

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 providing 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 transition
12 agreement between Monroe County and Islamorada,
13 Village of Islands; providing land descriptions
14 of the village; providing for future amendments
15 of the charter; providing for standards of
16 conduct in office; providing for severability;
17 providing for a referendum approval; providing
18 effective dates.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Short title.--This act, together with any
23 future amendments thereto, shall be known and may be cited as
24 the "Islamorada, Village of Islands," hereinafter referred to
25 as "the charter."

26 Section 2. Legislative intent.--The Legislature hereby
27 finds and declares that:

28 (1) The Islamorada area in Monroe County includes a
29 compact and contiguous community of approximately 7,100
30 residents susceptible to urban services, and constitutes a
31 community amenable to separate municipal government.

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

6 (3) It is intended that this charter and the
7 incorporation of the Islamorada area will serve to preserve
8 and protect the distinctive characteristics of the individual
9 communities within the boundaries of Islamorada, Village of
10 Islands.

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

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

30 Section 5. Village Council.--
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1 (1) VILLAGE COUNCIL; COMPOSITION; QUALIFICATIONS OF
2 COUNCIL MEMBERS.--

3 (a) There shall be a five member village council,
4 consisting of council members each elected from and
5 representing the village at large.

6 (b) There shall be five separate council seats to be
7 designated as Seat 1, Seat 2, Seat 3, Seat 4, and Seat 5.
8 Candidates must qualify for council elections by seat, and the
9 council members elected to those seats shall hold Seats 1
10 through 5 respectively.

11 (c) To qualify for office:

12 1. Each candidate for the office of village council
13 shall be a registered voter in the State of Florida and a
14 resident of the village.

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

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

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

29 (a) The village council, at its first regular meeting
30 after the fourth Tuesday of each March, shall elect from its
31 membership a mayor and a vice mayor who shall serve at the

1 pleasure of the village council and who shall have the same
2 legislative powers and duties as any other council member,
3 except as provided in paragraph (b).

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

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

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

30 (6) GENERAL POWERS AND DUTIES OF COUNCIL.--Except as
31 otherwise prescribed herein or provided by law, legislative

1 and police powers of the village shall be vested in the
2 council. The council shall provide for the exercise of its
3 powers and for the performance of all duties and obligations
4 imposed on the village by law.

5 (7) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;
6 FILLING OF VACANCIES.--

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

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

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

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

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

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

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

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

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

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

21 (d) Filling of vacancies.--

22 1. If a vacancy occurs in the office of mayor, the
23 vice mayor shall serve as mayor until a new mayor is elected
24 as provided in paragraph (3)(a) and assumes the duties of his
25 or her office.

26 2. If any vacancy occurs in the office of any council
27 member and the remainder of the unexpired term is less than 2
28 years and 81 days, the remaining council members shall, within
29 30 days following the occurrence of such vacancy, by majority
30 vote, appoint a person to fill the vacancy for the remainder
31 of the unexpired term. If, however, the remainder of the

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

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

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

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

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

26 (c) A majority of the council shall constitute a
27 quorum. No action of the council shall be valid unless
28 adopted by an affirmative vote of the majority of the council
29 members in attendance, unless otherwise provided by law. All
30 actions of the village council shall be by ordinance,
31 resolution, or motion.

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

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

20 (a) Requirements regarding distribution and filing of
21 copies of the ordinance shall not be construed to require
22 distribution and filing of copies of the adopted code of
23 technical regulations, except as provided in paragraph (b).

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

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

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

9 Section 6. Budget and appropriations.--

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

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

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

20 (a) Supplemental appropriations.--If, during the
21 fiscal year, revenues in excess of those estimated in the
22 budget are available for appropriation, the council by
23 resolution may make supplemental appropriations for the year
24 in an amount not to exceed such excess.

25 (b) Reduction of appropriations.--If, at any time
26 during the fiscal year, it appears probable to the village
27 manager that the revenues available will be insufficient to
28 meet the amount appropriated, the village manager shall report
29 same to the council without delay, indicating the estimated
30 amount of the deficit, any remedial action taken, and
31 recommendations as to any other steps that should be taken.

1 The council shall then take such further action as it deems
2 necessary to prevent or minimize any deficit and, for that
3 purpose, the council may by resolution reduce one or more
4 appropriations accordingly.

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

13 Section 7. Charter officers.--

14 (1) DESIGNATION.--The village manager and the village
15 attorney are redesignated as charter officers, except that the
16 office of village attorney may be contracted to an attorney or
17 law firm.

18 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
19 VACANCIES.--

20 (a) The charter officers shall be appointed by a
21 majority vote of the full council and shall serve at the
22 pleasure of the council.

