with the new town. Escambia County would lose \$2.89M in SSR Fees and \$3.13M in Communication Services Tax and Franchise Fees for an annual loss of \$6.03M on the general fund (equivalent to 2.12% of FY 2023 General Fund). The County would also lose control over \$4.46M in 1% surtax funds along with the responsibility for those projects within the new town.

The other two municipalities in Escambia County, Pensacola and Century, would have minor impacts on their general funds, as adjustments are made to state-shared revenue apportionments.

	<u>General Fund Loss (FY 2025)</u>	<u>General Fund Equiv (FY 2023)</u>
Escambia County:	(\$6,025,466)	2.12%
City of Pensacola:	(\$756,427)	1.15%
Town of Century:	(\$24,071)	2.56%

## *Conclusions of Community Leaders*

Perdido community leaders have completed the required six-month, professional feasibility study. Above and beyond the statutory requirement, they have also undergone a full risk assessment through a SWOT analysis. Input and information for both the feasibility study and SWOT analysis were drawn from all available data sources and community leader contributors, elected officials, Escambia County, the Florida League of Cities, and the Florida State Department of Revenue.

The results show positive margins in both the best- and worst-case fiscal projections. All projected budgets use a conservative, fiscally responsible approach that relies only on existing revenue sources, with no net change to citizens, and minimal fiscal impacts to other local governments. Escambia County's underfunded liability burden would be lightened as Perdido's citizens take responsibility for their community.

Perdido community leaders have a clear understanding of the risks involved should they choose to incorporate and also how to properly mitigate those risks. They are cognizant of the uncertainties. However, with the vast input to the SWOT analysis, the Perdido community as a whole has the strengths and opportunities to overcome every weakness and threat.

**Through municipal incorporation under the fiscally responsible government lite model, the citizens of Perdido have a real opportunity to significantly benefit not only their community, but Escambia County, the panhandle, and the entire state of Florida.**

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- Town of Perdido: Incorporation Feasibility Study (by BJM Consulting)
- Appendixes
- Draft of Special Act with Proposed Municipal Charter

# **Feasibility Study**



# Town of Perdido Incorporation Feasibility Study

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## INTRODUCTION

The “Western gate to the Sunshine State,” Perdido is located in the westernmost end of Florida’s coastal panhandle. It is generally located between Pensacola and Orange Beach, Alabama.

The Perdido community has over 12.5 miles of white sand Gulf beaches and over 15 miles of Intercoastal Waterway. Perdido is a “gateway site” for the Great Florida Birding Trail and the western start of the Florida Circumnavigational Saltwater Paddling Trail. It hosts three state parks (Tarkiln Bayou Preserve State Park, Big Lagoon State Park, and Perdido Key State Park) and part of the Gulf Islands National Seashore (Johnson Beach National Seashore).

Perdido is a well-established community dating back to the late 1700s, with family roots going back generations, some of whom received land grants from the Spanish government in the 1700s and 1800s. What is now known as Perdido Key was originally part of the mainland. “Cape Perdido,” as the Spanish called it, became a key separated from the mainland in 1933 when the Army Corps of Engineers dug the Intercoastal Canal out of a small snake-filled ditch. The area retained its identity, as citizens of the larger area commonly refer to themselves as residents of “Perdido Key,” “Perdido Bay,” or simply, “Perdido.”

Perdido has strong military ties due to its proximity to Naval Air Station Pensacola (NAS Pensacola). With 16,000 military and 7,400 civilian personnel, NAS Pensacola is home to the Navy’s Blue Angels, and national and international training programs. The area also includes former NAS Bronson Field, now Blue Angel Recreation Park, Battleship Row. The community attracts and hosts military families stationed in the area. Many military personnel discover Perdido when first stationed at NAS Pensacola and decide to make it their home when they retire.

The Perdido community comprises everything from upscale waterfront homes and condos to well-kept middle-class homes that represent a look back at the earlier lifestyles of Florida's panhandle. Interspersed are various retail areas, a handful of restaurants and food trucks, local professional and healthcare facilities, and long stretches of coastal pine forests and wetlands. There are a handful of generational family homestead acreages and hobby farms. A few newer commercial regions are adjacent to the major roadways in the community. However, there has yet to be an identified downtown.

The proposed Town of Perdido 2022 population is estimated to be over 23,154 based on the 2022 US Census and existing utility accounts, with seasonal residents increasing that number. For this study, we use the very conservative number of 23,154 stated in the 2022 US Census.

The community has some of the necessary infrastructure in place (water, sewer, roads, and parks). The driving economic force is a mix of tourism, professional services, military, retired military, service industry, and some other industrial jobs with a couple of major employers in the area.

Community leaders in Perdido are exploring the viability of incorporation. The primary goals of this consideration are:

- 1) "Home Rule" which would allow area residents to control the future destiny of their community.
- 2) Preservation of the present quality of life.
- 3) Return a greater share of their Escambia County tax dollars to the community.
- 4) Build a community-centered plan to meet the future needs of the area's residents.
- 5) Ensure the "Western Gate to the Sunshine State" puts forth the best possible image for visitors to the state, and at the same time address ongoing impacts this tourism has on the local community.

Many of the residents of Perdido prefer the Home Rule powers afforded them by a municipal government. The area has established its own identity and wants to protect its local way of life. To them, incorporation is not about changing the area but protecting it and its well-established way of life. The idea driving incorporation is that the community can look after its own needs and work with the county to achieve the goals of all the citizens.

As the "Western gate to the Sunshine State," residents of Perdido want to ensure that their community looks its best for visitors and locals alike. With millions visiting the greater Perdido and Pensacola area each year, it is important to locals that the area put forth the best image for tourists' first-impression of Florida, while at the same time address ongoing impacts that this tourism has on the community. Accomplishing this goal has been a major challenge to residents.

In support of their efforts to look further at incorporation, We Are Perdido selected a polling company with Florida panhandle experience to gauge public opinion regarding the possible incorporation. The Executive Summary of that effort is attached to this study as **Appendix #4**.

Residents attempted to address planning and development concerns through existing channels with the county. The most recent concerted effort resulted in the Perdido Key Master Plan (by Seaside 30A's designer, DPZ Partners). Escambia County adopted the Perdido Key Master Plan on June 2, 2016, after numerous public meetings and extensive deliberations by public officials. Now, years later, the plan has yet to be implemented. A particular part of the plan (see appendix) included "re-stitching of the Innerarity Heights neighborhood, reintroducing it back to its historic grid configuration of 1924." That area is now home to multiple self-storage facilities on prime park-front land overlooking Big Lagoon State Park. Nearby, a new 325-unit apartment complex is being constructed on two-lane neighborhood streets, expected by locals to seriously exacerbate traffic issues. Residents fear the lack of zoning and planning and land use will continue to destroy their community. Citizens are not anti-development; they are pro-planning smart-development. Perdido could benefit from a community-centric 20-year comprehensive plan.

Perdido currently has no identifiable downtown, but there are areas that locals see as possible future downtown locations. The incorporation would allow the community to actively engage in self-governance and preservation of an established lifestyle and community environment while identifying areas for potential non-residential development to provide additional revenues to deal with some of their unfunded liabilities.

A further goal of incorporation would be to maintain a minimal level of staffing. Wherever possible, municipal services would be contracted, based on cost effectiveness and the ability to provide a desired level of service. The initial intent would be to work with the Escambia County Fire and Rescue to continue services provided by that body. Law enforcement likely would remain a function of the Escambia County Sheriff's Office, with the levels of service established through a contract. Planning, zoning and building inspections would remain a function of Escambia County Government but provided on a contractual basis.

In January of 2023, We Are Perdido (Client) signed a letter of engagement with BJM Consulting, Inc. This agreement directed BJM Consulting, Inc. to produce an Initial Financial Projections for an Incorporation Feasibility Study to submit to them for review prior to their consideration of a comprehensive feasibility study for incorporation. The study was developed through a series of tasks approved by the Client and was to provide an impartial assessment of the tasks and present the findings to the organization. The assigned tasks were:

- Prepare an initial financial feasibility report looking at the proposed

- area of Perdido
- Development of revenue analysis for proposed incorporated area
- Development of expenditure analysis for proposed incorporated area
- A pro forma presentation of revenue vs. expenditures, forecasted for the initial 5 years of incorporation

This initial study was completed and reviewed by the committee where they determined to move forward with the second phase of the study by doing a SWOT analysis of the area. The data and input for the SWOT was gathered by two means: first, SWOT questionnaires were sent out to community leaders to gather their input and opinions along with a “Boots on the Ground Tour” done by BJM Consulting with the aid of knowledgeable locals. The results of that effort are included in the Executive Summary of this final feasibility report.

Financial projections by BJM Consulting, Inc. are based on information provided by the client, Escambia County, and compared to projections provided by the State of Florida. In addition to developing these financial projections, BJM Consulting, Inc. reviewed many existing documents and reviewed all local government web sites to collect as much of the data necessary to provide the initial financial projections.

The final incorporation study will contemplate two possible alternatives to address all the future governance policy concerns of the residents of the community of Perdido: they can remain part of unincorporated Escambia County; or look at the feasibility of incorporation. The initial report addressed only the General Fund financial side of the issue. The client wishes to further examine incorporation, so BJM Consulting produced this Final Report in preparation and support of a proposed charter (Local Bill) to be submitted to the Florida House of Representatives as required by Florida Statutes.

The fiscal analysis assumes a level of revenue generation for the possible incorporation by using all existing levels of taxation and fees being charged by Escambia County and no change in any of the service levels presently being provided by Escambia County in the community of Perdido.

BJM Consulting, Inc. extends its appreciation to the individuals and government officials who cooperated in providing data and information which was used in completing this report.

## **EXECUTIVE SUMMARY**

### **SWOT ANALYSIS**

The basis of a SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis is to identify the current conditions of an organization/area in four areas. Strengths and weaknesses are areas of concern that presently exist within the organization/area, while opportunities and threats are external and future factors. By identifying these conditions, citizens of the Perdido community can make informed decisions on whether incorporation is the best path to address the special needs and concerns of the community.

This SWOT Analysis is a combination of responses from community leaders and citizens along with the observation of BJM Consulting, conducting a “boots on the ground tour” of the area proposed for incorporation.

The SWOT Analysis will be broken up into three parts; overall issues that will affect the community, expenses and revenue issues, and contractual service agreements for key services such as law enforcement, fire protection, streets, stormwater, parks, recreation, code enforcement, planning, land use, zoning and building issues.

It should be noted that the analysis of expenditures and revenues are based on financial projections developed by BJM Consulting, Inc. to support a new and innovative type of local government. In today's changing world many local governments are looking to out-sourcing many services, this new prototype proposes to out-source all government service functions.

#### **Overall Issues**

##### **Strengths:**

- The people of the community.
- The unification of the people living in the area.
- The beauty of the land and the bay.
- Lots of retirees.
- Beautiful, scenic, quiet, well located, conservative. STRONG tax base.
- Small group of people that live there and LOVE it.
- Community love and appreciation of our beautiful area.
- Small town feeling.
- Beautiful beaches
- The people of Perdido are smart. Generational residents see the unique value of the area and are passionate to maintain it. They never left or came back as soon as they could. Many well educated professional and retired military people start second careers here as small business

owners. Young adults return here after school or service to raise their families in a less busy place. The number of young families is growing every year.

- The community has proved through multiple catastrophic events it's resiliency and generosity. As in most of FI the majority of residents are transplants. The people who relocate to Perdido do so because of the natural environment and lower density than many parts of the coast. They can live anywhere and they choose to live here. Many immerse themselves in being part of the community through local churches and service organizations.
- The geographic location of Perdido is strength. It is far enough out of the Pensacola and Alabama metropolitan areas to stand alone and not be enveloped. It has National and State Parks. It encompasses coastal, rural and suburban neighborhoods. The diversity is healthy.
- State and federal lands that can't be developed on
- Crime does not appear to be rampant
- Location
- It's beauty and popularity
- Plentiful parks and beach access
- Tenacity to continue to rebuild after storms
- Affluent and well educated residents and property owners on Perdido Key
- Concern about Perdido Key's future
- Environmentally and wildlife focused
- Autonomy
- Close nit
- Heritage
- Over 18-miles of public (state/federal) pristine white Sandy beaches with nature/kayak/bird trails in Florida ...plus additional mile plus to Alabama Point Bridge
- Lower taxes than adjoining state
  - No State Income Tax
  - Sales Tax significantly lower & does not apply to food or groceries
- Outdoor activities, biking, walking
- Beaches and access to state and federal parks. Our 4 parks (3 state and 1 federal) are a huge asset to this area.
- Small community feel, no huge shopping or large chain restaurants. No casinos!
- Great community minded citizens that genuinely care for one another and the environment.
- Our beaches are the most beautiful in the world.
- It has a small town feel but enough amenities that you don't need to go to town.
- Natural resource protections
- Distinct areal boundary
- Strong economy
- 1200 approved and or under construction housing units

- Population has many retired DOD people
- Roscoe airfield is private for public use has some recently built infrastructure
- Home of the Blue Angles
- Great outdoor recreation areas
- Sports park maintained by nonprofit, and they also program the activities

### **Weaknesses:**

- Lack of a proper fire department.
- Lack of our voice in the development of the community.
- Lack of a cleaner water system in the bay.
- It is often forgotten by the folks of greater Pensacola.
- There is no true ability for leaders in Perdido Key to influence things in Pensacola – no way to wield the influence that should come with the tax base.
- It sometimes feels closer to Alabama than Florida due to the strong community of Orange Beach and the weak community of west Pensacola.
- Poor traffic flow, especially during summer season.
- Local voices need to be heard.
- I only know of surveys that were sent to a selected group. There needs to be a survey done that includes all homeowners, in order to truly represent the people of Perdido, properly.
- Soaring rents and real estate.
- Perdido lacks confidence. The residents have heard, and some have believed for decades that they are the stepchild of Pensacola and Pensacola Beach, not as good as Gulf Shores or Orange Beach. Things will never change. That whatever we get is okay, be grateful. It's a hard mind set to change and many residents who have bought into this do not trust anyone who tells them different. They are afraid they will not be successful at Home Rule.
- Perdido does not have a common shared history that residents can wrap around them. Because so much of the area was federal property up until the early 60's and so much of it remains federal and state land, it's hard for the residents to see the area as contiguous community. The demographics of new and old residents who may share different ideas for the future of the community is a challenge.
- The growth is lending itself to brand new property owners that do not live here full time, which are given a voice to promote their investment interest. This is overshadowing the local's voice. Note the survey submitted to the county, completed by Perdido Key Association, question #44. The majority was from owners whose residence here is a second home. And this was submitted to represent all of us. This is a major concern!
- Income disparity. There is a very wide income scale in the Perdido area. The pockets of poverty are generational and have changed little. The



number of children in the local public schools who qualify for food assistance is representative of the number of low-income families. Contrasting that with the owners of multimillion dollar waterfront properties a few miles down the road is glaring. Workforce housing is also lacking in Perdido. Some residents have expressed concerns of gentrification. That if the community incorporates and is made nicer, property values will go up and some families will no longer be able to afford to live in the area.

- Road congestion.
- Threat of over development
- Commercialism slowly creeping in
- Too much future uncertainty
- Lack of focused vision for the future among groups
- Lack of County voice
- The majority on Perdido Key are not full-time residents (only about one in four) and consequently have no vote in local issue
- Local residents/property owners are not prone to participate in local affairs
- As part of District 1 in Escambia County, many non-Perdido residents view Perdido Key as a playground and not a beach community
- Identity like: Johnson Beach; Perdido Beach; Orange Beach; Key West; FL/AL
- Access issues
  - Traffic congestion getting off and on
  - No mass transit opportunities
  - No pedestrian/bicycle access
- Lack of identifiable short-term housing
  - No hotels/motels
  - No destination resort
- Development may get out of hand, eliminating the small community feel.
- Perdido Key is shut off from the mainland by a bridge that is too small. Even though Perdido Key has great trails and beaches, a person that lives on the mainland side, can't walk or ride a bike there without endangering themselves on the bridge.
- Limited parking and beach access for people that don't live on the beach.
- Roads, bridges, ponds all are poorly maintained
- No sidewalks or bike paths
- Insufficient Lighting
- Poorly maintained Parks, Escambia County has limited personnel to properly maintain parks
- Not enough Good Beach access with parking
- We have never had leadership that can work with the other commissioners to get anything done for this district. We pay 16% of the taxes in the county and get zero in return. We pay more bed tax than downtown and get absolutely ZERO in return. They spend our taxes to promote Pensacola and Pensacola Beach!
- Lack of control of development standards
- Lack of a focused commercial district

- Lack of a bike/ped and alternate transportation options.
- Recent increase in tourism has led to new growth at an unsustainable rate
- Bay Pollution is a big problem and could cost millions to clean up
- No fire protection in NW area causing a fire rating of 10
- No Town center or organized area of commerce, it may take years and lots of money to create one
- Manufactured housing on septic systems, needs to have central sewer system which is expensive
- Surface water management system is mostly ditches that are not maintained well and they do not provide for the necessary water quality treatment to protect the waters of the State of Florida where they outfall into.
- Future land use and zoning are haphazard and needs to be more consistent
- Total lack of code enforcement might mean if the new Town wants to have any code enforcement, they will have to go some other than the County to provide it. This will add new costs to the reoccurring operation budget.
- Conversions from septic systems to low pressure sewer systems is a costly system to maintain
- Innerarity peninsular access is low lying and floods regularly, this will take substantial cost to remedy

**While Strengths and Weaknesses looked at internal and present conditions, Opportunities and Threats look to external and future conditions.**

**Opportunities:**

- Our voice in the growth of the community.
- More business opportunities within the growth area.
- People can have a say as to the use of the land.
- Better maintenance of the community.
- Public transportation across the Orange Beach / Gulf Shores / Perdido Key community.
- Additional infrastructure
- Keeping everyone as safe as possible.
- Notifying and educating the tourist prior to their arrival about rip tides and flag definitions. And not to dig holes. This should be mandatory for every single rental in the area. The guests should have to sign that they have received, read and understand the dangers of the Gulf.
- We have the opportunity for everyone to be heard. All information should be sent out to every single homeowner in the Perdido area. Otherwise, it is a tainted study.
- Hopefully, rezoning the area to protect our community from becoming a tourist trap town.

