

By Representative Horan

1 A bill to be entitled
2 An act relating to Monroe County; creating the
3 "Islamorada, Village of Islands"; providing
4 legislative intent; providing municipal
5 boundaries and municipal powers; providing a
6 council-manager form of government; providing
7 for election of a village council; providing
8 for membership, qualifications, terms, powers,
9 and duties of its members, including the mayor;
10 providing for a vice mayor; providing for
11 compensation and expenses; providing general
12 powers and duties; providing circumstances
13 resulting in vacancy in office; providing
14 grounds for forfeiture and suspension;
15 providing for filling of vacancies; providing
16 for meetings; providing for keeping of records;
17 providing for adoption, distribution, and
18 recording of technical codes; providing a
19 limitation upon employment of council members;
20 prohibiting that certain interference with
21 village employees shall constitute malfeasance
22 in office; establishing the fiscal year;
23 providing for adoption of annual budget and
24 appropriation; providing amendments for
25 supplemental, reduction, and transfer of
26 appropriations; providing for limitations;
27 providing for appointment of charter offices,
28 including a village manager and village
29 attorney; providing for removal, compensation,
30 and filling of vacancies; providing
31 qualifications, powers, and duties; providing

1 for nonpartisan elections and for matters
2 relative thereto; providing for recall;
3 providing for initiative and referenda;
4 providing the village a transitional schedule
5 and procedures for first election; providing
6 for first-year expenses; providing for adoption
7 of transitional ordinances, resolutions,
8 comprehensive plan, and local development
9 regulations; providing for accelerated
10 entitlement to state-shared revenues; providing
11 for gas tax revenue; providing for a mechanism
12 for Monroe County to separate countywide from
13 municipal services taxes and to allocate to the
14 village the municipal taxes; providing for a
15 transition agreement between Monroe County and
16 Islamorada, Village of Islands; providing land
17 descriptions of the village; providing for
18 future amendments of the charter; providing for
19 standards of conduct in office; providing for
20 severability; providing for a referendum
21 approval; providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Short title.--This act, together with any
26 future amendments thereto, shall be known and may be cited as
27 the "Islamorada, Village of Islands," hereinafter referred to
28 as "the charter."

29 Section 2. Legislative intent.--The Legislature hereby
30 finds and declares that:

31

1 (1) The Islamorada area in Monroe County includes a
2 compact and contiguous community of approximately 6,700
3 residents susceptible to urban services, and constitutes a
4 community amenable to separate municipal government.

5 (2) It is in the best interests of the public health,
6 safety, and welfare of the residents of the Islamorada area to
7 form a separate municipality for the Islamorada area with all
8 the powers and authority necessary to provide adequate and
9 efficient municipal services to its residents.

10 (3) It is intended that this charter and the
11 incorporation of the Islamorada area will serve to preserve
12 and protect the distinctive characteristics of the individual
13 communities within the boundaries of Islamorada, Village of
14 Islands.

15 Section 3. Incorporation of municipality; corporate
16 limits.--There is hereby created, effective December 31, 1997,
17 in Monroe County, a new municipality to be known as
18 Islamorada, Village of Islands, which shall have a
19 council-manager form of government. The corporate boundaries
20 of Islamorada, Village of Islands, hereinafter referred to as
21 "village," shall be as described in section 11.

22 Section 4. Municipal powers.--The village shall be a
23 body corporate and politic and shall have all the powers of a
24 municipality under the Constitution and laws of the State of
25 Florida, as fully and completely as though such powers were
26 specifically enumerated in this charter, unless otherwise
27 prohibited by or contrary to the provisions of this charter.
28 The village shall have all governmental, corporate, and
29 proprietary powers necessary to enable it to conduct municipal
30 government, perform municipal functions, and render municipal
31 services, and may exercise any power for municipal services

1 unless expressly prohibited by law. The powers of the village
2 shall be liberally construed in favor of the village.

3 Section 5. Village Council.--

4 (1) VILLAGE COUNCIL; COMPOSITION; QUALIFICATIONS OF
5 COUNCIL MEMBERS.--

6 (a) There shall be a five member village council,
7 consisting of council members each elected from and
8 representing the village at large.

9 (b) There shall be five separate council seats to be
10 designated as Seat 1, Seat 2, Seat 3, Seat 4, and Seat 5.

11 Candidates must qualify for council elections by seat, and the
12 council members elected to those seats shall hold Seats 1
13 through 5 respectively.

14 (c) To qualify for office:

15 1. Each candidate for the office of village council
16 shall be a registered voter in the State of Florida and a
17 resident of the village.

18 2. At the time of qualification, each candidate for a
19 council seat shall reside within the boundaries of the village
20 and, if elected, shall maintain such residency throughout his
21 or her term of office. For the initial election, following
22 the referendum approving the creating of the village,
23 candidates for office shall qualify as provided in section
24 9(2). Thereafter, candidates shall qualify as provided in
25 section 8(3).