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

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

29 (d) The village council shall begin the process to
30 fill a vacancy in a charter office within 90 days of the
31 vacancy. An acting village manager or an acting village

1 attorney may be appointed by the council during a vacancy in
2 such charter office.

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

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

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

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

11 1. As the chief administrative officer of the village,
12 direct and supervise the administration of all departments,
13 offices, and agencies of the village, except the offices of
14 village attorney, and except as otherwise provided by this
15 charter or by law.

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

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

27 4. Prepare and submit the annual budget, and capital
28 program to the council in the form prescribed by ordinance.

29 5. Attend meetings of the village council.
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1 6. Draw and sign vouchers upon depositories as
2 provided by ordinance, and keep, or cause to be kept, a true
3 and accurate account of same.

4 7. Sign all licenses issued by the village, and issue
5 receipts for all moneys paid to the village, and deposit said
6 moneys in the proper depositories on the first banking day
7 after receipt. The village manager may delegate the
8 responsibilities of this subparagraph to an appropriate
9 village employee who shall be bonded.

10 8. Provide administrative services in support of the
11 official duties of the mayor and the council.

12 9. Keep the council advised as to the financial
13 condition and future needs of the village and make
14 recommendations to the council concerning the affairs of the
15 village.

16 10. Submit to the council, and make available to the
17 public, a complete report on finances and administrative
18 activities of the village as of the end of each fiscal year.

19 11. Sign contracts on behalf of the village to the
20 extent authorized by ordinance.

21 12. Perform such other duties as are specified in this
22 charter or as may be required by the council.

23 (4) VILLAGE ATTORNEY.--The village attorney shall be
24 the chief legal officer of the village.

25 (a) Qualifications.--The village attorney shall be a
26 member of The Florida Bar in good standing.

27 (b) Powers and duties.--The village attorney:

28 1. Shall serve as chief legal advisor to the village
29 council, the charter officers, and all village departments,
30 offices, and agencies.

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

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

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

11 Section 8. Elections.--

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

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

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

25 (4) SCHEDULE FOR GENERAL ELECTIONS AND RUNOFFS.--The
26 regular village election shall be the second Tuesday in March
27 of each election year. Such village elections shall be
28 general village elections. In the event no candidate for an
29 office receives a majority of the votes cast for said office,
30 then a runoff election shall be held on the fourth Tuesday in
31 March.

1 (5) SCHEDULE FOR OTHER ELECTIONS.--

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

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

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

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

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

28 (7) VILLAGE CANVASSING BOARD.--The village canvassing
29 board shall be composed of those members of the village
30 council who are not candidates for reelection and the village
31 clerk, who shall act as chairperson. At the close of the

1 polls of any village election, or as soon thereafter as
2 practicable, the canvassing board shall meet at a time and
3 place designated by the chairperson and shall proceed to
4 publicly canvass the vote as shown by the returns then on file
5 in the office of the village clerk, and then shall publicly
6 canvass the absentee elector ballots. The canvassing board
7 shall prepare and sign a certificate containing the total
8 number of votes cast for each candidate or other measure voted
9 upon. The certificate shall be placed on file with the
10 village clerk.

11 (8) RECALL OF VILLAGE COUNCIL MEMBERS.--Any member of
12 the village council may be removed from office by the electors
13 of the village following the procedures for recall established
14 by general law.

15 (9) INITIATIVE AND REFERENDUM.--

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

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

25 2. Referendum.--

26 a. The village council shall have the power, by
27 resolution, to call for a referendum vote by the electors of
28 the village at any time, provided that the purpose of such
29 referendum is presented to the village at a public hearing at
30 least 60 days prior to the adoption of said resolution. Any
31 resolution calling for a referendum vote of the electors of

1 the village must be passed by the affirmative vote of not less
2 than four members of the council.

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

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

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

31 (c) Petitions.--

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

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

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

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

28 (d) Procedure for filing.--

29 1. Within 20 days after an initiative petition or a
30 referendum petition is filed, the village clerk shall complete
31 a certificate as to its sufficiency, specifying, if it is

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

25 2. The village council review.--If a petition has been
 26 certified insufficient and the petitioner's committee does not
 27 file notice of intent to amend it or if an amended petition
 28 has been certified insufficient, the committee may, within 2
 29 business days after receiving the copy of such certificate,
 30 file a request that it be reviewed by the village council.
 31 The village council shall review the certificate at its next

1 meeting following the village council's filing of such request
2 and approve or disapprove it, and determination shall then be
3 final as to the sufficiency of the petition.

4 (e) Action on petitions.--

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

24 2. Submission to electors.--The vote of the village on
25 a proposed initiative or referendum ordinance shall be held
26 not less than 30 or more than 60 days from the date the
27 village council acted or was deemed to have acted pursuant to
28 subparagraph (e)1. that the petition was determined
29 sufficient. If no regular election is to be held within the
30 period described in this paragraph, the village council shall
31 provide for a special election, except that the village

1 council may, in its discretion, provide for a special election
2 at an earlier date within the described period. Copies of the
3 proposed initiative or referendum ordinance shall be made
4 available at the polls.