- All people want clean, safe, well-run places to live. No drama.
- More people every year will have the option to work remotely. They want beautiful natural surroundings, small businesses close to home that cater to their leisure experiences, in short to live where they can walk out of the house into a vacation setting. Perdido is perfectly situated to fill that need.
- Perdido is growing now and will continue to grow. More people want a piece of this area every year. Perdido still has the opportunity to grow in a manner that will make the area more resilient, both to natural events and to economic ups and downs. Workforce housing should be encouraged.
- Perdido's land mass does not lend itself to development of heavy traffic arteries, such as many of the surrounding coastal towns have adopted. There is still time to carefully plan for increased traffic without losing the coastal/rural feel of the area.
- Controlling over development
- Life span of the Key bridge
- Choke point intersections continue to get worse, i.e., such as the Sorrento, Gulf Beach Hwy, Innerarity, Perdido key drive intersection. Several more in the target area.
- To move in a more unified direction as a community
- Better infrastructure, zoning planning
- Greater sense of community
- To complete the Perdido Key Multiuse Path
- To get underground utilities and remove all utility poles
- To properly regulate beach access and parking as well as complete repairs to Perdido Key State Park and the Perdido Key Area of Gulf Islands National Seashore (Johnson Beach) remaining from 2020's Hurricane Sally
- Expand identity with more brand specific advertising/marketing
- Emphasis the unspoiled unique expansive beauty of our beaches and natural resources
- Lock in on some sound mass transit and parking alternatives to guarantee public access to all
- Capitalize/create grand unique eating, dining & entertainment venues
- Update thru traffic (especially on the bridge)
- Find government representation that understands the value of nature and small community.
- Smart Growth
- Youth Sports Destination
- Elective Medical Destination
- Eco Tourism Destination
- Pet Friendly Destination
- Development of ecotourism/blue economy
- Development of a clear and distinctly planned community
- Self-governance and self-direction
- Bronson field could be sold off to new Town to promote new economic development

- Highway 98 expanding to 4 lanes
- Dog track/off sight betting and poker owned by Porch Creek Indian Tribe being developed as additional housing types.

### **Threats:**

- Overgrowth in both residential and business.
- Cleanness of the bay waters.
- Too much governmental oversight.
- It gets lost / left behind / forgotten by Pensacola.
- Tax revenue continues to get sucked up with little return
- Overpopulation, the community being taken over by out of towners instead of locals.
- More backed up traffic, pollution, higher prices, our local upcoming young adults cannot afford to live here
- No more small-town feeling
- Perdido area will continue to grow without a plan. Whatever the market will bear will be the battle cry. The forests will be lost, the bayous and creeks no longer protected or accessible. In 10 years, the residents will look around and ask “What happened? Why didn’t someone think of the future?”
- The residents will be paralyzed by fear of change, and as such do not do anything to guide the future. All of the small single-family homes on Innerarity Point will be tear downs and replaced by townhouses or condos. There won’t be any protection for the scrub live oaks, but they will call the complexes by “Oak” names.
- Large national developers will come in and put in huge tract subdivisions and RV resorts to sell to retirees from other states where housing is more expensive. Then the developer takes the money and leaves. The opportunity for Perdido to survive as a small-town local community will be lost forever.
- No effort will be made to include workforce housing in the community as the only objective will be to create the highest property tax base possible with the least infrastructure cost. Therefore, as employees have nowhere close by to live, the businesses will be forced to outsource seasonal employees and house them in dormitories, like many coastal communities do all over the nation.
- Incorporation
- Cost of living
- Over development
- Leadership transparency
- Having the right leaders in place
- Chaotic property Insurance coverages
- Further Florida state action favoring vacation rentals, such as removing homeowner association ability to control the length of stays in their units, e.g., some condos restrict rentals completely or limit the length of stay to

one month or longer – hence preventing them from becoming vacation rental properties with their accompanying rapid turnovers, traffic, and noise; Airbnb, VRBO, Vacasa, etc., would favor removing homeowner association ability to set rental limits

- Federal revocation or weakening of the endangered species status of the Perdido Key beach mouse opening more local lands for development
- Continued growth of vacationers/beachgoers overwhelming local ability to manage traffic, vandalism, and housekeeping
- Lack of infrastructure to support growth
- Property rights with an eroding beach especially on eastern end of key
- Federal Coastal High Water/Setback Line Est. 1976 is Now Underwater on Most Properties East of State Park
  - Recently uncovered Federal documents from 1957 that 75 feet of Perdido
- Key Beachfront Property currently considered private property, may have been set aside for public use by U.S. Gov't w/ Original Land Transfer
- Will county control vs. State control of 6.2miles of Perdido Key Drive (HWY 292) insure necessary major improvements in future and/or after a hurricane
- Over development
- Casinos
- Traffic
- Continue to give our taxes and bed taxes get zero in return.
- Overgrowth with no infrastructure updates.
- Perdido Bay Golf turned into additional houses which the owner has told me personally will happen!
- Congestion
- Lack of public beach access
- No planning for continuity of community
- They are very diverse opinions held by the responders to this SWOT analysis questionnaire which may cause many problems in governing a new community without a consensus of how to move forward

**The next three sections examine conditions associated with the "Government Lite" form of government and the assumptions used in developing the fiscal forecast.**

## **Expenses**

### **Strengths**

- The existence of conservative expenditure estimates and projections
- The existence of a financial plan that includes budget contingencies or reserves

- A service-delivery plan that limits allocation of local government staff while emphasizing contractual services/private sector competition

### **Weaknesses**

- Even though existing local elected policy boards may favor entering into contractual agreements to provide services, a change in political leadership could result in the local government of Perdido having to provide all services in-house or pay high costs to continue the services

### **Opportunities**

- Perdido would have the ability to implement an innovative, lean and progressive municipal government organization focused on supplying specific levels of service
- The town would have the ability to negotiate specific levels of service from other governmental or private organizations that already provide services to or near the community

### **Threats**

- The potential inability to negotiate long-term agreements with contracting agencies for delivery of service could force the community to provide those services in-house
- There is a potential need to establish in-house service providers in the future
- There are limited dollars identified in the budget to meet the Disaster Reserve needs. This is a major concern!

## **Revenue**

### **Strengths**

- The use of conservative revenue estimates and projections
- The availability of diverse revenue capacity in areas of ad valorem property taxes, public service tax, franchise fees, licensing and permits, user fees and fines available to Florida municipalities
- A history of growth in assessed property values

### **Weaknesses**

- Overall reliance initially on property tax to balance the budget
- Due to the fact that a large percentage of the residential properties are Homesteads, the Save Our Home Amendment could have the

effect of loading the burden of local government on the remaining property owners

### **Opportunities**

- The ability to petition the state Legislature in order to receive state shared revenues one year earlier than allowed by statutes
- The ability to alter revenue mix bases on the desires of the community
- The ability to negotiate with other governmental bodies on behalf of Perdido's need for capital dollars through grants and partnerships

### **Threats**

- The inability to initiate revenue-raising capability for State Share Revenues and Communication Services Tax if the timeline is not adhered to.
- The inability to develop the needed funds for the disaster reserves could bring about a need for increase taxes in the early years of the incorporation

### **Contractual Services (Law Enforcement, Code Enforcement, Planning Zoning and other local government services)**

#### **Strengths**

- The ability to utilize the strengths and sizes of other agencies in terms of manpower, training and equipment
- The ability to avoid extensive capital costs necessary to begin departments such as police, fire and dispatch for fire and police and geo-processing capabilities for planning and zoning
- The ability to avoid the need to hire support personnel for law enforcement, fire and planning and zoning staff
- The ability to negotiate with Escambia County, other local governments, or private sector vendors for services setting up a competitive environment

#### **Weaknesses**

- The inability to control policy decisions made by agencies with whom contracts are formed. The Sheriff, Fire Commissioners and County Government staff all have outside interests that could conflict with the interests of Perdido and its residents. While contractual provisions could be incorporated into the agreement for services, day-to-day policy is too cumbersome to be part of the

agreement. Contractual agreements would guarantee that certain levels of service would be provided, immediate demands or changes in desired levels of service, or the focus of efforts would not be as easily changed when compared to in-house staff

### **Opportunities**

- Contractual services with outside agencies in the early years of a municipality would allow policy makers and citizens to keep the initial costs of municipal government to a minimum by avoiding extensive capital costs
- Additional staffing to handle delivery of essential services could be added in the future
- The ability to increase or decrease personnel and levels of service based on provisions of the contracts

### **Threats**

- A change in political or administrative leadership in outside agencies could eliminate the willingness to negotiate for services, or drive up the costs for those services in the future
- Delays in negotiating contractual services could leave the town without essential services such as law enforcement patrol or fire protection, or hamper the town's ability to meet comprehensive plan submission deadline

### **Share any concerns you have regarding the present level of local government services provided within the Perdido Community.**

Have not had a fire station in our area on the western side for 5 years. Insurance premiums are skyrocketing.

Not enough say in the growth development.

Bottom line – Pensacola is focused on Pensacola. While they are supposed to have the best interests of Perdido Key at heart, they don't live there, don't visit there and focus on the things that are ever present in their own communities – which doesn't include things on Perdido Key.

Ultimately the Key produces a huge amount of tax revenue and receives little in return.

The public beach areas are not being taken care of properly.

The national parks are not being taken care of properly.



Escambia County provides the minimum required services for Public Safety, Public Facilities maintenance, and street maintenance, EMT response times and lack of adequate fire station coverage has been a long-time issue. Our distance from Escambia County facility offices in Pensacola makes service out in the southwest portion inconvenient.

The SW Library is nice and well run.

FDOT is currently doing long overdue maintenance to Sorrento Rd, Bauer Rd, and Highway 98. The time that the construction has taken has been excessive.

ECUA provides water, sewer and trash collection. Residents regularly comment on the number of septic tanks online in the waterfront area and the impact on the waterways. Planning for development should include sanitary sewer expansions.

None. Very pleased that the Sheriff's office opened the substation back up out here. New Fire substation also moving forward off Bauer.

I am encouraged by the recent emerging of leaders in our community. And new passion for taking more responsibility for local issues and concerns. My concern is for the long haul and development of emerging leaders. And maintaining passion and informed leadership.

Fire services seem adequate, and we are seeing more involvement by the Sheriff's Office, but more would be better; having some beach patrols by uniformed government officials would be a great improvement as would better cleanups of roadsides and beach access areas; more public parking, even if pay parking, could also be considered

That so many politicians are not concerned with the community, they don't even understand the community. This community's representation should be someone that lives and/or lived here.

I think ECUA does a wonderful job but we need to teach our citizens to recycle right or lose free recycle.

I think the Sheriff is doing a good job but check with the businesses to see if they agree.

My concern with the county is we are out of sight and out of mind. Code enforcement needs. Roads are 7 years past due on repaving in many areas.

Perdido Key has suffered from a lack of community planning to develop into a coastal community rather than a strip of condominiums. There has never been a real comprehensive focus on public service to Perdido Key and the Perdido Bay

area. This lack of attention and services is not only local to Escambia County but also at the state level.

**Share any concerns you have regarding the community of Perdido becoming a municipality.**

Trying to keep the tax level within the people's wishes.  
Taxes will increase across the community. Because of the tax base, you could end up with a bloated bureaucracy which might not be needed.

Non-essential spending.

Having the right personnel to bring the community in the right direction.

Increase in costs

Not having enough money to rebuild and repair our area after a hurricane. Especially if we have a bad hurricane soon after becoming a Town. We need a ton of money saved up to rebuild, replace and repair.

Being represented by the wrong people.

My only concern is that if the area does not incorporate it will be a lost opportunity. I believe that if the residents can see that the benefits are for the future, that they will understand and support the effort.

I am not concerned about finding talented local people who will embrace building a new town of Perdido and represent it proudly and wholeheartedly.

New layer of government.

Incremental tax increases.

Hidden fees and taxes such as a utility services tax. Up to 10 percent more on utility bills.

County may not be as quick to respond to a citizen request for help, such as cleaning out a drainage ditch.

This proposed new municipality has no current resources, assets, nothing. Where does the funding for such come from? New layer of personal and politico motivation.

The main question I have and that dozens of others that have discussed this with me have, is Why? I want to see a real-life cost/benefit study as a starting point.

Pie in the sky we will keep some of our current taxes here, while that may be true, no way that will cover the cost of just the new bureaucracy. For example, new paid elected council representatives of the deemed districts within the municipality.

Once in place having the right leaders in place. To lead us forward and beyond the focus of becoming a municipality.

As a full-time resident of Perdido Key, it is not immediately apparent that the four (or more) voting district proposal for "Perdido" is the best choice for Perdido Key's future. There are many in the proposed municipality who probably feel much like the rest of Escambia County that Perdido Key is a playground and not a beach community. To be fully advantageous for Perdido Key, a smaller municipality with more similar goals might be better for Perdido Key – perhaps just Perdido Key, Innerarity, and the beachfront areas along Gulf Beach Hwy up to NAS Pensacola.

That said, there is no movement to create such a municipality and the advantages of a level of government with some say a future affairs separate from the current Escambia County arrangement – as the "We Are Perdido" group proposes – may be a better arrangement than the status quo

#### Proposed boundary lines

I really need to see. If we will have open access to the services we currently have (like garbage, water, and electricity) I have no concerns. The challenge may be making sure that Perdido Municipality's representation is local.

My biggest concern is Leadership – It is hard to find good volunteers and bad leadership will be just as bad as what we have now. I was told the new board would be all volunteer. Good luck with that. Without pay I'm afraid we won't have much luck finding good volunteers after the first couple terms – If we offered some incentive like maybe healthcare, a car allowance or a cellphone allowance we may actually get some very good, retired volunteers. I for one don't mind paying them as I know public service is not easy. People can be very ugly to elected officials and they will be elected

More taxes without amenities – if successful, I know you are already working on planning but suggest you make a list of quick wins.

One major concern I have is roads. Will the new Town have the power to take over the roads within the Town and Contract the roads themselves. That is the biggest thing I hear from citizens. If we are going to contract roads to the county, I don't see how much will change.

The same thing with Code enforcement and roadside trash. If we contract with the County this will not change. I do think you can tell the difference when you are in Town of Pensacola and Town of Gulf Breeze, Town of Orange Beach and

that is mainly due to road paving and cleaner roads so I hope to find the Town will handle those issues. Otherwise, why incorporate???

As I understand, the municipal boundaries being discussed wrap Perdido Bay possibly up to Lillian Hwy. I am concerned too diverse and expansive of an area will only lead to disenfranchisement of some places and loss of focus on public service where it is needed.

**Share any hopes you have about the community of Perdido becoming a municipality.**

I live in the community of Pleasant Grove and have for 65 years and I and other neighbors I have spoken to do not consider ourselves part of the community of Perdido, yet we are included in the boundaries that have be presented. I feel the charter that will be written will address the problems and concerns of the Perdido Key and Innerarity Point areas which a predominantly beach/waterfront lifestyles and will adversely affect the lifestyle of our rural area which is predominantly single-family homes on 3 to 15 acres of land. I feel the area of Pleasant Grove along with Coral Creek and the Ferguson Airport Brown Helicopter areas are only being included because they are needed to have enough people and property to support the proposed government. I understand the property tax is not the only source of revenue, but the people generate the sales tax both state and county that is also needed as a revenue source yet these areas and not in my opinion part of the Perdido community.