26 (2) TERM OF OFFICE.--The term of office for council
27 members shall be 4 years. Each council member shall remain in
28 office until a successor is elected and assumes the duties of
29 the position, except as otherwise provided herein. No council
30 member shall serve more than two consecutive terms of office.

31 (3) THE MAYOR; POWERS AND DUTIES.--

1 (a) The village council, at its first regular meeting
2 after the fourth Tuesday of each March, shall elect from its
3 membership a mayor and a vice mayor who shall serve at the
4 pleasure of the village council and who shall have the same
5 legislative powers and duties as any other council member,
6 except as provided in paragraph (b).

7 (b) In addition to carrying out the regular duties
8 under paragraph (a), the mayor shall preside at the meetings
9 of the council and shall be recognized as the head of village
10 government for service of process, ceremonial matters, and the
11 signature or execution of ordinances, contracts, deeds, bonds,
12 and other instruments and documents. The mayor shall have no
13 administrative duties other than those necessary to accomplish
14 these actions, or such other actions as may be authorized by
15 the village council, consistent with general or special law.

16 (4) THE VICE MAYOR.--The vice mayor shall serve as
17 acting mayor during the absence or disability of the mayor.
18 In the absence of the mayor and the vice mayor, the remaining
19 council member shall select a council member to serve as
20 acting mayor.

21 (5) COMPENSATION AND EXPENSES.--Village council
22 members shall initially be compensated at the rate of \$300 per
23 month, and shall be entitled to receive reimbursement in
24 accordance with Florida Statutes for authorized travel and per
25 diem expenses incurred in the performance of their official
26 duties. The village council, by not less than four
27 affirmative votes, may elect to provide for an increase in
28 compensation by ordinance. However, no such ordinance
29 establishing or increasing compensation shall take effect
30 until the date of commencement of the terms of council members
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1 elected at the next regular election which follows the
2 adoption of said ordinance.

3 (6) GENERAL POWERS AND DUTIES OF COUNCIL.--Except as
4 otherwise prescribed herein or provided by law, legislative
5 and police powers of the village shall be vested in the
6 council. The council shall provide for the exercise of its
7 powers and for the performance of all duties and obligations
8 imposed on the village by law.

9 (7) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;
10 FILLING OF VACANCIES.--

11 (a) Vacancies.--A vacancy in the office of a council
12 member shall occur upon the death of the incumbent, removal
13 from office as authorized by law, resignation, appointment to
14 other public office which creates dual office holding,
15 judicially determined incompetency, or forfeiture of office as
16 described in paragraph (b).

17 (b) Forfeiture of office.--A council member shall
18 forfeit his or her office upon determination by the council,
19 acting as a body, at a duly noticed public meeting that he or
20 she:

21 1. Lacks at any time, or fails to maintain during his
22 or her term of office, any qualification for the office
23 prescribed by this charter or otherwise required by law;

24 2. Is convicted of a felony, or enters a plea of
25 guilty or nolo contendere to a crime punishable as a felony,
26 even if adjudication is withheld;

27 3. Is convicted of a first degree misdemeanor arising
28 directly out of his or her official conduct or duties, or
29 enters a plea of guilty or nolo contendere thereto, even if
30 adjudication of guilt has been withheld;

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1 4. Is found to have violated any standard of conduct
2 or code of ethics established by law for public officials and
3 has been suspended from office by the Governor, unless
4 subsequently reinstated as provided by law; or

5 5. Is absent from three consecutive regular council
6 meetings without justifiable reason, or for any other reason
7 established in this charter.

8 (c) Suspension from office.--A council member shall be
9 suspended from office upon return of an indictment or issuance
10 of any information charging the council member with any crime
11 which is punishable as a felony or with any crime arising out
12 of his or her official duties which is punishable as a first
13 degree misdemeanor. Pursuant thereto:

14 1. During the period of suspension, the council member
15 shall not perform any official act, duty, or function, or
16 receive any pay, allowance, emolument, or privilege of office.

17 2. If the council member is subsequently found not
18 guilty of the charge, or if the charge is otherwise dismissed,
19 reduced, or altered in such a manner that suspension would no
20 longer be required as provided herein, the suspension shall be
21 lifted and the council member shall be entitled to receive
22 full back pay and such other emoluments or allowances as he or
23 she would have been entitled to had the suspension not
24 occurred.

25 (d) Filling of vacancies.--

26 1. If a vacancy occurs in the office of mayor, the
27 vice mayor shall serve as mayor until a new mayor is elected
28 as provided in paragraph (3)(a) and assumes the duties of his
29 or her office.

30 2. If any vacancy occurs in the office of any council
31 member and the remainder of the unexpired term is less than 2

1 years and 81 days, the remaining council members shall, within
2 30 days following the occurrence of such vacancy, by majority
3 vote, appoint a person to fill the vacancy for the remainder
4 of the unexpired term. If, however, the remainder of the
5 unexpired term exceeds 2 years and 81 days, the remaining
6 council members shall, within 30 days following the occurrence
7 of such vacancy, by majority vote, appoint a person to fill
8 the vacancy until the next regularly scheduled village
9 election.