Having a better voice in government spending.

A closer-knit group of individuals in each area.

Growing the community in the best direction for expansion.

I'm not sure how all the tax revenue flows, but if the property tax revenue could come back to Perdido Key as a municipality, that would be a huge win.

Hopes that we will be represented by someone who will make sure all owners are heard, not just a selected group.

You may have to do a bulk mailing to get the word out to everyone.

Better planning to keep our area quaint, not overpopulated.

Maintaining our beaches better

Maybe having a community area on the beach for music and festivals.

Hope that the community embraces a sense of self respect & pride

Hope that the community continues to help one another thrive

Hope that Perdido makes the list of the nicest places to live 2030

I have none. I'm not for it at this point. Again why? What is the objective? At what cost? Will it all really work as sold? Been watching this type of effort in Navarre for years. Proponents have all the money, but those opposed have held the line thus far. proponents lied and said they had the required percentage of signatures, false.

One other point, the people pushing this effort may want to sit back and think for a moment. Instead of acting like they know what's best and belittling some folks who are genuinely concerned, get off the high horse, and realize a lot of people are being caught blindsided. This is the Florida panhandle, lots of people don't like outsiders telling them what's best for them. Lots of people are sick of government intrusion in their lives, and new fees and taxes. In fact, I'm retired and could care less. However, the attitude of these proponents is pissing me off. So given my background I'm finding it hard to just sit back.

Now I learn on the FB we will have new paid elected officials. Let's not forget new staff, new administration, etc. Any study on this matter better have all those pots of funds detailed out.

I have great hope for Perdido becoming a municipality. In that it will give us a seat at the county leadership table. Finally better representation by those of us that understand the uniqueness of our community. And the disconnect from county leadership.

It may be an appropriate time to move forward with a Perdido municipality and have more direct say in the future of our area

I hope that Perdido Key and the surrounding communities (Innerarity, Grande Lagoon, all the way to Perdido Bay) can keep the natural beauty we have today.

I think it sounds promising if done properly and I hope to hear more about it. I think the worst thing that happens is the vote is no, but you don't find out why so I'm glad you are asking these questions. There is absolutely no harm in researching the issue. I am not sold on the idea of incorporation, but you have my full attention.

I suggested your group make a list of the things they want to see out of this incorporation, so I look very forward to seeing that list. More taxes are hard to swallow and something most people will not swallow without a visual list of what they get in return. Make the visible.

We started Incorporate Perdido 20 years ago – it quickly changed to envision Perdido but we had a list and we ended up getting most of what was on our list so what is the worst that can happen

We wanted:

- A sports complex for our youth
- Sidewalks
- A new visitor center

This initiative is on target and way overdue. I've worked with the State of Florida, Escambia County, and Town of Pensacola. The Key particularly has long suffered from a lack of interest and engagement with local and state government. The result has been a lower level of public service, resources, planning and public safety than equitable to other areas. It is time to garner those resources and build the community functions desired and create a self-determined coastal community.

**How do you view the governance of Perdido as presently being provided by Escambia County?**

The people on the westside have been the red headed stepchildren of the community for years. Services are lacking in this area.

Services for this area need to be reviewed and updated.

On a scale of 1 to 10, somewhere around a 2.

I believe it's an afterthought.

I think their main concern is how to make more money from us, without putting any of it back into the community, to help us grow with the proper infrastructure. Example, where is the money they have collected from developers over the years to protect the beach mouse? What have they done with it?

11 acres developed every 5 years, at \$100,000 per acres. I do not know of anything on the Key that has been done to protect the beach mouse, do you? I hope that money is available to us.

The Escambia County Board of County Commissioners has been openly hostile to the Perdido area for many years.

The perception is that they would prefer to manage Perdido's assets as they do Pensacola Beach through something like the SRIA. As that idea was floated, and deemed not possible, the continued actions of the BCC through different administrations have been to try to reap as much tax revenue as possible from the area, at the least cost.

Investments in the area infrastructure or public amenities have occurred when it is the only option for project funding by Federal or State guidelines, FEMA guidelines, BP penalty guidelines or self-serving in reaction to public pressure.

When the citizens of the Perdido area elected a commissioner who did advocate for the community, he was shamefully harassed, sued and black balled by the other members of the commission. Members of the community who chose to attend meetings and comment on County activities know to expect to be treated rudely, talked down to, dismissed and ignored. Retaliation against citizens with differing opinions is regularly served up on social media sites. The lesson for the Perdido constitutes is do not send anyone to the BCC to advocate for you, unless that person is ready to play along with the status quo. Then the BCC, against the wishes of the residents, voted to redistrict the area and further alienate the Perdido from their opportunity for local representation.

There is no reason to believe that a change in administration or a different commissioner will free Perdido from the hostility and ineffective leadership.

Going into the future Perdido needs to develop an intergovernmental relationship with Escambia County.

Very pleased with it. Very pleased with our elected officials who represent the “target zone”

Our community has outgrown their capacity to maintain consistent and coherent Leadership. Our past two commissioners were not perfect but also didn't seem to garner necessary respect by the commission because of the lack of concern and respect for our district. (My opinion)

Escambia County policies toward Perdido Key seem dominated by District 1 Commissioner Jeff Bergosh whose main focus of late has been to increase public access to Perdido Key beaches. This has already taken form with Escambia County reducing allowed signage on Perdido Key private beaches from three to one with the May 8, 2023 implementation of a new ordinance. Without the additional signs and guards (which only large condominiums can afford) private beaches may become de facto public beaches. In addition, there is significant push to give substance to a 75 ft public easement for public beach access recently found in 1957 title documents for a significant number of private properties on Perdido Key. This would have a substantial impact on the Key.

We have been promised movement toward underground utilities with a \$500,000 seed money commitment by Commissioner Bergosh from his discretionary fund. I don't know if being part of a Perdido municipality would improve the prospect of getting underground utilities.

Two final thoughts: The giant Altura apartment complex under construction just north of the Theo Baars Bridge (325 units) is an abomination for our area. It will totally change the character of Innerarity and increase traffic hazards at already dangerous locations. The County has stated that all appropriate measures were met for the construction, which is no doubt correct, but the fact that this could

occur is a poor reflection of what can happen in our County. Being a municipality may not change this, but one can hope.

Most Perdido Key property owners truly hope Perdido Key can remain much as it is today. They don't want Perdido Key to become Destin, Florida or Orange Beach, Alabama next door.

Any recent study of amount of ad valorem property, sales and bed tax collected on the key or in zip code 32507 will demonstrate how inequitable, unfairly they are disbursed throughout the county, w/little regard to the percentage we collect and pay. Simply look at the breakdown of where that money goes (i.e. Schools, Law Enforcement, etc.)

Recent example would be free trolley service (not to mention ECAT SVC) be offered on Pensacola Beach

Most are good, except I see things like the new development behind Publix and the fact that basic consideration is not given to the natural resources here, but to the money that can be made. I think local representation will do a better job of representing the community. But again, that remains to be seen.

In summary, can you tell that I am a nature lover. If we could get rid of anything the smacks of over-development, that would be great in my mind. I love our parks and love the area as it is. I've seen a lot of growth just in the past 11 years since I moved to this area. I hope it slows... just don't tell anyone how nice it is here. Maybe we can keep it that way.

Unfortunately, the current Escambia County Commission Board does not know Perdido, our citizens or our wants and needs. But I also think we bring a lot of that on ourselves. We allow the folks downtown to keep US DIVIDED. As long as we are divided as a community, we can't be ONE voice. I think the current leadership promotes division vs unity which is awful. Unfortunately, that is the new political norm. Attacking those that don't agree with them is easier than taking the time to sit with them and talk out issues respectfully. All of our leaders start out strong and then fall into the division mode after a couple terms. I've watched it with the last three commissioners so maybe it is time to incorporate? I wish the current commissioner would ask for our list and work on it but he has really divided our community. My wish is that will change, or we will try again to find a leader that supports ALL of Perdido Residents.

The area governance has been inconsistent over the decades. Attention has ebbed and flowed with no particular future goals and objectives in mind and without consensus of the citizenry.



**Task1**  
**REVIEW OF EXISTING SERVICES**

Perdido is currently receiving services from Escambia County Government. These services include maintenance of rights-of-way, parks, all developmental services, code enforcement, library, recreation and cultural services, and other general governmental services. Water and sewer service is being provided by the Emerald Coast Utilities Authority and Peoples Water Services Co. Fire protection is provided by the Escambia County Fire. Law enforcement is the responsibility of the Escambia County Sheriff's Department supported by a Law Enforcement MSTU. Emergency Medical Services are being provided by Escambia County EMS. Presently the area pays three additional millages for Sheriff, Escambia Children Trust and Library

Other government services are being provided by the Escambia County Court, the Circuit Court of the First Judicial Circuit, the Northern District Court of Appeals and the Northwest Florida Water Management District. There will be no initial impact on these districts due to incorporation. The area will still be serviced by the Escambia County School District without any change or impact on the system. Transportation services are provided by Escambia MPO and will continue to be provided after incorporation. The only difference is the area may have a seat on the MPO providing local representation and oversight for these services.

In addition, the Naval Air Station (NAS) Pensacola Compatible Use Study (CUS) has recently started. The NAS Pensacola CUS is a collaborative planning effort between Escambia County, the City of Pensacola, the City of Gulf Breeze, state and federal agencies, the general public, and other stakeholders. It is reasonable to believe if the Perdido area were to incorporate it would also have a seat at this table to help contribute to this effort.

The Escambia County Sheriff will continue to provide the present level of service to the new Town. This is done under the direction of the Florida Constitution defining the Sheriff as the Chief Law Enforcement Officer in each of the Counties in the State. Escambia County presently funds the Sheriff's office through their general fund ad valorem millage and a Law Enforcement MSTU. After incorporation all properties within the area proposed for incorporation will continue to pay the Escambia County general fund ad valorem millage along with the MSTU Millage through a new Town millage to support the continuation of these services within the Town at the present levels of service. **(See Appendix #6)**

Other services are provided by private sector companies. Power is provided by Florida Power and Light, phone and internet service by Community Phone, Comcast, COX, Verizon, AT&T. Solid waste hauling and disposal is provided by

Emerald Coast Utility Authority through a franchise agreement with Escambia County.

Present land use characteristics of Perdido include residential, commercial, conservation, public facilities, and institutional designations with some industrial areas mixed in. Attached is a copy of the Perdido Land Use Map as (**Appendix 2**). The listing of existing Escambia County land uses and Zonings are included on **Appendix 3**. As of July 2023, there are nine (9) pending land use in the proposed area of incorporation. (**See Appendix #7**)

The area considered for the proposed incorporation is approximately 33.3+/- square miles, or 21,314 +/- acres (**See Map Appendix 4**). The estimated permanent population for this area at 23,154, this equates to a population density of 1.09 persons per acre which is less than the minimum density requirement of 1.5 persons per acre required by the statues for incorporation. The Charter will request a waiver to this requirement base on the amount of acreage made up of the waters of the Gulf of Mexico, Old River and Perdido Bay, State and National preserves and federal lands (7,906+/-). When these areas are removed the density is 1.73 persons per acre which exceeds the 1.5 persons per acre requirement.

As a key and adjoining mainland bordered by the Gulf of Mexico to the South, Perdido Bay to the West and North, US 98 on the Northeast, Dog Track Road and Blue Angel Parkway on the East the proposed area is compact, contiguous, and amenable to a separate municipal government (**See Map Appendix 4**). It has an estimated population of 23,154 which exceeds the 5000 required by the statues.

There are no existing municipalities within the 2-mile buffer required by State Statues

The area of Perdido proposed for incorporation meets all the requirements of State Statues to be considered for incorporation with the exception of population density. The local bill will need to request a waiver from this requirement supported by the amount of area that is State and Federal Preserves/Parks, federal lands, and Area covered by adjoining waters.

It is projected after incorporation; most governmental services would continue to be provided by the current agencies. The method of paying for these services would be changed to utilize revenues collected by the new local government. In lieu of citizens of Perdido contributing to Escambia County's MSTU for Fire, EMS, Law Enforcement, Recreation, Roads and Road & Bridge District 2 they would pay the same millage to the New Town. The citizens of Perdido Would also continue to contribute to the County's Non-Ad Valorem Assessment Districts for Residential Fire Assessment of \$165.00 and Residential Solid Waste Assessment of \$327.43 per Equivalent Residential Unit (ERU). The study

contemplates the area residents would continue to pay for these services the same way after incorporation. The Town would establish interlocal agreements with Escambia County, other local governments or contracts with private sector companies to provide the present levels of service continue throughout Perdido.

We reviewed information from the County FY 2023 Budget about the validity of our methodology and proposed estimates for the cost of the MSTU and MSBU services. Based on our previous experience of using the same revenue and expense numbers presently being used in the County FY 2023 Budget we believe the County will agree to continue to provide the MSTU and MSBU services through an interlocal agreement with the newly formed Town. The amount charged for services will be equal to the amount presently being collected through the County's MSTU millage and MSBU assessments for each service without any additional administrative fee. Based on BJM's experience with other newly formed cities who use this method of providing local services, County staff will not negotiate letters of intent or memorandums of understanding with a group contemplating incorporation, and then renegotiate the same document with the newly formed body of elected officials after a successful incorporation effort. County staff can see this as the newly formed municipality getting two bites at the apple.

There would be no impact on any other of the taxing authorities having jurisdiction over the area proposed for incorporation. All taxing agencies would continue to collect ad valorem tax dollars as they do presently.

**How would incorporation impact the existing services in the community, and what would be the duties of the new Town government?**

The proposed structure of operations would have the Town unifying the area's land use, zoning, building, and code regulations. This would initially occur under the authority of the Escambia County Comprehensive Plan, land use and zoning regulations, with the Town having enforcement authority. The Town would also be a new partner to all present services providers. The existing Franchise agreements with Florida Power and Light, Emerald Coast Utility Authority and Peoples Water Services Co would continue to be in place until the Town is legally able to establish new agreements.

The Town would not be the provider of services, rather it would establish levels of service, prioritize capital and maintenance projects, and be a resource for all community groups. **There will be no change in cost for all governmental and public utility services to the residents of Perdido if it were to incorporate.**

The following is a comparison of the estimated cost of government services provided by Escambia County for FY 2023 within the Perdido area if they remained part of unincorporated Escambia County versus becoming a newly incorporated area.

<u>Unincorporated Escambia County</u>		<u>Town of Perdido</u>	
<b>County General Fund</b>		<b>County General Fund</b>	
G/F Taxes	\$22,133,534		\$22,133,534
<b>County MSTU Funds</b>		<b>Town General Fund</b>	
	\$4,952,198		\$4,952,198
<b>County MSBU Funds</b>		<b>Town Special Assessment</b>	
	\$5,067,597		\$5,067,597
<b>Local Gov't Cost</b>			
	\$0		\$2,590,598
<b>Total Cost</b>	<b>\$32,153,329</b>		<b>\$34,743,927</b>

Under the above scenario Perdido will continue to pay for those services that are funded with ad valorem taxes due to Escambia County through the County's General Fund ad valorem tax. These areas include Sheriff, Library and Escambia County Childrens Trust. The Town will pay for County MSBU Services through collection of city assessments for Fire and Solid Waste.

The total cost of local government services within the proposed Town of Perdido will be \$545 per capita which puts in line with other Florida cities who use the government lite model.

The increased cost to Perdido residents for the Town administration of \$2,590,598. Based on per capita, the increase will be \$112 per capita. This cost will be absorbed by additional revenues transferred from Escambia County.

### **Unfunded Liabilities**

Potential unfunded liabilities are mentioned throughout the SWOT Analysis. We list them here with our best cost estimates, based on staff estimates, review of other experts, research of local documents, and our own experience.

Stormwater runoff and flooding. This is both a quantity and quality of water issue that will take capital and reoccurring funding. Estimate an annual budget of \$4 to \$7 million for at least 5 years.

Present level of County funding is an issue for transportation needs. The New Town's Portion could be millions of dollars. This amount could assist in raising evacuation routes that presently flood.

Financial impact of a natural event (Hurricane) in the early years without disaster reserves. These events can cost up to \$500,000 per day for response and clean up. While a portion (80% - 95%) of theses cost are refunded by the Federal and State governments the local Town will have to front these costs until the refunds arrive.