10 3. Any person appointed to fill a vacant seat on the
11 council shall be required to meet the qualifications of the
12 seat to which he or she is appointed.

13 (8) VILLAGE COUNCIL MEETINGS.--The council shall
14 conduct regular meetings at such times and places as the
15 council shall prescribe by resolution. Such meetings shall be
16 public meetings within the meaning of s. 286.011, Florida
17 Statutes, and shall be subject to notice and other
18 requirements of law applicable to public meetings. Pursuant
19 thereto:

20 (a) Special meetings may be held at the call of the
21 mayor, or in his or her absence, at the call of the vice
22 mayor. Special meetings may also be called upon the request
23 of a majority of the council members. Unless of an emergency
24 nature, the person or persons calling such a meeting shall
25 provide not less than 72 hours' prior notice of the meeting to
26 the public.

27 (b) Elected or reelected council members shall be
28 inducted into office at the first regularly scheduled meeting
29 following certification of their election.

30 (c) A majority of the council shall constitute a
31 quorum. No action of the council shall be valid unless

1 adopted by an affirmative vote of the majority of the council
2 members in attendance, unless otherwise provided by law. All
3 actions of the village council shall be by ordinance,
4 resolution, or motion.

5 (9) VILLAGE RECORDS.--The council shall, in a properly
6 indexed book kept for the purpose, provide for the
7 authentication and recording in full of all minutes of
8 meetings, and all ordinances and resolutions adopted by the
9 council, and the same shall at all times be a public record.
10 The council shall further maintain a current codification of
11 all ordinances. Such codification shall be printed and shall
12 be made available for distribution to the public on a
13 continuing basis. All ordinances or resolutions of the
14 council shall be signed by the mayor, or vice mayor in the
15 absence or disability of the mayor, or by the acting mayor in
16 the absence or disability of both the mayor and the vice
17 mayor, and attested to by the village clerk.

18 (10) ADOPTION OF CODES.--The council may adopt any
19 standard code of technical regulations by reference thereto in
20 an adopting ordinance and may amend the code in the adopting
21 ordinance or later amendatory ordinance. The procedures and
22 requirements governing such an adoption ordinance shall be
23 prescribed for ordinances generally, except that:

24 (a) Requirements regarding distribution and filing of
25 copies of the ordinance shall not be construed to require
26 distribution and filing of copies of the adopted code of
27 technical regulations, except as provided in paragraph (b).

28 (b) A copy of each adopted code of technical
29 regulations, as well as of the adoptive ordinance, shall be
30 authenticated and recorded by the village clerk.

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1 (11) LIMITATION OF EMPLOYMENT OF COUNCIL MEMBERS.--No
2 council member shall be in the employment of the village while
3 in office, nor shall any former council member be employed by
4 the village until after the expiration of 1 year from the time
5 of leaving office.

6 (12) NONINTERFERENCE BY VILLAGE COUNCIL.--Except for
7 the purposes of inquiry and information, the council and its
8 members including committees thereof, are expressly prohibited
9 from interfering with the performance of the duties of any
10 employee of the village government who is under the direct or
11 indirect supervision of the village manager or village
12 attorney. Such action shall be malfeasance within the meaning
13 of ss. 112.317 and 112.51, Florida Statutes.

14 Section 6. Budget and appropriations.--

15 (1) FISCAL YEAR.--The village shall have a fiscal year
16 which shall begin on October 1 of each year and end on
17 September 30 of the succeeding year.

18 (2) BUDGET ADOPTION.--The council shall by resolution
19 adopt a budget on or before the 30th day of September of each
20 year, following a minimum of two public hearings on the
21 proposed budget. A resolution adopting the annual budget
22 shall constitute appropriation of the amounts specified
23 therein as expenditures from funds indicated.

24 (3) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.--

25 (a) Supplemental appropriations.--If, during the
26 fiscal year, revenues in excess of those estimated in the
27 budget are available for appropriation, the council by
28 resolution may make supplemental appropriations for the year
29 in an amount not to exceed such excess.

30 (b) Reduction of appropriations.--If, at any time
31 during the fiscal year, it appears probable to the village

1 manager that the revenues available will be insufficient to
2 meet the amount appropriated, the village manager shall report
3 same to the council without delay, indicating the estimated
4 amount of the deficit, any remedial action taken, and
5 recommendations as to any other steps that should be taken.
6 The council shall then take such further action as it deems
7 necessary to prevent or minimize any deficit and, for that
8 purpose, the council may by resolution reduce one or more
9 appropriations accordingly.

10 (c) Limitations; effective date.--No appropriation for
11 debt service may be reduced or transferred, and no
12 appropriation may be reduced below any amount required by law
13 to be appropriated, or by more than the unencumbered balance
14 thereof. Other provisions of law to the contrary
15 notwithstanding, the supplemental and emergency appropriations
16 and reduction or transfer of appropriations authorized by this
17 section may be made effective immediately upon adoption.

18 Section 7. Charter officers.--

19 (1) DESIGNATION.--The village manager and the village
20 attorney are redesignated as charter officers, except that the
21 office of village attorney may be contracted to an attorney or
22 law firm.

23 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
24 VACANCIES.--

25 (a) The charter officers shall be appointed by a
26 majority vote of the full council and shall serve at the
27 pleasure of the council.

28 (b) The charter officers shall be removed from office
29 only by a majority vote of the full council. Upon demand by a
30 charter officer, a public hearing shall be held prior to such
31 removal.

1 (c) The compensation of the charter officers shall be
2 fixed by the village council.

3 (d) The village council shall begin the process to
4 fill a vacancy in a charter office within 90 days of the
5 vacancy. An acting village manager or an acting village
6 attorney may be appointed by the council during a vacancy in
7 such charter office.

8 (e) The charter officers shall not be a candidate for
9 village council while holding their charter officer position.

10 (3) VILLAGE MANAGER.--The village manager shall be the
11 chief administrative officer of the village.

12 (a) Qualifications.--The village manager shall be
13 selected on the basis of experience, expertise, and management
14 ability as it pertains to running municipal government.

15 (b) Powers and duties.--The village manager shall:

16 1. As the chief administrative officer of the village,
17 direct and supervise the administration of all departments,
18 offices, and agencies of the village, except the offices of
19 village attorney, and except as otherwise provided by this
20 charter or by law.

21 2. Appoint, suspend, or remove any employee of the
22 village or appointive administrative officer provided for, by,
23 or under this charter, except the office of village attorney,
24 and except as may otherwise be provided by law, this charter,
25 or personnel rules adopted pursuant to the charter. The
26 village manager may authorize any administrative officer who
27 is subject to his or her direction and supervision to exercise
28 these powers with respect to subordinates in that officer's
29 department, office, or agency.

30 3. Ensure that all laws, provisions of this charter,
31 and acts of the council are faithfully executed.

- 1 4. Prepare and submit the annual budget, and capital
2 program to the council in the form prescribed by ordinance.
- 3 5. Attend meetings of the village council.
- 4 6. Draw and sign vouchers upon depositories as
5 provided by ordinance, and keep, or cause to be kept, a true
6 and accurate account of same.
- 7 7. Sign all licenses issued by the village, and issue
8 receipts for all moneys paid to the village, and deposit said
9 moneys in the proper depositories on the first banking day
10 after receipt. The village manager may delegate the
11 responsibilities of this subparagraph to an appropriate
12 village employee who shall be bonded.
- 13 8. Provide administrative services in support of the
14 official duties of the mayor and the council.
- 15 9. Keep the council advised as to the financial
16 condition and future needs of the village and make
17 recommendations to the council concerning the affairs of the
18 village.
- 19 10. Submit to the council, and make available to the
20 public, a complete report on finances and administrative
21 activities of the village as of the end of each fiscal year.
- 22 11. Sign contracts on behalf of the village to the
23 extent authorized by ordinance.
- 24 12. Perform such other duties as are specified in this
25 charter or as may be required by the council.
- 26 (4) VILLAGE ATTORNEY.--The village attorney shall be
27 the chief legal officer of the village.
- 28 (a) Qualifications.--The village attorney shall be a
29 member of The Florida Bar in good standing.
- 30 (b) Powers and duties.--The village attorney:
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1 1. Shall serve as chief legal advisor to the village
2 council, the charter officers, and all village departments,
3 offices, and agencies.

4 2. May hire such assistants as may be required, when
5 approved by the village council.

6 3. Shall attend village council meetings unless
7 excused by the village council, and shall perform such
8 professional duties as may be required by law or by the
9 council in furtherance of the law.

10 4. Shall prepare an annual budget for the operation of
11 the office of the village attorney and shall submit this
12 budget to the village manager for inclusion in the annual
13 village budget, in accordance with uniform village procedures.

14 Section 8. Elections.--

15 (1) ELECTORS.--Any person who is a resident of the
16 village, who has qualified as an elector of this state, and
17 who registers in the manner prescribed by law shall be an
18 elector of the village.

19 (2) NONPARTISAN ELECTIONS.--All elections for the
20 village council members shall be conducted on a nonpartisan
21 basis without any designation of political party affiliation.

22 (3) QUALIFYING FOR OFFICE.--Any resident of the
23 village who wishes to become a candidate for a village
24 elective office shall qualify with the village clerk no sooner
25 than noon on the last Tuesday in January nor later than noon
26 on the second Tuesday in February of the year in which the
27 election is to be held.