**Task 2**  
**DEVELOPMENT OF A POSSIBLE**  
**INCORPORATION/REVENUE TIMELINE**  
**FOR TOWN OF PERDIDO**

This study assumes the following incorporation/revenue timeline for the Town of Perdido:

<u>Date</u>	<u>Activity</u>
August 2023	Initial Incorporation study is completed
September 2023	Final Feasibility Study with Charter and instrument showing support for incorporation is presented to local delegation and the State of Florida
October 2023	Escambia County Local Delegation passes the local bill for incorporation
January 2024	Local bill goes to Florida Legislature, and is passed
Spring and Summer 2024	Community debates the pros and cons of incorporation
August 2024	Incorporation referendum passes.
December 2024	Town becomes a legal entity.
March 2025	Town local election held and first Town council meeting occurs
April 2025	Town begins receiving state shared revenue (provided Town charter is approved)
November 2025	Town begins receiving ad valorem tax revenue
July 2026	Town receives state shared revenue if strict timeline is held.

Local governments operate on an October 1 - September 30 fiscal year. The State of Florida however, follows a July 1 - June 30 fiscal year. In order for the newly incorporated Town of Perdido to qualify for ad valorem taxes and various types of state shared revenues, it must meet property appraiser deadlines and

comply with state-mandated criteria for state shared revenues.

If Perdido does become a legal entity by December 2024, it should begin receiving property tax revenues collected by the Escambia County Tax Collectors between November 2025 and January 2026. Unlike other attempted incorporations, Perdido is not presently a clearly established dependent taxing district with clearly identified boundaries. This might make cooperation and coordination with the Escambia County Property Appraisers somewhat more difficult.

The important dates to remember for revenue purposes are:

Establishment of a tentative millage (following public hearings) on or before August 4, 2025

Adoption of a final millage rate (following two public hearings) on or before September 30, 2025

With regard to state shared revenues, The Town of Perdido must meet specific criteria established in F.S. 218.23(1), which states:

"To be eligible to participate in revenue sharing beyond the minimum entitlement in any fiscal year, a unit of local government is required to have:

A) Reported its finances for its most recently completed fiscal year to the Department of Banking and Finance pursuant to s. 218.32.

B) Made provisions for annual post audits of its financial accounts in accordance with provisions of law.

C) Levied, as shown on its most recent financial report pursuant to s.218.32, ad valorem taxes, exclusive of taxes levied for debt service or other special millage authorized by voters, to produce the revenue equivalent to a millage rate of 3 mills on a dollar based on the 1973 taxable values as certified by the property appraiser pursuant to s. 193.122(2) or, in order to produce revenue equivalent to that which would otherwise be produced by such 3 mill ad valorem tax, to have received a remittance from the county pursuant to s. 125.01(6)(a), collected an occupational license tax or a utility tax, levied an ad valorem tax or received revenue from any combination of these four sources. If a new municipality is incorporated, the provisions of this paragraph shall apply to the taxable values for the year of incorporation as certified by the property appraiser. This paragraph requires only a minimum amount to be raised from the ad valorem tax, the occupational license tax and the utility tax. It does not require a minimum millage rate."

Remember that the State operates on a July 1-June 30 fiscal year. Perdido may not be eligible for state shared revenues until July 1, 2026, because of the time lag between the date of incorporation and the beginning of the State fiscal year.

### **Revenue Timeline Findings**

The Town of Perdido proposed revenue timeline projects state shared revenue as of March 2025, pending approval of the necessary language in the Town Charter. If this does not occur, the July 2026 date is well into the proposed municipality's second fiscal year; the Town should then be able to meet the criteria established F.S. 218.33(1). Thereafter, state shared revenue is distributed on a monthly basis. This revenue timeline appears accurate, provided incorporation and other steps toward becoming a legal entity are completed within the proposed incorporation calendar.

### **Task 3**

## **DEVELOPMENT OF REVENUE ANALYSIS FOR PERDIDO**

For the purpose of this study the revenue analysis is based on a population of 23,154 and taxable value of \$ 3,521,000,000 for the proposed area of incorporation for Perdido. The area follows the boundaries proposed for incorporation by We Are Perdido. (See Appendix 2)

### Municipal Revenues

Municipal governments utilize a wide variety of revenues to pay for services provided to their citizens. Responsible municipal governments attempt to balance their revenue sources to produce long-term solvency while utilizing a revenue mix that is compatible with local needs. Depending on these needs, municipal officials should conscientiously formulate a mix of revenues that will pay for municipal operations and services.

Florida's state constitution gives municipalities home rule authority in all areas except taxation. A municipality has the discretion to perform any public service, or enact any ordinance unless specifically prohibited by the state. The constitution restricts municipalities to levying taxes that specifically have been authorized by general law enacted by the Florida Legislature. The lone exception is property tax. It is the only local revenue source authorized by the constitution and is capped at 10 mills for general operating purposes. A mill is equal to \$1 of tax for each \$1,000 of taxable value.

The following is an overview of general fees and revenues typically available to a municipality.

### Ad Valorem Property Tax

Property taxes are based on the value of real and personal property. Each year the county property appraiser determines the total value of each parcel of property. The value of residential property is based solely on the value of the real estate, which includes the buildings and improvements, while commercial property includes these values in addition to all relevant personal property. This value is called "assessed value." After subtracting all lawful exemptions (i.e. Homestead, \$50,000; widow, \$500; widower, \$500; disability \$500 and others), the remaining value is called "taxable value."

Ad valorem taxes are based on taxable value. The property tax is calculated by multiplying taxable value of property by .001, and then multiplying that number by the rate of taxation, which is referred as "mills" or "millage rate." For example, for a home assessed at \$250,000 by the county property appraiser, the taxable value would be \$200,000 after deducting the \$50,000 Homestead exemption. If



the municipality's millage rate were 5.0 mills, the property taxes would be \$1,000 (\$200,000 x .001=\$200 x 5.0 mills = \$1,000.)

All property taxes are due and payable on November 1 each year or as soon as the assessment roll is certified by the Escambia County Property Appraiser. Escambia County will mail each property owner a notice of taxes due to the Town and the discount rate for paying taxes (4 percent if paid in November, 3 percent if paid in December, 2 percent if paid in January and 1 percent if paid in February.) There is no discount if taxes are paid in the month of March, and taxes are considered delinquent after April 1.

The Perdido area for incorporation taxable value for the 2023 tax year was estimated to be \$ \$ 3,521,000,000. Based on this estimate, the Town of Perdido tax revenues for fiscal year 2023 per one mill levied can be projected as follows:

Taxable value	\$3,521,000,000
<u>x the percent 0.95</u>	
Revised Taxable Rate	\$3,344,950,000
<u>x millage rate .001</u>	
Estimated Property Tax	\$3,344,950
Revenues at 1 mill for FY 2024	

#### Ad Valorem Property Tax Findings

Historically, Perdido property owners have taken advantage of the various discounts offered by the Escambia County Tax Collector. The certificate of taxable value does not account for such discounts; therefore, a 95 percent projection represents a reasonable and prudent estimate technique used by numerous local Florida governments.

For the purposes of this study, we will use the County's Millage for Sheriff of 0.6850, Escambia Children Trust of 0.4365, and Library Millage of 0.3590 as the original Town of Perdido Millage of 1.4805. The County presently charges a Residential Fire Assessment of \$165.00 and Residential Solid Waste Assessment of \$327.43 per Equivalent Residential Unit (ERU). The study contemplates the area residents would continue to pay for these services the same way after incorporation.

The new municipal area of Perdido will collect a millage of 1.4805 mills yielding a revenue of **\$4,952,198 for FY 2024.**

### Public Service Tax

The Public Service Tax, also called the "Utility Tax", is another substantial revenue source. This tax is levied by the municipality on specific utility services collected by the utility provider, even if the provider is the municipality itself. The tax is incorporated into the utility bill and is based on relative consumption.

A municipality may levy a tax on the purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service. Except for those municipalities in which paragraph (c) applies, the tax shall be levied only upon purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service.

### Public Service Tax Findings

Because this tax has not been approved for use in unincorporated Escambia County the Town of Perdido incorporation analysis does not include revenues associated with a Public Service Tax; therefore, implementation of the tax at a later date could produce two results, additional revenues to either support programs or reduce ad valorem property taxes.

### Franchise Fees/Communication Service Tax

Franchise fees generate revenues in much the same way as the Public Service Tax. Franchise fees, however, typically are levied on a company or utility for the privilege of doing business within the municipality's jurisdiction and/or for utilizing a municipality's right-of-way to transact business.

### Franchise Fees/Communication Service Tax Findings

Escambia County presently does levy franchise fees on utility services and also collects communication service tax (Telephone & Cable TV) from the State, but the county retains the revenues derived from the collection of these fees. If the area of Perdido is incorporated, it would share in the communication service tax revenues from the State and collect the revenues from the utility franchise fees paid by users within the proposed boundaries. A Communication Tax Ordinance would have to be enacted prior to September 1, 2025, to be effective January 1, 2026. Additional or increased fees adopted at a later date could produce one of two results — additional revenues to either support municipal services or programs or reduce ad valorem property taxes.

Based on projections developed from using revenues projections for Escambia County's FY 2023 Budget; franchise fees/communication service tax revenue for the area of Perdido fiscal year 2024 are estimated at **\$3,130,928**.

## User Fees

The Florida Comptroller defines user fees as "voluntary payments based on direct measurable consumption of publicly provided goods and services." User fees are derived from charges for water, wastewater, natural gas, electricity, mass transit, garbage collection, parks and recreation, building inspections, public transportation, special public safety services and a variety of other services.

User fees have substantially increased as a proportionate share of a municipal budget since the 1970's. For some services, fees are charged at rates below the actual cost and partially are offset by taxes. This is necessary for some services so that residents on fixed incomes are not excluded due to high prices. For other services, user fees cover the full cost of service delivery; these services are called enterprise operations. A golf course would be a typical example of an enterprise operation.

In recent years it has become common for municipalities to incorporate "administrative charges" to offset indirect administrative costs computed as a percentage of gross collections on various enterprise operations, such as electric, water, natural gas, golf course, airport parking and other fee-type services. These show up on the revenue side as "transfers to the general fund" and overhead.

## User Fees Findings

The Town of Perdido analysis does not include revenues associated with user fees as revenues or expenditures to the general fund. It is projected all existing user fees would be adopted by the Town of Perdido and pay for the services they are presently supporting.

## Intergovernmental Revenue

This category is referred to as "revenue sharing." These revenues are collected by one government and shared with other governmental units. The major sources are delineated below.

## Municipal Revenue Sharing

The Revenue Act of 1972 (Florida law, chapter 72-360) describes state revenues that are shared between counties and municipalities.

### "Eligibility Requirements

Pursuant to s. 218.23, F.S., a local government must meet the following requirements to be eligible to participate in revenue sharing beyond the minimum element in any fiscal year:

- 1) Report its finances for the most recently completed fiscal year to the Department of Banking and Finance, pursuant to s 218.32 F.S., (s. 218.23(1) (a), F.S.).
- 2) Make provisions for annual post audits of its financial accounts in accordance with law, pursuant to chapter 10.500 Rules of the Auditor General (s. 218.23 (1) (b), F.S.).
- 3) For local governments eligible in 1972, levy ad valorem taxes (excluding debt service and other special millage) that will produce the equivalent of three mills per dollar of assessed valuation, based on 1973 taxable values as certified by the property appraiser, or collect an equivalent amount of revenue from occupational license tax, or a utility tax (or both) in combination with the ad valorem tax; or for municipalities eligible after 1972, the three mill equivalency requirements will be based upon the per dollar of assessed valuation in the year of incorporation (s.218.23(1)(c), F.S.).
- 4) Certify that its law enforcement officers, as defined in s. 943.10(1), F.S. meet the qualifications established by the Criminal Justice Standards and Training Commissions, its salary structure and salary plans meet the provisions of Chapter 943, Florida Statutes, and no law enforcement officer receives an annual salary less than \$6,000. However, the Department of Revenue may waive the minimum law enforcement salary requirements, if the municipality or county certifies that it is levying ad valorem taxes at 10 mills (s.218.23(1)(d), F.S.).
- 5) Certify that its firefighters, as defined in s. 633.30(1), F.S. meet the qualifications for employment established by the Division of State Fire Marshal pursuant to ss.633.34 and 633.35, F.S. and that provisions of s.633.382, F.S. have been met (s.218.23(1)(e), F.S.).
- 6) Certify that each dependent special district that is budgeted separately from the general budget of the local governing authority has met the provision for an annual post audit of its financial accounts in accordance with the provisions of law (s.218.23(1)(f), F.S.).
- 7) Certify to the Department of Revenue that the requirements of s.200.065, F.S. ("TRIM") are met, if applicable. This certification is made annually within 30 days of adoption of an ordinance or resolution establishing the final property tax levy, or if no property tax is levied, not later than November 1 (s.218.23 (1)(f), F.S.).
- 8) Notwithstanding the requirement that municipalities produce revenues equivalent to a millage rate of three mills per dollar of assessed value (as described in paragraph three), no unit of local government that was eligible to participate in revenue sharing in the three years prior to participating in the Local Government Half-Cent Sales Tax shall be ineligible to participate in revenue sharing, solely due to a millage or a public service tax reduction afforded by the Local Government Half-Cent Sales Tax (s.218.23(3), F.S.)."

Pursuant to s. 218.21(3), F.S., all a municipalities created pursuant to general or special law and metropolitan and consolidated governments as provided in s. 6(e) and (f), Art. VIII of the State Constitution. Such municipality must have held an election for its legislative body pursuant to law and established such a legislative body which meets pursuant to law.

However, a number of other governmental entities are judged ineligible to receive municipal revenue sharing funds. For example, Attorney General Opinion 77-21 stated that municipal service taxing units (MSTUs) sometimes referred to as municipal service benefit units (MSBUs) are not eligible to receive funds from the Municipal Revenue Sharing Trust Fund. Two additional options determined that both regional authorities (AGO 74-367) and other authorities such as housing authorities, (AGO 73-246) also are ineligible to receive municipal revenue sharing dollars.

If a local government fails to comply with the eligibility requirements, s 218.23(1) (f), F.S. provides that the revenue sharing funds forfeited by the local government shall be deposited in the General Revenue Fund for the 12 months following a determination of noncompliance by the Department of Revenue. More typically, the revenues for an ineligible government are distributed among the remaining eligible governments until the causes for ineligibility are determined and rectified, at which time the Town or county is refunded the dollars that were disbursed among all eligible municipalities or counties.

The amount and type of revenues shared with an eligible municipality is determined by the following procedure.

First, a municipality's entitlement shall be computed on the basis of the apportionment factor provided in s.218.245,F.S., and applied to the receipts in the Municipal Revenue Sharing Trust Fund that are available for distribution. The resulting amount is labeled entitlement money. This is the amount of revenue, which would be shared with a unit of local government if the distribution of the revenues appropriated were allocated on the basis of the formula computations alone.

Second, the revenue to be shared via the formula in any fiscal year is adjusted so no municipality receives less funds than the aggregate amount it received form the state in fiscal year 1971-72. The resulting amount is labeled guaranteed entitlement or hold harmless money. Those municipalities incorporated subsequent to 1972 receive no guaranteed hold harmless money.

Third, revenues shared with municipalities shall be adjusted so that no municipality receives less funds than its minimum entitlement, the amount of revenues necessary to meet its obligations as a result of pledges, assignments or trusts entered into which obligated funds received from revenue sharing sources.

Fourth, after making these adjustments and deducting the amount committed to all eligible municipalities, the remaining money in the trust fund is distributed to those municipalities that qualify to receive growth money. This final distribution to those eligible municipalities that qualify to receive additional money beyond the guaranteed entitlement is based on the ratio of additional money of each qualified municipality in proportion to the total additional money of all qualified municipalities.

### Summary

In summary, the total annual distribution to a municipality, depending on the formula, will yield various combinations of guaranteed entitlement and/or growth money (associated with new construction):

- 1) Guaranteed entitlement money PLUS growth money,
- 2) Guaranteed entitlement money only, or
- 3) Growth money only.

However, the final distribution is dependent on actual collections.

### Authorized Uses

According to the Department of Revenue, municipalities may assume that 35.2 percent of their total estimated Municipal Revenue Sharing distribution fiscal year 1996-97 is derived from the Municipal Gas Tax. Thus, at least 24.86 percent of each municipality's revenue sharing distribution must be expended on transportation-related purposes.

As a second restriction, municipalities are limited in the amount of revenue sharing dollars that may be bonded. Municipalities are allowed to bond only the guaranteed entitlement portion of the distribution. This hold harmless provision of the municipal revenue sharing program guarantees a minimum allotment and thereby ensures coverage of all bonding obligations to eligible governments that qualified for revenue sharing dollars before 1972. This provision does not apply to municipalities qualifying for the revenue sharing program after 1972.

Municipalities incorporated after 1973 that wish to qualify for revenue sharing funds must demonstrate local tax effort by using the taxable value of the municipality for the year of incorporation time's three mills. Obviously, a municipality incorporating after 1973 must demonstrate significantly higher actual ad valorem tax effort than municipalities that have been in the program since its inception.

## **Municipal Revenue Sharing Findings**

Based on projections from the State of Florida Department of Revenue Office of Tax Research, municipal revenue sharing money for the town of Perdido in fiscal year 2024 are estimated at **\$409,347. (See Appendix 1)**

### **Local Government Half-Cent Sales Tax**

Chapter 82-154, Laws of Florida, created the Local Government Half-Cent Sales Tax Program. This program generates a significant amount of revenues for local governments by distributing sales tax revenue and money from the state General Revenue Fund to counties and municipalities that meet strict eligibility requirements. The primary purpose of the tax is to provide relief from ad valorem and public sewer taxes in addition to providing revenue for local programs.

### **Eligibility Requirements**

A county or municipality must satisfy the following requirements (spelled out in s.218.63, F.S.) to be eligible to receive an ordinary distribution:

1) Qualify to receive revenue sharing funds by satisfying all requirements contained in s.218.23 F.S. However, a municipality incorporated subsequent to the effective date of Chapter 82.154, Laws of Florida (April 19, 1982), which does not meet the applicable criteria for incorporation pursuant to s. 165.061, F.S. shall not participate in Local Government Half Cent Sales Tax.

2) Meet the millage limitation requirements outlined in s.200.065, F.S.

## **Local Government Half-Cent Sales Tax Findings**

Based on projections from the State of Florida Department of Revenue Office of Tax Research, the half-cent local government sales tax distribution to the area of Perdido in fiscal year 2024 is estimated at **\$2,485,171. (See Appendix 1)**

The state estimates half-cent sales tax at 100 percent of distribution. Variation between projections and actual results are due to the combined effect of reconciling state and local Fiscal years, as well as the seasonal nature of sales tax collections. A more reasonable and prudent technique would be to project half-cent sales tax fund at 95 percent of the state estimate.

### **Licenses and Permits**

### **Business Tax Receipt**

According to Section 205.042, Florida Statutes, "The governing body of an incorporated municipality may levy, by appropriate ordinance or resolution, an

occupational license tax for the privilege of engaging or managing any business, profession or occupation within its jurisdiction."

The occupational license tax is designed specifically to raise revenue and should not be confused with the regulatory fees referred to in Section 166.221, Florida Statutes.

Occupational license tax revenues during the pre-1970s contributed a greater portion of the municipal revenue stream than at the present time. In 1972, the Legislature froze all license rates as they were in place on Oct. 1, 1971. In 1980, the Legislature allowed local governments to raise the rates of licenses with flat rates according to a three-tier schedule; 100 percent increase for rates \$100 or less, 50 percent increase for rates between \$101 and \$300, and a 25 percent increase for rates of more than \$300. In 1982, the Legislature allowed graduated or per unit rates to increase up to 25 percent. In 2006 it was change to the Business Tax Receipt by the legislature.

#### Insurance Agent Licenses

Florida Statutes (F.S. 624.507) authorize municipalities to require license fees not to exceed 50 percent of the State License tax specified by statutes, for agents operating within municipal boundaries.

#### Alcohol Beverage License

Thirty-eight percent of all alcoholic beverage license revenues collected by the state from within a municipality are returned to the municipality.

#### Permits

Municipalities charge permit fees for a variety of land use services, including building and related construction, planning, stormwater, and zoning services. These are as delineated below:

- A) Building and Related Construction Permits Includes revenue for issuance of all building, plumbing, electrical, mechanical, heating/air conditioning and similar construction permits.
- B) Stormwater Fees charged for review and inspection of projects requiring stormwater Management permits.
- C) Zoning and Related Fees includes all fees collected for rezoning requests, variances, special exceptions, etc.
- D) Planning Fees include comprehensive plan compliance/concurrency reviews, planned unit development, etc.



## Licenses, Business Tax and Permits Findings

This report does not include revenues associated with permits because these fees typically are revenue neutral. Revenues raised from this source would pay for inspections, processing and plan review functions that will initially be provided by Escambia County staff through interlocal agreement. The report does include Business Tax Receipt revenues for **FY 2024 of \$91,318**.

## Fines and Forfeitures

This revenue category includes receipts from fines and penalties imposed from the commission of statutory offenses, violation of lawful administrative rules and regulations and for neglect of official duty. Fines include court fines, library fines, pollution control violations and violations of local ordinances. Forfeitures include revenues resulting from confiscation of deposits or bonds held as performance guarantees and proceeds from sale of contraband property seized by law enforcement agencies.

## Fines and Forfeitures Findings

This report does not include revenues associated with such fines. The question of a lack of a municipal police force raises doubt as to the Town's ability to be eligible for such funds.

## Motor Fuel Tax Refund

Florida Statutes provide for the first five cents of state gas tax paid by a municipality to be returned to the municipality for use in its vehicles.

## Motor Fuel Tax Refund Findings

This revenue source will not be significant to the Town of Town of Perdido due to the proposed limitation on Town vehicular equipment.

## Investment Income

Revenues derived from investment of cash receipts and idle funds are an important, yet often overlooked source of revenue. Many local governments are recognizing the importance of establishing effective cash management/treasury programs and are restructuring their government operations to accelerate revenues, promote aggressive revenue collections and maximize cash flow.

## **Investment Income Findings**

This study incorporates investment income of **\$25,000 for FY 2024**.

### Contributions and Donations

This revenue category is comprised of various sources primarily gifts, pledges, bequests or grants from non-governmental entities. Due to the nature of this category, revenue derived from these sources can fluctuate greatly from one year to the next.

### Contributions and Donations Findings

Contributions and donations generally are considered revenue neutral because those making the donation typically earmark them for specific programs or services.

### Miscellaneous Revenue

The miscellaneous revenue category includes a variety of less important sources, such as permit fees, non-occupational license fees, rents, royalties, special assessments, the sale of assets, insurance compensation, etc.

### Miscellaneous Revenue Findings

There is no attempt by this report to project such revenue. This is a reasonable approach considering the difficulty in developing stable projections.

### Local Option Gas Tax

Municipalities in Florida Counties share in the county's 6-cent local option tax on motor fuel and special fuel. The county uses its portion for maintenance of existing roads. The cities use their share for general transportation purposes. There is a statutory formula that establishes a minimum portion to be shared with each Town.

An opinion from the Florida Attorney General States in part the following:

Section 336.025, F.S. (1992 Supp.), allows counties to impose a local option gas tax upon every gallon of motor fuel and special fuel sold in a county and taxed under the provisions of Part I or Part II, Ch. 206, F.S. (1992 Supp.).[2] Only those municipalities and counties eligible for participation in the distribution of moneys under Parts II and VI of Ch. 218, F.S., are eligible to receive moneys under this section.[3]

A county may levy the tax by ordinance adopted by a majority vote of the

governing body or approval by referendum.[4] Under this procedure,

“[t]he county may, prior to June 1, establish by interlocal agreement with one or more of the municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the *entire* proceeds of the local option gas tax among the county government and all eligible municipalities within the county.”[5] (e.s.)

In the absence of an interlocal agreement, the county may, prior to June 10, adopt a resolution of intent to levy the tax.[6] If no interlocal agreement or resolution is adopted, municipalities representing more than 50 percent of the county population may, prior to June 20, adopt uniform resolutions approving the local option tax, establishing the duration of the levy and the rate authorized, and setting the date for a countywide referendum on whether to impose the tax.[7] In the event the tax is levied by county resolution or by uniform resolutions of the municipalities, the proceeds of the tax must be distributed "among the county government and eligible municipalities based on the transportation expenditures of each for the immediately preceding 5 fiscal years." [8] Any newly incorporated municipality which is eligible for participation in the distribution of moneys under Parts II and VI, Ch. 218, F.S., located in a county levying the local option gas tax is also entitled to receive a share of the tax revenues.[9]

### **Local Option Gas Tax Findings**

Based on the existing law and the interlocal agreements Florida Counties have established with the cities within the counties the ability to share this tax, it is not clear exactly what formula was used. It is clear the distribution of this revenue is developed through political negotiations and trying to estimate what the area of Perdido portion would be, at best, more art than science.

With this understanding this study decided to project the Local Option Gas Tax revenues in our revenue projection for the area of Perdido. **Local Option Gas Tax of \$1,191,480 to be used for major road maintenance.**

Of course, this decision will ultimately be determined by the newly elected Town council and the Escambia County Commissioners.

### **Infrastructure Sales Surtax**

Escambia County presently charges an Infrastructure Surtax and shares the revenue collected with the cities within the County. This is done through an existing formula. The use of these funds is limited by law and would not be available to support general fund expenditures.

### **Infrastructure Sales Surtax Findings**

Based on estimates from Florida DOR staff this revenue would produce an annual revenue of **\$4,980,083 for the Town to use on allowable capital expenses.**

## **DEVELOPMENT OF EXPENDITURE ANALYSIS FOR PERDIDO**

### Municipal Expenditures

Municipal government expenditures cover a wide variety of areas. Specific areas, however, are largely dependent upon the desires and needs of the citizenry and are formulated by the municipality's elected officials. General expenditure categories for the area of Perdido will be presented within specific expenditure groups and subgroups as reported in the Florida Local Government Financial Report, which is prepared annually by the Florida Comptrollers Bureau of Local Government Finance.

### General Government

The general government category includes the legislative, judicial and administrative functions of the municipal government for the benefit of the public and governmental entity as a whole. This includes total expenses for elected officials, Town manager, Town clerk, finance, administrative, legal counsel, comprehensive planning, elections and insurance.

### Public Safety

This category also includes police and sheriff's department services, corrections, fire prevention, municipal fire services and/or contractual payments for firefighting services from other entities. Public safety is the largest single expense area for Florida's municipalities and has shown sizable increases during the past several years. With Florida's growing population and increased demands for improved law enforcement and fire protection, this area is expected to continue to grow.

### Utilities

Municipal utilities in this context refer to basic user fee services associated with enterprise fund operations of water, sewer, electric and natural gas.

### Solid Waste

Three components fall under the function of solid waste: collection, disposal and recycling.

The collection aspect can take several forms. Many years ago, back door collection was the primary method. As personnel costs steadily grew, municipalities were forced to find cheaper and more cost-efficient methods. Today, the majority of municipalities utilize curbside collection, or they contract

with a private hauler to perform all or part of the operation. In larger multi-family complexes, dumpster service is now the industry standard.

Solid waste disposal has become increasingly complex and expensive in recent years, following the passage of state and federal environmental laws. Due to these actions, virtually all municipalities have moved away from landfill operations, and this has become a county function or service provided by independent districts that operate from larger tax or population bases.

While recycling of discarded goods has been performed for many years in Florida, the passage of the state's Solid Waste Management Act in 1988 has prompted the emergence of highly organized recycling programs. This act requires, among many other things that communities initiate and achieve specified levels of recycling to reduce the volume of solid waste taken to landfills.

### Roads and Streets

The construction, maintenance and improvements of the road and street network are the most expensive area of the various transportation related expenditures (other transportation related expenses are addressed in Miscellaneous Expenses). Specific expense areas associated with the road and street network include roadway and right of way operations and maintenance, roadway and right of way drainage, street lighting, traffic signage and signalization, pavement markings, traffic engineering and bridge maintenance.

Municipal road responsibilities are assigned by the state of Florida through a system termed "functional classification." The functional classification system specifies that municipalities are responsible for the Town street network. Basically, this includes all local residential streets, and short distance connecting roads. It does not include roads, which are part of the state highway system, even though they may fall within municipal boundaries.

### Stormwater and Environment

This category includes only the master drainage system, flood control and environmental related expenses incurred by the municipal government. It does not include the costs associated with stormwater runoff attributable to roads, streets or roadside drainage.

In the past, stormwater-related functions were traditionally handled as a general government service funded through the municipality's general fund. Recently some local governments have established a stormwater function as a full-fledged utility operation. The utility is placed in a separate enterprise fund with revenues generated from monthly billings on the municipality's traditional water and sewer bills or as a separate stormwater bill.

## Economic Improvement

The economic improvement category is a collection of related services associated with developing and improving the economic condition of the municipality and its residents. It includes programs such as: employment training, job search, downtown and industrial development/improvement, housing and urban development, etc. These expenses are related only to those programs directly served by the municipality and exclude those performed by independent districts and authorities, which often are located within and named after the municipality.

## Human Services

Human service expenditures pertain to those costs associated with the provision for the care, treatment and control of human illness, injury, or handicap, and for the welfare of the municipality and its residents. This category includes all municipal costs to operate hospitals, health and rehabilitation, diagnosis and treatment of mental illness, and economic assistance to the indigent.

The function of human service assistance is primarily funded and administered by county agencies (as a function of state government) and by independent authorities and districts.

## Culture and Recreation

Culture and recreation is a general category combining the expenditures of libraries, parks, recreation, cultural services, special events and special recreation facilities.

## Debt Service

Debt Service is shown as a separate category due to the reporting requirements of the Florida Comptroller's Local Government Financial Report, which shows it separately rather than by functional category. This category reflects those funds spent toward principal, interest, and various handling fees associated with municipal bond issues.

The four basic forms of long-term debt are: general obligation (G.O.) bonds, revenue bonds, general revenue bonds and special tax bonds.

G.O. bonds also are known as "full faith and credit bonds" because their repayment is unconditional and based on general credit and taxing powers of the borrowing government. Since the power to levy and collect property taxes provides the basic security to these bonds, they require voter approval. G.O. bonds generally carry the lowest interest rates, and typically are used to finance general-purpose public buildings, roads, and criminal justice complexes.

Another form is a revenue bond. These are obligations in which repayment of debt service is entirely from user fees of an enterprise operation. The most common municipal issues are for water, wastewater, electric, parking garages, civic centers, stadiums and airports.

A third type of long-term debt is a general revenue bond. This is a cross between a G.O. and a revenue bond. Like a revenue bond, it does not require a referendum; yet like a G.O. bond, it has the full faith and credit of a specific or a percentage of all general funds, non-ad valorem revenues.

A final type is the special tax bond. It, too, is similar to a G.O. bond in that it often is used for general government purposes and the repayment revenue is from a source unrelated to the project. Special tax bonds are payable from a specifically pledged tax, usually a local option sales tax or tourist tax.

Miscellaneous Expense

This category consists primarily of smaller budget functions or those, which are not widely utilized by a significant number of municipalities. These include airports, port facilities, commercial docks, mass transit systems, traffic flow enhancement services, parking facilities and miscellaneous general government services not itemized within that category.

Findings for Expenditure Analysis

This report includes administrative and finance expenditures, an additional contract cost for growth management, code enforcement, professional planning services, and general government support from Escambia County. These expenditures are for a combination of municipal employees and contractual services as shown below.

**Municipal Employees**

<b>Position</b>	<b>Proposed Salary</b>
Town Manager	\$145,000
Assistant Town Manager Contract Specialist	125,000
Finance Director/Comptroller	105,000
Town Clerk/Treasurer	95,000
Administrative Assistant	55,000
Total Salaries	\$525,000
Benefits @ 35%	<u>183,750</u>
<b>Total Salary and Benefits</b>	<b>\$708,750</b>



### Contractual Services

<b>Contract Services</b>	<b>Proposed Cost</b>
Legal Services	\$200,000
Growth Management	\$150,000
Professional Services	<u>\$150,000</u>
<b>Total</b>	<b>\$500,000</b>

The original projected salaries for administrative staff were within the average salary for Florida cities with population between 15,000 to 25,000 residents. The projected contract costs for growth management, planning and code compliance could employ one full-time planner and operating costs, rather than contracting for services.

The proposed administrative and finance expenditures can be delineated as follows:

Personnel w/benefits	\$708,750
Mayor and Council Salary	30,000
Contract Services	500,000
Local Government Operating @ 29%	878,750
Insurance	75,000
Local elections	65,000
Audit	35,000
Capital (one time)	10,000
Contingency @ 0.083	190,278
Loan Payment	<u>107,820</u>
<b>Total</b>	<b>\$2,600,598</b>

The above costs include all relevant expenditure categories, coupled with one month of expenses contingency factor, appear reasonable to assume the administrative and financial activities for the area of Perdido.

The final major expenditure category parks and recreation will continue to be provided through an interlocal agreement with Escambia County or a private sector vendor and be paid for with area of Perdido general revenues.