28 (4) SCHEDULE FOR GENERAL ELECTIONS AND RUNOFFS.--The
29 regular village election shall be the second Tuesday in March
30 of each election year. Such village elections shall be
31 general village elections. In the event no candidate for an

1 office receives a majority of the votes cast for said office,
2 then a runoff election shall be held on the fourth Tuesday in
3 March.

4 (5) SCHEDULE FOR OTHER ELECTIONS.--

5 (a) An election to fill the remainder of an unexpired
6 term shall be held as provided in subsection (4).

7 (b) Special municipal elections shall be held in the
8 same manner as regular elections, except that the village
9 council, by ordinance, shall fix the time for holding of such
10 elections.

11 (6) DETERMINATION OF ELECTION TO OFFICE.--If only one
12 candidate qualifies for an office, said candidate shall be
13 deemed to be elected. If two or more candidates qualify for
14 an office, the names of those candidates shall be placed on
15 the ballot at the general election. If no candidate for an
16 office receives a majority of the votes cast for said office,
17 then the two candidates for the office receiving the highest
18 vote in the general election shall run again in the runoff
19 election, provided that:

20 (a) If more than two candidates for an office receive
21 an equal and highest number of votes, the name of such
22 candidates shall be placed on the runoff election ballot.

23 (b) In any contest in which there is a tie for second
24 place, the name of the candidate placing first and the name of
25 each candidate tying for second shall be placed upon the
26 runoff election ballot. The candidate receiving the highest
27 number of votes cast for the office in the runoff election
28 shall be elected to such office. If the vote at the runoff
29 election results in a tie, the outcome shall be determined by
30 lot.

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1 (7) VILLAGE CANVASSING BOARD.--The village canvassing
2 board shall be composed of those members of the village
3 council who are not candidates for reelection and the village
4 clerk, who shall act as chairperson. At the close of the
5 polls of any village election, or as soon thereafter as
6 practicable, the canvassing board shall meet at a time and
7 place designated by the chairperson and shall proceed to
8 publicly canvass the vote as shown by the returns then on file
9 in the office of the village clerk, and then shall publicly
10 canvass the absentee elector ballots. The canvassing board
11 shall prepare and sign a certificate containing the total
12 number of votes cast for each candidate or other measure voted
13 upon. The certificate shall be placed on file with the
14 village clerk.

15 (8) RECALL OF VILLAGE COUNCIL MEMBERS.--Any member of
16 the village council may be removed from office by the electors
17 of the village following the procedures for recall established
18 by general law.

19 (9) INITIATIVE AND REFERENDUM.--

20 (a) Power to initiate and reconsider ordinances.--

21 1. Initiative.--The electors of the village shall have
22 the power to propose ordinances to the village council and, if
23 the village council fails to adopt an ordinance so proposed
24 without any change in substance, to adopt or reject it at a
25 village election, provided that such power shall not extend to
26 the annual budget or capital program or any ordinance
27 appropriating money, levying taxes, or setting salaries of
28 village officers or employees.

29 2. Referendum.--

30 a. The village council shall have the power, by
31 resolution, to call for a referendum vote by the electors of

1 the village at any time, provided that the purpose of such
2 referendum is presented to the village at a public hearing at
3 least 60 days prior to the adoption of said resolution. Any
4 resolution calling for a referendum vote of the electors of
5 the village must be passed by the affirmative vote of not less
6 than four members of the council.

7 b. The electors of the village shall have the power to
8 require reconsideration by the village council of any adopted
9 ordinance and, if the village council fails to repeal an
10 ordinance so reconsidered, to approve or reject it at a
11 village election, provided that such power shall not extend to
12 the annual budget or capital program or any ordinance
13 appropriating money, levying taxes, or setting salaries of
14 village officers or employees.

15 c. Notwithstanding anything in sub-subparagraph 2.b.
16 to the contrary, the referendum power shall extend to any
17 ordinance levying ad valorem taxes, provided that the
18 ordinance increases the total village tax rate above 5 mills,
19 and that all petitions with respect to the referendum are
20 filed within 30 days after the date of adoption of the
21 ordinance.

22 (b) Commencement of proceedings.--Any 10 electors may
23 commence initiative or referendum proceedings by filing with
24 the village clerk an affidavit stating that they shall
25 constitute the petitioner's committee and be responsible for
26 circulating the petition and filing it in proper form stating
27 their names and addresses and specifying the address to which
28 all notices to the committee are to be sent, and setting out
29 in full the proposed initiative ordinance or citing the
30 ordinance sought to be reconsidered. Promptly after the
31 affidavit of the petitioner's committee is filed, the village

1 clerk may, at the committee's request, issue the appropriate
2 petition blanks to the petitioner's committee at the
3 committee's expense.

4 (c) Petitions.--

5 1. Initiative and referendum petitions must be signed
6 by electors of the village equal in number to at least 10
7 percent of the total number of electors registered to vote in
8 the last regular village election.