**The following is the first year (FY/2024) projections for revenues and expenditures necessary for the area of Perdido for 6 months of operations.**

**Revenues**

State Shared Revenue	\$1,447,259
Communication Service Tax	\$ 173,939
Franchise Fees	\$1,391,526
Business Tax Receipts	\$ 45,659
Interest Earnings	\$ 12,500
Bridge Loan	\$1,000,000
Ad Valorem Property Taxes	
<b>Total Revenues for One Year</b>	<b>\$4,070,882</b>

**Expenses**

City Staff Salary and Benefits	\$ 354,375
Mayor and Council Salary	\$ 15,000
Contract Services	\$ 250,000
Local Government Operating Cost @ 29%	\$ 439,375
Interlocal with County	
Local Elections	\$ 32,500
Insurance	\$ 37,500
Audit	\$ 35,000
Capital Equipment (One Time)	\$ 10,000
Contingency	\$ 95,139
Loan Payment	\$ 107,820
<b>Total Expenses for One Year</b>	<b>\$1,376,709</b>

**Reserves**

**\$2,694,173**

This projection shows the cost of operating the new local government is covered by the redirection of existing State Shared Revenues, Franchise Fees, Communication Services Tax, and Business Tax Receipts during the first 12 months and creates a Surplus of \$2,694,173. To increase the reserves during the initial years of the new local government and cover any initial short falls in startup cash the new municipality would have to take out a \$1 million Bridge Loan @ 3% and pay it back during the first 5 years.

**Task 5**  
**A PRO FORMA PRESENTATION OF**  
**REVENUE/EXPENSE FORECASTED**  
**FOR A FIVE YEAR PERIOD**

The purpose of a multi-year forecast is to estimate Town revenues and expenditures over a designated period—usually five to ten years. Most local governments preparing a fiscal forecast use it as a tool for preparing and executing an annual budget. This type of annual or short-term forecasting is necessary for a municipality to maintain a balanced budget.

Long-term fiscal forecasts are conducted for two main reasons.

1) Multi-year forecasts often show that fiscal adjustments might be needed to balance future budgets. When expenditures are projected to exceed revenues, measures must be taken to correct the imbalance. This process is called gap analysis.

2) Multi-year forecasts can help decision makers quantify and evaluate potential impacts of today's policy decision. This process is referred to as impact analysis. The multi-year fiscal forecast for the Town of Perdido is designed to assist the community in accomplishing the following objectives:

- To indicate to the parties in the incorporation process the presence of systematic financial planning.
- To serve as an aid to all parties in the incorporation process in the anticipation of future fiscal issues, enabling corrective action to be taken where necessary
- To assist all parties in operations planning
- To strengthen estimates of revenues and expenditures in the annual budget process

Benefits and Limitations

Benefits of Forecasting

The major benefits of multi-year forecasting include:

- Identification of possible consequences of various economic policy scenarios
- Identification of future fiscal problems
- Development of sound financial management policies and practices
- Provision of information to all parties in the incorporation process (government agencies, the press, business, community, neighborhood organizations and the general public) that explains the relationship between program expansion and anticipated revenues

## Limitations of Forecasting

Multi-year forecasts have the following inherent limitations.

1) Forecasts are not entirely accurate in predicting what actual revenues and expenditures will be in a particular year. Since a forecast is based on current trends, estimates may be imprecise if economic and/or financial assumptions change. Therefore, forecasts must be revised when key variable such as inflation, interest rates or business climates change unexpectedly.

2) The unlikely event that an actual budget deficit will occur is a second factor that undermines the accuracy of forecasts. State law mandates local governments to balance their budgets. But forecasting methods do not anticipate municipal decisions that close budget gaps and prevent deficits.

This study has developed a Five-year financial projection for an incorporated Town of Perdido based on fiscal years 2024 through 2028. BJM Consulting, Inc. developed the assumptions used in this financial forecast.

## Population

The current permanent population is estimated at 23,154 and total population (with seasonal residents) is estimated to approach 30,000. The growth in population is projected to increase at an annual rate of 2% to 25,066 in FY 2028, with a service population of 34,000. This projection is consistent with recent growth patterns in the area.

## Property Tax Base

The property tax base is projected to increase an average of 3% percent per year from FY 2025 through FY 2028. The taxable assessed value in the Town of Perdido is projected at \$3,521,000,000 for fiscal year 2025 and is expected to increase to \$3,847,491,767 in fiscal year 2028. The initial FY 2025 projection uses the FY 2023 property taxable value with no initial increase for growth or new construction.

## Expenditures

Expenditures for growth management, planning/code compliance are all proposed to be provided by the following agencies:

<b>Service</b>	<b>Provider</b>	<b>Average Annual Increase</b>
Other Contract Services	Others	3%
County Contract Services	Escambia County Government	3%

The annual increases for these services may fluctuate from year to year due to timing of one-time capital purchases.

Internal administrative and finance services increase approximately 3 percent each year. In addition, an annual 8.3 percent contingency factor (equivalent to one month's expenses) has been included.

**Revenues**

The forecast assumes the following Town of Perdido millage rate and property tax revenues which will replace all existing County MSTU's in the area:

<b>Fiscal Year</b>	<b>Millage Rate</b>	<b>Property Tax Revenues @ 95%</b>
2024	0	\$0
2025	1.4805	\$4,952,198
2026	1.4805	\$5,100,764
2027	1.4805	\$5,253,787
2028	1.4805	\$5,411,401

This is based on budgeting 95 percent of projected ad valorem tax revenue, which is generally accepted by Florida municipal finance officers as a prudent practice.

State shared revenues are a combination of Municipal Revenue Sharing and Local Government Half-Cent Sales Tax and are estimated as:

<b>Fiscal Year</b>	<b>Projected Revenue (3% annual increase)</b>
2024	\$2,894,518
2025	\$2,981,353
2026	\$3,070,794
2027	\$3,162,918
2028	\$3,257,805

The FY 2024 projection uses the FY 2023 SSR value with no initial increase value for growth in population.

Franchise Fees are estimated as:

<b>Fiscal Year</b>	<b>Projected Revenue (3% annual increase)</b>
2024	\$1,731,230
2025	\$3,566,334
2026	\$3,673,324
2027	\$3,783,524
2028	\$3,897,030

The FY 2024 projection for Franchise Fees uses the Escambia County FY 2023 number with no initial increase value for growth in population.

Communication Services Tax are estimated as:

<b>Fiscal Year</b>	<b>Projected Revenue (3% annual increase)</b>
2024	\$ 607,026
2025	\$1,250,475
2026	\$1,287,989
2027	\$1,326,628
2028	\$1,366,427

The FY 2024 projection for Communication Services Tax uses the Escambia County FY 2023 number with no initial increase value for growth in population.

**Business Taxes Receipts**

2024	\$ 45,659
2025	\$ 94,057
2026	\$ 96,879
2027	\$ 99,785
2028	\$102,779

The FY 2024 projection for Business Tax Receipts uses the Escambia County FY 2023 number with no initial increase value for growth in population.

Interest earnings are anticipated to be \$12,500 in fiscal year 2024 and \$25,000 in FY 2025 through FY 2028

The forecast does not include any revenues from court fines or building permits, as they will continue to go to Escambia County or private sector vendor for services rendered.

**Expenses**

Town of Perdido Local Government Expense

<b>Fiscal Year</b>	<b>Projected Cost (3% annual increase)</b>
2024	\$1,366,709
2025	\$2,668,315
2026	\$2,748,365
2027	\$2,830,816
2028	\$2,915,740

Interlocal with County for MSTU Services

<b>Fiscal Year</b>	<b>Projected Cost (3% Annual increase)</b>
2024	\$0
2025	\$4,952,198
2026	\$5,100,764
2027	\$5,253,787
2028	\$5,411,401

The cost of all the County Interlocal Agreement for MSBU services are projected to increase annually by 3%.

Interlocal with County for MSTU Services

<b>Fiscal Year</b>	<b>Projected Cost (3% Annual increase)</b>
2024	\$0
2025	\$5,067,597
2026	\$5,219,625
2027	\$5,376,214
2028	\$5,537,500

The cost of all the County Interlocal Agreement for MSBU services are projected to increase annually by 3%.



## IMPACTS OF PROPOSED INCORPORATION OF PERDIDO

### On Residents and Businesses of New Incorporated Area

The initial impacts on residents of Perdido would be very limited. There would be no new ad valorem taxes. Some businesses would be charged an additional annual Business Tax Receipt (BTR) or town license annually (Escambia County BTR is currently \$26.25 per business annually). These would be businesses who operate in both Perdido and Escambia County. The new local government of Perdido would gain total control of about \$6 million annually to do capital maintenance and new projects.

### On Other Escambia County Governments

Escambia County would lose \$4,952,198 of ad valorem taxes in FY 2025 and recover the entire amount through the interlocal agreement with the new city. In addition, Escambia County would lose \$2,894,518 in SSR Fees and \$3,130,928 in Communication Services Tax and Franchise Fees for an annual loss of \$6,025,446 the general fund (2.12% of FY 2023 General Fund). The County would have to find efficiencies in operations, reduce services or raise General Fund Revenues to deal with this loss. The County would also lose control over \$4,461,654 in 1% surtax funds and the responsibility to do those projects within the area proposed for incorporation.

The City of Century would lose \$24,071 in SSR (2.56% of FY 2023 General Fund) and the City of Pensacola would lose \$756,427 in SSR (1.15% of FY 2023 General Fund) to both their General Fund Revenues and would have to find efficiencies in operations, reduce services or raise General Fund Revenues to deal with this loss.

	<b>FY 23 General Fund</b>	<b>General Fund Loss</b>	<b>% Loss</b>
Escambia County	\$283,944,554	\$6,025,446	2.12%
City of Pensacola	\$65,683,500	\$756,427	1.15%
Town of Century	\$938,479	\$24,071	2.56%

Town of Perdido 5 year Fiscal Forecast if Local Bill is passed with SSR reporting waiver and Interlocal with County for collection of Communication Services Tax (Best Case Scenario)

	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
<b>Revenues</b>					
State Shared Revenue	\$ 1,447,259	\$ 2,981,353	\$ 3,070,794	\$ 3,162,918	\$ 3,257,805
Franchise Fees	\$ 1,391,526	\$ 2,866,543	\$ 2,952,539	\$ 3,041,115	\$ 3,132,349
Communication Services Tax	\$ 173,939	\$ 358,313	\$ 369,063	\$ 380,135	\$ 391,539
Interest Earnings	\$ 12,500	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
Business Tax Receipts	\$ 45,659	\$ 94,057	\$ 96,879	\$ 99,785	\$ 102,779
Bridge Loan	\$ 1,000,000				
City Assessments for Fire and Solid Waste		\$ 5,067,597	\$ 5,219,625	\$ 5,376,214	\$ 5,537,500
Ad Valorem Property Taxes @ 1.4805		\$ 4,952,198	\$ 5,100,764	\$ 5,253,787	\$ 5,411,401
<b>Total Revenues</b>	<b>\$ 4,070,882</b>	<b>\$ 16,345,062</b>	<b>\$ 16,834,664</b>	<b>\$ 17,338,954</b>	<b>\$ 17,858,373</b>
<b>Expenses</b>					
Perdido Local Government	\$ 1,366,709	\$ 2,668,315	\$ 2,748,365	\$ 2,830,816	\$ 2,915,740
MSTU Interlocal with County		\$ 4,952,198	\$ 5,100,764	\$ 5,253,787	\$ 5,411,401
MSBU Interlocal with County		\$ 5,067,597	\$ 5,219,625	\$ 5,376,214	\$ 5,537,500
Loan Payment	\$ 107,820	\$ 215,640	\$ 215,640	\$ 215,640	\$ 323,460
<b>Total Expenses</b>	<b>\$ 1,474,529</b>	<b>\$ 12,903,751</b>	<b>\$ 13,284,394</b>	<b>\$ 13,676,457</b>	<b>\$ 14,188,101</b>
<b>Reserve/(Deficit)</b>	<b>\$ 2,596,353</b>	<b>\$ 3,441,311</b>	<b>\$ 3,550,270</b>	<b>\$ 3,662,497</b>	<b>\$ 3,670,271</b>
<b>Cumulative Reserves</b>		<b>\$ 6,037,664</b>	<b>\$ 9,587,934</b>	<b>\$ 13,250,431</b>	<b>\$ 16,920,703</b>

Town of Perdido 5 year Fiscal Forecast if Local Bill is passed without either SSR reporting waiver and Interlocal with County for the collection of Communication Service Tax (Worst Case Scenario)

	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
<b>Revenues</b>					
State Shared Revenue		\$ 2,236,015	\$ 3,070,794	\$ 3,162,918	\$ 3,257,805
Franchise Fees	\$ 1,391,526	\$ 2,866,543	\$ 2,952,539	\$ 3,041,115	\$ 3,132,349
Communication Services Tax		\$ 268,735	\$ 369,063	\$ 380,135	\$ 391,539
Interest Earnings	\$ 12,500	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
Business Tax Receipts	\$ 45,659	\$ 94,057	\$ 96,879	\$ 99,785	\$ 102,779
Bridge Loan	\$ 1,000,000				
City Assessments for Fire and Solid Waste		\$ 5,067,597	\$ 5,219,625	\$ 5,376,214	\$ 5,537,500
Ad Valorem Property Taxes @ 1.4805		\$ 4,952,198	\$ 5,100,764	\$ 5,253,787	\$ 5,411,401
<b>Total Revenues</b>	<b>\$ 2,449,684</b>	<b>\$ 15,510,145</b>	<b>\$ 16,834,664</b>	<b>\$ 17,338,954</b>	<b>\$ 17,858,373</b>
<b>Expenses</b>					
Perdido Local Government	\$ 1,366,709	\$ 2,668,315	\$ 2,748,365	\$ 2,830,816	\$ 2,915,740
MSTU Interlocal with County		\$ 4,952,198	\$ 5,100,764	\$ 5,253,787	\$ 5,411,401
MSBU Interlocal with County		\$ 5,067,597	\$ 5,219,625	\$ 5,376,214	\$ 5,537,500
Loan Payment	\$ 107,820	\$ 215,640	\$ 215,640	\$ 215,640	\$ 323,460
<b>Total Expenses</b>	<b>\$ 1,474,529</b>	<b>\$ 12,903,751</b>	<b>\$ 13,284,394</b>	<b>\$ 13,676,457</b>	<b>\$ 14,188,101</b>
<b>Reserve/(Deficit)</b>	<b>\$ 975,156</b>	<b>\$ 2,606,395</b>	<b>\$ 3,550,270</b>	<b>\$ 3,662,497</b>	<b>\$ 3,670,271</b>
<b>Cumulative Reserves</b>		<b>\$ 3,581,550</b>	<b>\$ 7,131,820</b>	<b>\$ 10,794,317</b>	<b>\$ 14,464,588</b>

Town of Perdido 5 year Fiscal Forecast if Local Bill is passed with SSR reporting waiver and without an Interlocal with County for collection of the Communication Service Tax (Middle Case Scenario)

	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
<b>Revenues</b>					
State Shared Revenue	\$ 1,447,259	\$ 2,981,353	\$ 3,070,794	\$ 3,162,918	\$ 3,257,805
Franchise Fees	\$ 1,391,526	\$ 2,866,543	\$ 2,952,539	\$ 3,041,115	\$ 3,132,349
Communication Services Tax		\$ 268,735	\$ 369,063	\$ 380,135	\$ 391,539
Interest Earnings	\$ 12,500	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
Business Tax Receipts	\$ 45,659	\$ 94,057	\$ 96,879	\$ 99,785	\$ 102,779
Bridge Loan	\$ 1,000,000				
City Assessments for Fire and Solid Waste	\$ -	\$ 5,067,597	\$ 5,219,625	\$ 5,376,214	\$ 5,537,500
Ad Valorem Property Taxes @ 1.4805		\$ 4,952,198	\$ 5,100,764	\$ 5,253,787	\$ 5,411,401
<b>Total Revenues</b>	<b>\$ 3,896,943</b>	<b>\$ 16,255,484</b>	<b>\$ 16,834,664</b>	<b>\$ 17,338,954</b>	<b>\$ 17,858,373</b>
<b>Expenses</b>					
Perdido Local Government	\$ 1,366,709	\$ 2,668,315	\$ 2,748,365	\$ 2,830,816	\$ 2,915,740
MSTU Interlocal with County		\$ 4,952,198	\$ 5,100,764	\$ 5,253,787	\$ 5,411,401
MSBU Interlocal with County		\$ 5,067,597	\$ 5,219,625	\$ 5,376,214	\$ 5,537,500
Loan Payment	\$ 107,820	\$ 215,640	\$ 215,640	\$ 215,640	\$ 323,460
	<b>\$ 1,474,529</b>	<b>\$ 12,903,751</b>	<b>\$ 13,284,394</b>	<b>\$ 13,676,457</b>	<b>\$ 14,188,101</b>
<b>Total Expenses</b>					
	\$ 2,422,415	\$ 3,351,733	\$ 3,550,270	\$ 3,662,497	\$ 3,670,271
<b>Reserve/(Deficit)</b>		\$ 5,774,148	\$ 9,324,417	\$ 12,986,915	\$ 16,657,186

## **Appendix 1**

### ***DOR Revenue Sharing Estimates***

These estimates have been prepared as if the proposed city was eligible to receive revenue sharing in the 2022-2023 state or local fiscal year and use the population and taxable value amounts provided in the study.

**Incorporation of Perdido Revenue Sharing Estimates (Subject to meeting requirements of 218.23, F.S.)  
State Fiscal Year - 2022-23 (Annual Estimates)**

	4/1/2021 Revenue Sharing Population			Estimated 2022-23 Half Cent Distributions			Estimated 2022-23 Discretionary Surtax 1% (Current Interlocal Agreement)		
	Before Incorporation*	After Incorporation	Diff.	Before Incorporation*	After Incorporation	Diff.	Before Incorporation*	After Incorporation	Diff.
<b>Escambia</b>									
County's Share				\$33,994,598	\$31,768,134	(\$2,226,463)	\$ 68,122,437	\$ 63,660,783	(\$4,461,654)
Unincorporated	266,232	243,078	(23,154)						
Century	1,732	1,732	0	\$193,873	\$185,899	(\$7,973)	\$ 388,505	\$ 372,528	(\$15,978)
Pensacola	54,466	54,466	0	\$6,096,694	\$5,845,960	(\$250,735)	\$ 12,217,284	\$ 11,714,832	(\$502,452)
Perdido		23,154	23,154		\$2,485,171	\$2,485,171		\$ 4,980,083	\$4,980,083
<b>Totals</b>	322,430	322,430	0	\$40,285,165	\$40,285,165	\$0	\$80,728,226	\$80,728,226	\$0

	Estimated 2022-23 Municipal Revenue Sharing			Estimated 2022-23 County Revenue Sharing			Total of Revenue Sources Estimated 2022-23		
	Before Incorporation*	After Incorporation	Diff.	Before Incorporation*	After Incorporation	Diff.	Before Incorporation	After Incorporation	Diff.
<b>Escambia</b>									
County's Share				\$11,398,604	\$10,979,455	(\$419,148)	\$113,515,638	\$106,408,373	(\$7,107,265)
Unincorporated									
Century	\$126,660	\$126,539	(\$120)				\$709,038	\$684,967	(\$24,071)
Pensacola	\$2,771,546	\$2,768,306	(\$3,241)				\$21,085,525	\$20,329,097	(\$756,427)
Perdido		\$409,347	\$409,347				\$0	\$7,874,602	\$7,874,602
<b>Totals</b>	\$2,898,206	\$3,304,192	\$405,986	\$11,398,604	\$10,979,455	(\$419,148)	\$135,310,201	\$135,297,038	(\$13,162)

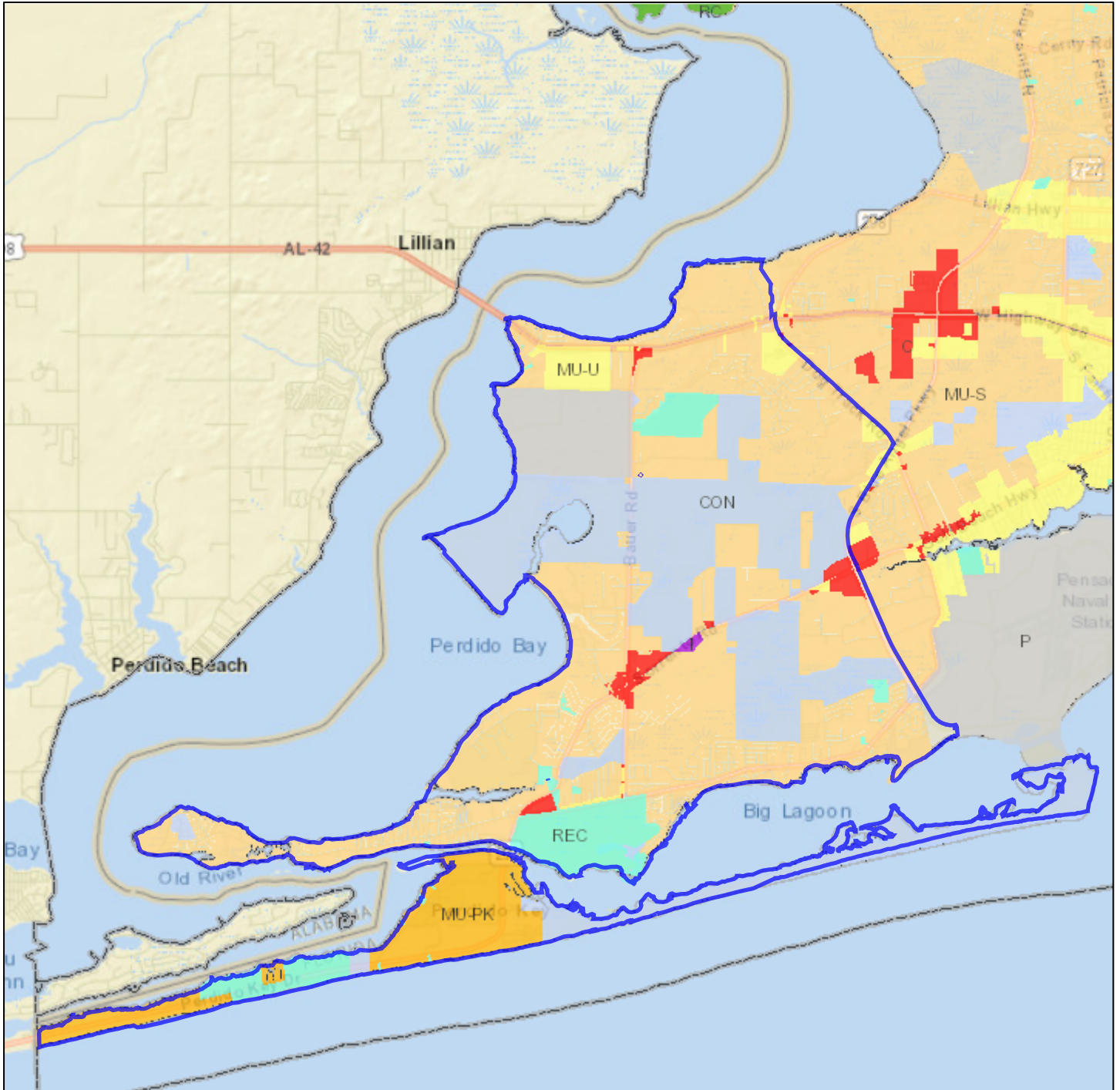
**Assumptions** Perdido  
**Population:** 23,154  
**Taxable Value:** \$3,520,000,000

\* Source: Estimates in support of the 2022 Local Government Financial Information Handbook

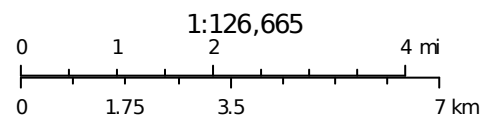
## **Appendix 2**

### ***Future Land Use Map***

# Perdido Future Land Use 2030



- Future Land Use 2030
- AGRICULTURE
  - COMMERCIAL
  - CONSERVATION
  - INDUSTRIAL
  - MIXED USE-PENSACOLA BEACH
  - MIXED USE-PERDIDO KEY
  - MIXED USE-SUBURBAN
  - MIXED USE-URBAN
  - PUBLIC
  - RURAL COMMUNITIES
  - RECREATION



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

WARNING: THIS IS NOT A SURVEY.

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.



## **Appendix 3**

### ***Land Use Designations & Zoning Descriptions***

# Land Use Designations

The following are all the Escambia County land use designations occurring within the area proposed for municipal incorporation.

## FLUM Mixed-Use Suburban (MU-S)

### General Description

Intended for a mix of residential and non-residential uses while promoting compatible infill development and the separation of urban and suburban land uses.

### Range of Allowable Uses

Residential, retail services, professional office, recreational facilities, public and civic.

### Standards

Residential Minimum Density: 2 du/acre

Maximum Density: 25 du/acre

Non-Residential Minimum Intensity: None

Maximum Intensity: 1.0 Floor Area Ratio (FAR)

Escambia County intends to achieve the following mix of land uses for new development within ¼ mile of arterial roadways or transit corridors by 2030:

- a) Residential 8% to 25%
- b) Public/Rec/Inst. 5% to 20%
- c) Non-Residential:
  - Retail Service-30% to 50%
  - Office-25% to 50%

In areas beyond ¼ mile of arterial roadways or transit corridors, the following mix of land uses is anticipated:

- a) Residential 70% to 85%
- b) Public/Rec/Inst. 10% to 25%
- c) Non-Residential 5% to 10%

# FLUM Mixed-Use Urban (MU-U)

## General Description

Intended for an intense mix of residential and non-residential uses while promoting compatible infill development and the separation of urban and suburban land uses within the category as a whole.

## Range of Allowable Uses

Residential, retail and services, professional office, light industrial, recreational facilities, public and civic.

## Standards

Residential Minimum Density: 3.5 du/acre

Maximum Density: 25 du/acre

Non-Residential Minimum Intensity: 0.25 Floor Area Ratio (FAR)

Maximum Intensity: 2.0 Floor Area Ratio (FAR)

Escambia County intends to achieve the following mix of land uses for new development within a ¼ mile of arterial roadways or transit corridors by 2030:

- a) Residential 8% to 25%
- b) Public/Rec/Inst. 5% to 20%
- c) Non-Residential:
  - Retail/Service 30% to 50%
  - Office 25% to 50%
  - Light Industrial 5% to 10%

In areas beyond ¼ mile of arterial roadways or transit corridors, the following mix of land uses is anticipated:

- a) Residential 70% to 85%
- b) Public/Rec/Inst. 10% to 25%
- c) Non-Residential 5% to 10%

# FLUM Mixed-Use Perdido Key (MU-PK)

## General Description

Intended for a complementary mix of residential, commercial and tourism (resort) related uses. Residential development in the MU-PK FLUM category shall be limited to 7,150 dwelling units and 1,000 lodging units.

## Range of Allowable Uses

Single family and multi-family residential; condominiums; hotels/motels, commercial, active and passive recreational facilities, plazas and other civic uses; public and quasi-public facilities (including government facilities, public utilities, religious facilities and organizations).

In the low and medium density residential zoning districts the non-residential uses may include churches, public utilities and facilities, parks and recreation areas, golf courses, tennis courts, swimming pools, etc. In the medium density residential zoning districts, non-residential uses may also include kindergarten and childcare centers and professional offices (architects, engineers, lawyers, consultants, medical/dental, real estate, insurance, etc.)

The uses allowed in the commercial district include a full range of commercial enterprise activities and are contingent upon conformity of such uses with all requirements of this Plan and the Perdido Key zoning regulations, thereby assuring that such commercial development is undertaken in an environmentally sensitive manner. When using density transfers, densities may not be transferred to parcels south of Perdido Key Drive.

## Standards

Maximum Density: 25 du/acre (based on proposed zoning districts)

Maximum Intensity: 6.0 Floor Area Ratio (FAR)

Minimum pervious area 20%

Maximum impervious cover area 80%

## FLUM Commercial (C)

### General Description

Intended for professional office, retail, wholesale, service and general business trade. Residential development may be permitted only if secondary to a primary commercial development.

### Range of Allowable Uses

Residential, retail and services, professional office, light industrial, recreational facilities, public and civic.

### Standards

Residential Minimum Density: None

Maximum Density: 25 du/acre

Non-Residential

Minimum Intensity: None

Maximum Intensity: 1.0 Floor Area Ratio (FAR)

## FLUM Industrial (I)

### General Description

Intended for a mix of industrial development and ancillary office and commercial uses that are deemed to be compatible with adjacent or nearby properties. Industrial areas shall facilitate continued industrial operations within the County and provide jobs and employment security for present and future residents.

### Range of Allowable Uses:

Light to intensive industrial, ancillary retail and office. No new residential development is allowed.

### Standards

Residential Minimum Density: None

Maximum Density: None

Non-Residential Minimum Intensity: None

Maximum Intensity: 1.0 Floor Area Ratio (FAR)

## FLUM Conservation (CON)

### General Description

Intended for the conservation of important natural resources, such as wetlands, marshes and significant wildlife habitats. This may include passive recreational opportunities for citizens of and visitors to the County.

### Range of Allowable Uses

Passive parks and trails, preservation lands, educational uses that use natural amenities for public benefit. No new residential development is allowed.

### Standards

Residential Minimum Density: None

Maximum Density: None

Non-Residential Minimum Intensity: None

Maximum Intensity: None

## FLUM Recreation (REC)

### General Description

Recreational opportunities for the Escambia County citizens including a system of public and private park facilities.

### Range of Allowable Uses

Active and passive recreation activities and amenities, park facilities such as boat launch, basketball courts, tennis courts, baseball and softball fields, meeting halls and the like. No new residential development is allowed.

### Standards

Residential

Minimum Density: None

Maximum Density: None

Non-Residential Minimum Intensity: None

Maximum Intensity: 0.5 Floor Area Ratio (FAR)

# FLUM Public (P)

## General Description

Provides for uses or facilities owned or managed by the Federal, State or county government or other public institutions or agencies.

## Range of Allowable Uses

Public parks, local, regional, State or Federal facilities, public structures or lands, quasi-public facilities providing public services.

## Standards

Residential Minimum Density: None

Maximum Density: None

Non-Residential Minimum Intensity: None

Maximum Intensity: None

## Zoning Districts

The following are all the Escambia County zoning districts within the area proposed for municipal incorporation.

### Commercial core district, Perdido Key (CC-PK)

The commercial core (CC-PK) district establishes appropriate areas and land use regulations primarily for intense residential development and retailing of resort-related commodities and services. The regulations are intended to permit and encourage mixed-use development, including residential and lodging uses at high densities, and commercial uses associated with resort areas.

### Commercial gateway district, Perdido Key (CG-PK)

The commercial gateway (CG-PK) district establishes appropriate areas and lands use regulations for gateways into Perdido Key. The intent is to provide an identity to the Key as a visually attractive, family style, resort community. The district is characterized by resort-related commercial uses, including hotels and motels, as well as high density residential development.

### Commercial district (Com)

The commercial (Com) district establishes appropriate areas and land use regulations for general commercial activities, especially the retailing of commodities and services. The primary intent of the district is to allow more diverse and intense commercial uses than the neighborhood commercial allowed within the mixed-use districts. To maintain compatibility with surrounding uses, all commercial operations within the commercial district are limited to the confines of buildings and not allowed to produce undesirable effects on surrounding property. To retain adequate area for commercial activities, new and expanded residential development within the district is limited, consistent with the commercial (C) future land use category.

### Commercial district, Perdido Key (Com-PK)

The commercial district (Com-PK) establishes appropriate areas and land use regulations primarily for the retailing of commodities and selected services. The regulations are intended to permit and encourage essential neighborhood commercial uses while protecting nearby residential properties from adverse impacts of commercial activity.

### Conservation district (Con)

The conservation (Con) district establishes appropriate areas and land use regulations for the conservation of important natural resources. The primary intent of the district is to conserve wetlands,



marshes, watersheds, coastal dunes, wildlife habitats and other environmentally sensitive lands, but allow for passive recreational opportunities and amenities consistent with the conservation future land use category. Non-conservation uses are severely limited to ensure the conservation of district resources and provision of appropriate areas for public recreation. Nonresidential uses within the conservation district are limited to activities that will have minimal impacts and where the educational benefits of the uses are determined to outweigh those impacts. New or expanded residential development is generally prohibited.

### Heavy commercial and light industrial district (HC/LI)

The heavy commercial and light industrial (HC/LI) district establishes appropriate areas and land use regulations for a complementary mix of industrial uses with a broad range of commercial activities. The primary intent of the district is to allow light manufacturing, large-scale wholesale and retail uses, major services, and other more intense uses than allowed in the commercial district. The variety and intensity of non-residential uses within the HC/LI district is limited by the applicable FLU and their compatibility with surrounding uses. All commercial and industrial operations are limited to the confines of buildings and not allowed to produce undesirable effects on other property. To retain adequate area for commercial and industrial activities, other uses within the district are limited.

### High density mixed-use district (MDMU)

The high density mixed-use (HDMU) district establishes appropriate areas and land use regulations for a complimentary mix of high density residential uses and compatible nonresidential uses within urban areas. The primary intent of the district is to provide for a mix of neighborhood retail sales, services and professional offices with greater dwelling unit density and diversity than the low density mixed-use district. Additionally, the HDMU district is intended to rely on urban street connectivity and encourage vertical mixes of commercial and residential uses within the same building to accommodate a physical pattern of development characteristic of village main streets and older neighborhood commercial areas. Residential uses within the district include all forms of single-family, two-family and multifamily dwellings.