9 2. All papers of a petition shall be assembled as one
10 instrument of filing. Each signature shall be executed in ink
11 and shall be followed by the printed name and address of the
12 person signing. Petitions shall contain or have attached
13 thereto throughout their circulation the full text of the
14 ordinance proposed or sought to be reconsidered.

15 3. Each paper of a petition shall have attached to it,
16 when filed, an affidavit executed by the circulator thereof
17 stating that he or she personally circulated the paper, the
18 number of signatures thereon, that all signatures were affixed
19 in his or her presence, that he or she believes them to be the
20 genuine signatures of the persons whose names they purport to
21 be, and that each signer had an opportunity before signing to
22 read the full text of the ordinance proposed or sought to be
23 reconsidered.

24 4. Except as otherwise provided in sub-subparagraph
25 2.b., all initiative and referendum petitions must be filed
26 within 60 days of the date on which proceedings with respect
27 to such initiative or referendum are commenced, and all
28 requirements of the process, including, but not limited to,
29 the submission of the signatures required, must be completed
30 no later than 90 days following the date of filing said
31 initiative or referendum petition.

1 (d) Procedure for filing.--
2 1. Within 20 days after an initiative petition or a
3 referendum petition is filed, the village clerk shall complete
4 a certificate as to its sufficiency, specifying, if it is
5 insufficient, the particulars wherein it is defective and
6 shall promptly send a copy of the certificate to the
7 petitioner's committee by registered mail. Grounds for
8 insufficiency are only those specifics in subparagraph (c)3.
9 that are not met. A petition certified insufficient for lack
10 of the required number of valid signatures may be amended once
11 if the petitioner's committee files a notice of intent to
12 amend it with the designated official within 2 business days
13 after receiving the copy of the certificate and files a
14 supplementary petition upon additional papers within 10 days
15 after receiving the copy of such certificate. Such
16 supplementary petition shall comply with original petition
17 requirements, and within 5 days after it is filed, the village
18 clerk shall complete a certificate as to the sufficiency of
19 the petition as amended and promptly send a copy of such
20 certificate to the petitioner's committee by registered mail.
21 If a petition or an amended petition is certified sufficient,
22 or if a petition or amended petition is certified insufficient
23 and the petitioner's committee does not elect to amend or
24 request the village council review under subparagraph 2.
25 within the time required, the village clerk shall promptly
26 present a certificate to the village council and such
27 certificate shall then be a final determination as to the
28 sufficiency of the petition.
29 2. The village council review.--If a petition has been
30 certified insufficient and the petitioner's committee does not
31 file notice of intent to amend it or if an amended petition

1 has been certified insufficient, the committee may, within 2
2 business days after receiving the copy of such certificate,
3 file a request that it be reviewed by the village council.
4 The village council shall review the certificate at its next
5 meeting following the village council's filing of such request
6 and approve or disapprove it, and determination shall then be
7 final as to the sufficiency of the petition.

8 (e) Action on petitions.--

9 1. Action by village council.--When an initiative or
10 referendum petition has been determined sufficient, the
11 village council shall promptly consider the proposed
12 initiative ordinance or reconsider the referendum ordinance by
13 voting its repeal. The repeal of an ordinance relating to the
14 levy of ad valorem taxes shall be by ordinance. If the
15 village council fails to adopt a proposed initiative ordinance
16 without any change in substance within 45 days or fails to
17 repeal the referendum ordinance within 30 days or, in the case
18 of a referendum authorized pursuant to sub-subparagraph
19 (a)2.c., within 5 days after the date on which the petition is
20 determined to be sufficient, it shall submit the proposed
21 initiative or referendum ordinance to the electors of the
22 village. If the village council fails to act on a proposed
23 initiative ordinance or a referendum ordinance within the time
24 period specified, the village council shall be deemed to have
25 failed to adopt the proposed initiative ordinance or failed to
26 repeal the referendum ordinance on the last day that the
27 village council was authorized to act on such matter.

28 2. Submission to electors.--The vote of the village on
29 a proposed initiative or referendum ordinance shall be held
30 not less than 30 or more than 60 days from the date the
31 village council acted or was deemed to have acted pursuant to

1 subparagraph (e)1. that the petition was determined
2 sufficient. If no regular election is to be held within the
3 period described in this paragraph, the village council shall
4 provide for a special election, except that the village
5 council may, in its discretion, provide for a special election
6 at an earlier date within the described period. Copies of the
7 proposed initiative or referendum ordinance shall be made
8 available at the polls.

9 3. Withdrawal of petitions.--An initiative or
10 referendum petition may be withdrawn at any time prior to the
11 15th day preceding the day scheduled for a vote of the village
12 by filing with the village clerk a request for withdrawal
13 signed by at least eight members of the petitioner's
14 committee. Upon the filing of such request, the petition
15 shall have no further force or effect and all proceedings
16 thereon shall be terminated.

17 (f) Results of election.--

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

24 2. If a majority of the qualified electors voting on a
25 referendum ordinance vote against it, it shall be considered
26 repealed upon certification of the election results.

27 Section 9. Transition schedule.--

28 (1) REFERENDUM.--The referendum election called for by
29 this act shall be held on November 4, 1997, at which time the
30 following question shall be placed upon the ballot:

31

1 "SHALL CHAPTER _____, LAWS OF FLORIDA, CREATING
2 THE ISLAMORADA, VILLAGE OF ISLANDS AND
3 PROVIDING ITS CHARTER BE APPROVED?"
4

5 In the event this question is answered affirmatively by a
6 majority of voters voting in the referendum, the provisions of
7 this charter will take effect as provided in section 14.

8 (2) INITIAL ELECTION OF COUNCIL MEMBERS.--

9 (a) Dates.--Following the adoption of this charter in
10 accordance with subsection (1), the Monroe County Commission
11 shall call a special election for the election of the five
12 village council members to be held on March 12, 1998. In the
13 event no candidate for an office receives a majority of the
14 votes cast for said office, then a runoff election shall be
15 held on March 26, 1998.

16 (b) Qualifying period.--Between noon on January 30,
17 1998, and noon on February 13, 1998, any individual who wishes
18 to run for one of the five initial seats on the council shall
19 qualify as a candidate with the Monroe County Supervisor of
20 Elections in accordance with the provisions of this charter
21 and general law.

22 (c) Certification of election results.--For the
23 initial election, the Monroe County Commission shall appoint a
24 canvassing board which shall certify the results of the
25 election.

26 (d) Induction into office.--Those candidates who are
27 elected on March 12, 1998, and March 26, 1998, shall take
28 office at the initial village council meeting, which shall be
29 held at 7 p.m., on March 28, 1998, at the Islamorada Public
30 Library.
31

1 (e) Initial terms of office.--In order to provide for
2 staggering terms of office, the initial term of office for
3 those three council candidates receiving the highest number of
4 votes in the initial election shall be 4 years, and for the
5 remaining elected candidates 2 years.

6 (3) CREATION AND ESTABLISHMENT OF VILLAGE.--For the
7 purpose of compliance with s. 200.066, Florida Statutes,
8 relating to assessment and collection of ad valorem taxes, the
9 village is hereby created and established effective December
10 31, 1997, notwithstanding anything to the contrary contained
11 herein, the village although created and established as of
12 December 31, 1997, shall not be operational until March 26,
13 1998.

14 (4) FIRST YEAR EXPENSES.--The village council, in
15 order to provide moneys for the expenses and support of the
16 village, shall have the power to borrow money necessary for
17 the operation of village government until such time as a
18 budget is adopted and revenues are raised in accordance with
19 the provisions of this charter.

20 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The
21 village council shall adopt ordinances and resolutions
22 required to effect the transition. Ordinances adopted within
23 60 days after the first council meeting may be passed as
24 emergency ordinances. These transitional ordinances, passed as
25 emergency ordinances, shall be effective for no longer than 90
26 days after adoption, and thereafter may be readopted, renewed,
27 or otherwise continued only in the manner normally prescribed
28 for ordinances.

29 (6) TRANSITIONAL COMPREHENSIVE PLAN AND LAND
30 DEVELOPMENT REGULATIONS.--
31

1 (a) Until such time as the village adopts a
2 comprehensive plan, the applicable provisions of the
3 Comprehensive Plan of Monroe County, as the same exists on the
4 day the village commences corporate existence, shall remain in
5 effect as the village's transitional comprehensive plan.
6 However, all planning functions, duties, and authority shall
7 thereafter be vested in the Village Council of Islamorada
8 which shall be deemed the local planning agency until and
9 unless the council establishes a separate local planning
10 agency. Prior to the adoption of a village comprehensive
11 master plan, any amendment to any zoning as established in the
12 current county land use plan shall only be by an ordinance
13 adopted by the affirmative vote of not less than four members
14 of the council. Any increase in the residential density or
15 intensity, as established in the current county land use plan
16 which is adopted by the village shall only be by an ordinance
17 adopted by the affirmative vote of not less than four members
18 of the council.

19 (b) All powers and duties of the planning commission,
20 zoning authority, any boards of adjustment, and the County
21 Commission of Monroe County, as set forth in these
22 transitional zoning and land use regulations, shall be vested
23 in the Village Council of Islamorada until such time as the
24 village council delegates all or a portion thereof to another
25 entity.

26 (c) Subsequent to the commencement of the village's
27 corporate existence, no amendment of the comprehensive plan or
28 land development regulations enacted by the Monroe County
29 Commission shall be deemed as an amendment of the village's
30 transitional comprehensive plan or land development
31

1 regulations or otherwise take effect within the village's
2 corporate limits unless approved by the village council.