### High density residential district (HDR)

The high density residential (HDR) district establishes appropriate areas and land use regulations for residential uses at high densities within urban areas. The primary intent of the district is to provide for residential neighborhood development in an efficient urban pattern of well-connected streets and at greater dwelling unit density and diversity than the medium density residential district. Residential uses within the HDR district include most forms of single-family, two-family and multifamily dwellings. Nonresidential uses within the district are limited to those that are compatible with urban residential neighborhoods.

## High density residential district, Perdido Key (HDR-PK)

The high density residential (HDR-PK) district establishes appropriate areas and land use regulations for residential uses at high densities with compatible low intensity office and other retail service facilities.

## Low density mixed-use district (LDMU)

The low density mixed-use (LDMU) district establishes appropriate areas and land use regulations for a complementary mix of low density residential uses and compatible nonresidential uses within mostly suburban areas. The primary intent of the district is to provide for a mix of neighborhood-scale retail sales, services and professional offices with greater dwelling unit density and diversity than the low density residential district. Additionally, the LDMU district is intended to rely on a pattern of well-connected streets and provide for the separation of suburban uses from more dense and intense urban uses. Residential uses within the district include most forms of single-family, two-family and multifamily dwellings.

## Low density residential district, Perdido Key (LDR)

The low density residential (LDR) district establishes appropriate areas and land use regulations for residential uses at low densities within suburban areas. The primary intent of the district is to provide for large-lot suburban type residential neighborhood development that blends aspects of rural openness with the benefits of urban street connectivity, and at greater density than the rural residential district. Residential uses within the LDR district are predominantly detached single-family dwellings. Clustering dwellings on smaller residential lots may occur where needed to protect prime farmland from non-agricultural use or to conserve and protect environmentally sensitive areas. The district allows non-residential uses that are compatible with suburban residential neighborhoods and the natural resources of the area.

## Low density residential district, Perdido Key (LDR-PK)

The low density residential (LDR-PK) district establishes appropriate areas and land use regulations for residential uses at low densities and limited non-residential uses that are compatible with the residential neighborhoods and natural resources of the island.

## Medium density residential district (MDR)

The medium density residential (MDR) district establishes appropriate areas and land use regulations for residential uses at medium densities within suburban or urban areas. The primary intent of the district is to provide for residential neighborhood development in an efficient urban pattern of well-connected streets and at greater dwelling unit density than the low density residential district. Residential uses within the MDR district are limited to single-family and two-family dwellings. The

district allows non-residential uses that are compatible with suburban and urban residential neighborhoods.

### Medium density residential district, Perdido Key (MDR-PK)

The medium density residential (MDR-PK) district establishes appropriate areas and land use regulations for residential uses at medium densities and non-residential uses that are compatible with the residential neighborhoods and natural resources of the island.

### Planned resort district, Perdido Key (PR-PK)

The planned resort (PR-PK) district establishes appropriate areas and land use regulations for large-scale planned resorts. The district allows for destination-type mixed uses that include residential and hotel development and supporting recreational and commercial facilities, all developed within a master planned area that includes extensive open space, adequate internal pedestrian and bicycle circulation, creative design, resort-related amenities, and adequate buffering.

### Public district (Pub)

The public (Pub) district establishes appropriate areas and land use regulations for publicly owned parcels with public uses generally having greater potential for adverse off-site impacts.

### Recreation district (Rec)

The recreation (Rec) district establishes appropriate areas and land use regulations for outdoor recreational uses and open space. The primary intent of the district is to preserve and maintain parcels of land necessary or used for a system of public and private parks providing both active and passive recreational activities and amenities. Indoor recreation facilities are allowed within the recreational district if customarily incidental to the principal outdoor uses. Non-recreational uses are severely limited to ensure the preservation of district lands and provision of adequate areas for public recreation. New or expanded residential development is generally prohibited.

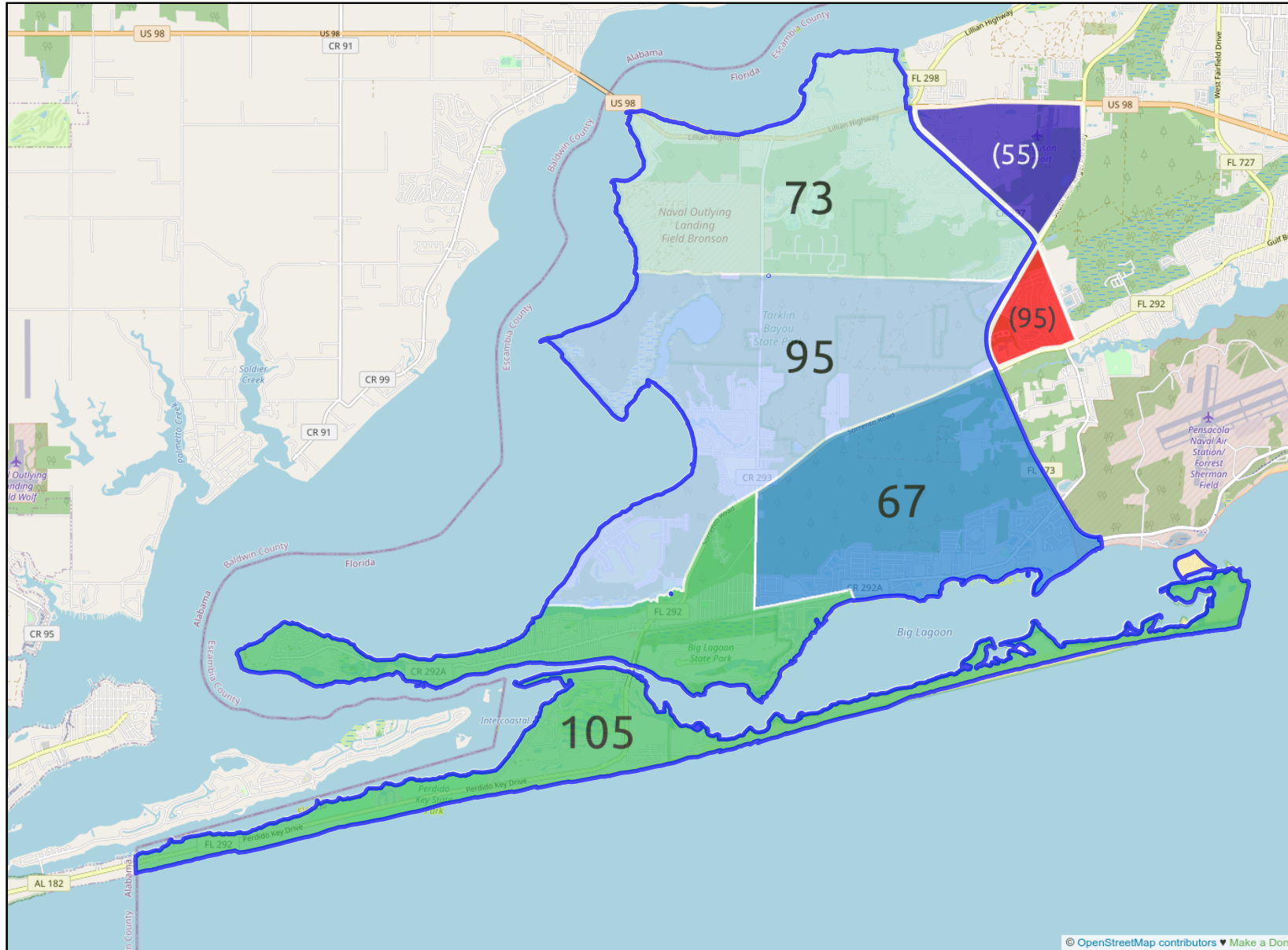
### Recreation district, Perdido Key (Rec-PK)

The recreation (Rec) district establishes appropriate areas and land use regulations to preserve and maintain land for outdoor recreational uses and open space.

## **Appendix 4**

### ***Proposed Boundaries***

# Town of Perdido: Proposed Boundaries



WE ARE  
**PERDIDO**

Precinct 73	Precinct 67	Precinct 55 (partial)
Precinct 95	Precinct 105	Precinct 95 (partial)
<b>PROPOSED BOUNDARY</b>		<b>SUPPLEMENTAL STUDY AREA</b>

## **Appendix 5**

### ***Polling Executive Summary***

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## DecipherAi

3900 Sunnyside Road, Suite 2  
Edina, MN 55424  
(850) 559-3387

# Polling Executive Summary

24<sup>th</sup> August 2023

## OVERVIEW

In a recent poll conducted in Escambia County, over 50% of voters living within the proposed new municipal boundaries responded they are in favor of incorporating the region of Perdido. About 30% of voters were against the proposed possible referendum. Most of the voters polled prefer the new municipality of Perdido to become a town, over a city or village. Additionally voters said they were in favor of instituting a smaller municipal government.

## PURPOSE

1. Neighbors in and surrounding the Perdido Key, along with the greater Perdido region of Escambia County, have come together and created a non-profit organization called "We are Perdido." The group's purpose is to help pass a referendum which will allow voters to choose whether to incorporate their area into a new municipality or not.
2. "We are Perdido" engaged national Pollster, David Jay Wolfson, with DecipherAi, who has vast polling experience on the Florida Panhandle, to conduct an opinion survey of voters regarding their preferences of a proposed new municipality in their community.

## SPECIFICATIONS

The survey was conducted in June of 2023 and was implemented using MultiModes (SMS/Text, Phones, and Emails) to all registered voters in the Perdido area. The number of completed responses (n=364) gave the survey a possible error rate of +/- 5%. A representative sample matching all age brackets, gender, race, and partisan affiliation was used to reach voters.

---

## RESULTS

### Toplines

Voters expressed a desire for the new municipality to become a town over becoming a city or village:

*Q– Municipalities in Florida are called cities, towns or villages, but there is no legal distinction between the different terms. If Perdido were to incorporate, which do you feel most accurately describes it? (answers were randomized)*

- |                 |                           |
|-----------------|---------------------------|
| <b>1. 40.3%</b> | <b>Town of Perdido</b>    |
| <b>2. 23.9%</b> | <b>City of Perdido</b>    |
| <b>3. 20.6%</b> | <b>Village of Perdido</b> |
| <b>4. 15.2%</b> | <b>Unsure</b>             |

Further, the survey asked respondents in Perdido their opinions about the Government Lite model used by small municipalities across Florida. Voters expressed favorability (more likely / less likely) toward using this model of municipal government in their local community:

*Q– The new town, Perdido, will enact a Government Lite municipal model used successfully in other small towns across Florida. This bare bones local town government would have roughly a half dozen employees, outsource and contract out most services for cost savings, minimize local taxes, and preserve our local quality of life. (answer choices were flipped via randomization)*

- |                 |                             |
|-----------------|-----------------------------|
| <b>1. 58.6%</b> | <b>More Likely</b>          |
| <b>2. 27.6%</b> | <b>Less Likely</b>          |
| <b>3. 13.8%</b> | <b>No Difference/Unsure</b> |

Over 50% of voters (by a 2 to 1 margin) prefer that a new municipality in Perdido implement this smaller form of local government in their community.



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Voters in the survey were then asked specifically about incorporating (or not) into a new municipality in the Perdido region:

*Q– If an election were held today, would you vote yes for incorporating a new town, called Perdido, in your community? Or vote no against incorporating a new town in your community? If you are still undecided, please select undecided.*

- |                 |                  |
|-----------------|------------------|
| <b>1. 55.3%</b> | <b>Yes</b>       |
| <b>2. 32.1%</b> | <b>No</b>        |
| <b>3. 12.6%</b> | <b>Undecided</b> |

## **CONCLUSIONS**

Voters in the new proposed municipality of Perdido are not only in favor incorporating, but would like it to be called the Town of Perdido. Additionally, voters overwhelmingly prefer a smaller local government, similar to the Government Lite municipal model used successfully in other small cities and towns across Florida.

## **Appendix 6**

***Escambia County Sheriff's Office Letter***



# Sheriff Chip W. Simmons

## ESCAMBIA COUNTY SHERIFF'S OFFICE

COURTESY

INTEGRITY

PROFESSIONALISM

August 22, 2023

WE ARE PERDIDO, INC.  
10447 Sorrento Rd.  
Suite 100 PMB 200  
Pensacola, FL. 32507

**Re: Law Enforcement Services of Escambia County Sheriff's Office to Area Being Considered for Possible Incorporation**

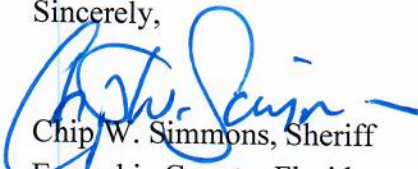
To Whom It May Concern:

I understand that the residents and voters of Perdido Key in the county of Escambia are considering whether to undertake the process of forming a new municipality. If the voters of the Perdido Key area in question decide to incorporate following a referendum, the Escambia County Sheriff's Office will continue to provide law enforcement services to the incorporated area at current levels of service.

Any future changes to levels of law enforcement service would be dictated by population changes and the professional law enforcement analysis of myself. Please consider this letter as a representation of my commitment to continue to provide law enforcement services to residents of Perdido Key.

If you have any questions or need additional information, please let me know.

Sincerely,

  
Chip W. Simmons, Sheriff  
Escambia County, Florida



P.O. Box 18770 · Pensacola, Florida 32533  
Office: (850) 436-9916 · Fax: (850) 436-9491  
[www.escambiaso.com](http://www.escambiaso.com)

## **Appendix 7**

### ***Pending Zoning/Planning/Land Use Cases***

## Perdido: Pending DRC Zoning/Planning/Land Use

*Updated 08-24-2023*

<u>Project Name</u>	<u>Lots</u>	<u>Units</u>	<u>Type</u>	<u>Stage</u>	<u>Parcel ID w/Dashes</u>	<u>Site Address</u>	<u>Project Status</u>	<u>Other Overlay</u>
ELEANOR BEACH SUBDIVISION	7	7	PP	I	14-3S-32-1019-000-000	14601 PERDIDO KEY DR	PENDING	PKMP Town Center
ROYAL BEACH AT PERDIDO	1	7	SP	I	14-3S-32-1024-101-001	14757 PERDIDO KEY DR	PENDING	
PARKING LOT ADDITION	1	0	SP	I	14-3S-32-1041-101-002	13928 RIVER RD 1001	PENDING	
KRYSTAL KEY BEACH HOMES	1	48	SP	I	06-4S-32-2001-010-001	16557 PERDIDO KEY DR	PENDING	
ISABELLA SUBDIVISION	41	41	PP	I	35-3S-32-1001-000-004	13591 PERDIDO KEY DR	PENDING	
T-MOBILE	1	0	SP	I	14-3S-32-2000-003-006	13170 SORRENTO RD	PENDING	
ECUA-INNERARITY POINT BOOSTER PUMP STATION	1	0	SP	I	14-3S-32-2000-002-024	13640 INNERARITY POINT RD	PENDING	
SKYHAWK LANDING	129	129	PP	I	19-3S-31-1101-000-001	10135 SOUTH LOOP RD	PENDING	APZ-2, AIPD-1, NZ 65-70
PLEASANT GROVE MANUFACTURED HOME PARK	1	12	PAS	P	13-3S-31-6101-000-003	10085 NORTH LOOP RD		

**Draft of Special Act**  
**with**  
**Proposed Municipal Charter**

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

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

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

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

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

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

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

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

**Sec. 1.03. Intergovernmental relations.**

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

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

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

**Sec. 1.05. Town boundaries.**

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

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

And also:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

### **ARTICLE III. ELECTIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Commencement of proceedings. Any 10 town electors may commence initiative or referendum proceedings by filing with the town clerk an affidavit stating that they shall constitute the petitioner's committee and be responsible for circulating a petition and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioner's committee is filed, the town clerk may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

4. Petitions.

- a. Initiative and referendum petitions must be signed by electors of the town equal in number to at least 10 percent of the total number of electors registered to vote in the last regular town election.
- b. All papers of a petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- c. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

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

7. Action on petitions.

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

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

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

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

9. Results of election.

a. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

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

## **ARTICLE IV. CHARTER OFFICERS**

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

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

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

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



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

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

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

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

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

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

3. Duties. The town attorney shall:

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

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

**Sec. 4.04. Town clerk.**

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

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

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

**ARTICLE V. FINANCIAL MANAGEMENT**

**5.01. Fiscal year.**

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

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

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

**Sec. 5.03. Budget message.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE VII. CITIZEN PARTICIPATION**

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

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

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

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

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

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

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

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

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

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

**Sec. 7.05. Charter review.**

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

**Sec. 7.06. Recall.**

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

**ARTICLE VIII. MISCELLANEOUS PROVISIONS**

**8.01. Force majeure.**

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

**Sec. 8.02. Severability.**

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

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

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



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

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

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

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

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

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

**Sec. 9.02. Schedule.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INCORPORATION OF TOWN OF PERDIDO

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

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

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

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

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