3 (7) STATE SHARED REVENUES.--Islamorada, Village of
4 Islands shall be entitled to participate in all shared revenue
5 programs of the State of Florida effective immediately on the
6 date of incorporation. The provisions of s. 218.23(1), Florida
7 Statutes, shall be waived for the purpose of eligibility to
8 receive revenue sharing funds from the date of incorporation
9 through the state fiscal year 1997-1998. Initial population
10 estimates for calculating eligibility for shared revenues
11 shall be determined by the University of Florida Bureau of
12 Economic and Business Research. Should the bureau be unable to
13 provide an appropriate population estimate, the Monroe County
14 Planning Division estimate should be utilized.

15 (8) GAS TAX REVENUES.--Notwithstanding the
16 requirements of s. 336.025, Florida Statutes, to the contrary,
17 Islamorada, Village of Islands shall be entitled to receive
18 local option gas tax revenues beginning October 1, 1998.

19 Section 10. Provision for interim municipal services;
20 continuation, merger, and dissolution of existing districts;
21 continuation and allocation of Monroe County imposed taxes to
22 fund village operations.--

23 (1) PROVISION FOR INTERIM SERVICES.--Following
24 appointment of the village manager and attorney, the council
25 shall enter into a transition agreement with Monroe County for
26 the continuation of municipal services until replaced by
27 alternative providers designated by the village. The
28 transition agreement shall provide a manner in which the
29 village will compensate Monroe County for continuing to
30 provide those services. In connection with that transition
31 agreement, the council shall also adopt and revise as

1 necessary a schedule for the implementation of village
2 municipal services.

3 (2) MONROE COUNTY TAXES LEVIED WITHIN THE BOUNDARIES
4 OF ISLAMORADA TO PROVIDE FOR MUNICIPAL SERVICES.--In levying
5 taxes and fees for the 1997-1998 fiscal year, Monroe County
6 shall separately identify all taxes and fees which it imposes
7 for countywide purposes and all taxes and fees it imposes to
8 provide municipal services to the unincorporated areas. If
9 services provided by Monroe County serve both a municipal and
10 countywide purpose, an allocation of the cost of those
11 services between countywide and municipal government must be
12 made so that no countywide tax revenues are utilized to pay
13 for municipal services. In the event the village charter is
14 adopted, those municipal taxes and fees imposed by Monroe
15 County to provide municipal services within the boundaries of
16 Islamorada shall be prorated between Monroe County and the
17 village using March 26, 1998, as the date the tax revenues
18 belonged to the village. To the extent the village is the
19 beneficiary of those tax revenues, it will be deemed to have
20 levied those taxes as village taxes. The transition agreement
21 will provide for the payment to Monroe County of such amounts
22 as are necessary to compensate Monroe County for providing
23 transition municipal services.

24 Section 11. Land description.--The corporate
25 boundaries of the village shall be as follows:

26
27 From the West end of the Channel Two Bridge
28 (approximately Mile Marker 72.5) to the West
29 end of the Tavernier Creek Bridge
30 (approximately Mile Marker 90.8), including the
31 entire islands of Plantation Key, Windley Key,

1 Upper Matecumbe Key, Lower Matecumbe Key, and
2 Teatable Key, and all land filled in between
3 the islands, all connected by U.S. One,
4 Overseas Highway; all of the above within
5 Monroe County, Florida.

6
7 Section 12. General provisions.--

8 (1) CHARTER AMENDMENTS.--This charter may be amended
9 in accordance with the provisions for charter amendments as
10 specified in the Municipal Home Rule Powers Act, chapter 166,
11 Florida Statutes, as the same may be amended from time to
12 time, or its successor, or as may otherwise be provided by
13 general law. The form, content, and certification of any
14 petition to amend shall be established by ordinance.

15 (2) STANDARDS OF CONDUCT.--All elected officials and
16 employees of the village shall be subject to the standards of
17 conduct for public officers and employees set by general law.
18 In addition, the village council shall, no later than 6 months
19 from the effective date of incorporation, establish by
20 ordinance a code of ethics for officials and employees of the
21 village which may be supplemental to general law, but in no
22 case may such an ordinance diminish the provisions of general
23 law. The intent of this provision of the charter is to require
24 more stringent standards than those provided under general
25 law.

26 Section 13. If any provisions of this act, or the
27 application thereof to any person or circumstance, is held
28 invalid, the invalidity shall not affect other provisions or
29 applications of this act which can be given effect without the
30 invalid provision or application, and to this end the
31 provisions of this act are declared severable.

1 Section 14. This act shall take effect only upon its
2 approval by a majority vote of those qualified electors
3 residing within the proposed corporate limits of the proposed
4 Islamorada, Village of Islands as described in section 11,
5 voting in a referendum election to be called by the Monroe
6 County Commission and to be held on November 4, 1997, in
7 accordance with the provisions of law relating to elections
8 currently in force, except that:

9 (1) If approved by the electorate, section 3, section
10 9(2), and section 9(3) shall take effective upon certification
11 of the election results by the Monroe County Supervisor of
12 Elections.

13 (2) The remainder of this act shall take effect upon
14 becoming a law.

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