5 3. Withdrawal of petitions.--An initiative or
6 referendum petition may be withdrawn at any time prior to the
7 15th day preceding the day scheduled for a vote of the village
8 by filing with the village clerk a request for withdrawal
9 signed by at least eight members of the petitioner's
10 committee. Upon the filing of such request, the petition
11 shall have no further force or effect and all proceedings
12 thereon shall be terminated.

13 (f) Results of election.--

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

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

23 Section 9. Transition schedule.--

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

27
28 INCORPORATION OF THE VILLAGE OF ISLAMORADA

29
30 "SHALL CHAPTER _____, LAWS OF FLORIDA, CREATING THE ISLAMORADA,
31 VILLAGE OF ISLANDS AND PROVIDING ITS CHARTER BE APPROVED?"

1 [] YES

2 [] NO

3
4 In the event this question is answered affirmatively by a
5 majority of voters voting in the referendum, the provisions of
6 this charter will take effect as provided in section 14.

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

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

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

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

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

30 (e) Initial terms of office.--In order to provide for
31 staggering terms of office, the initial term of office for

1 those three council candidates receiving the highest number of
2 votes in the initial election shall be 4 years, and for the
3 remaining elected candidates 2 years.

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

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

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

27 (6) TRANSITIONAL COMPREHENSIVE PLAN AND LAND
28 DEVELOPMENT REGULATIONS.--

29 (a) Until such time as the village adopts a
30 comprehensive plan, the applicable provisions of the
31 Comprehensive Plan of Monroe County, as the same exists on the

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

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

23 (c) Subsequent to the commencement of the village's
24 corporate existence, no amendment of the comprehensive plan or
25 land development regulations enacted by the Monroe County
26 Commission shall be deemed as an amendment of the village's
27 transitional comprehensive plan or land development
28 regulations or otherwise take effect within the village's
29 corporate limits unless approved by the village council.

30 (7) STATE SHARED REVENUES.--Islamorada, Village of
31 Islands shall be entitled to participate in all shared revenue

1 programs of the State of Florida effective immediately on the
2 date of incorporation. The provisions of s. 218.23(1), Florida
3 Statutes, shall be waived for the purpose of eligibility to
4 receive revenue sharing funds from the date of incorporation
5 through the state fiscal year 1997-1998. Section 218.26(3),
6 F.S., shall be waived for the 1997-1998 state fiscal year and
7 the apportionment factors for the municipalities and counties
8 shall be recalculated pursuant to s. 218.245, F.S. Initial
9 population estimates for calculating eligibility for shared
10 revenues shall be determined by the University of Florida
11 Bureau of Economic and Business Research. Should the bureau be
12 unable to provide an appropriate population estimate, the
13 Monroe County Planning Division estimate should be utilized.

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

18 Section 10. Land description.--The corporate
19 boundaries of the village shall be as follows:

20
21 From the West end of the Channel Two Bridge
22 (approximately Mile Marker 72.5) to the West
23 end of the Tavernier Creek Bridge
24 (approximately Mile Marker 90.8), including the
25 entire islands of Plantation Key, Windley Key,
26 Upper Matecumbe Key, Lower Matecumbe Key, and
27 Teatable Key, and all land filled in between
28 the islands, all connected by U.S. One,
29 Overseas Highway; all of the above within
30 Monroe County, Florida.

31

1 Section 11. General provisions.--

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

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

20 Section 12. If any provisions of this act, or the
21 application thereof to any person or circumstance, is held
22 invalid, the invalidity shall not affect other provisions or
23 applications of this act which can be given effect without the
24 invalid provision or application, and to this end the
25 provisions of this act are declared severable.

26 Section 13. This act shall take effect only upon its
27 approval by a majority vote of those qualified electors
28 residing within the proposed corporate limits of the proposed
29 Islamorada, Village of Islands as described in section 11,
30 voting in a referendum election to be called by the Monroe
31 County Commission and to be held on November 4, 1997, in

1 accordance with the provisions of law relating to elections
2 currently in force, except that:
3 (1) If the qualified voters residing in the area known
4 as Plantation Key consisting of Precincts 25 and 26 do not
5 approve this act by a majority vote in both Precincts 25 and
6 26, this act shall not take effect. If approved by the
7 electorate, including that in Precincts 25 and 26, section 3,
8 section 9(2), and section 9(3) shall take effect upon
9 certification of the election results by the Monroe County
10 Supervisor of Elections.
11 (2) The remainder of this act shall take effect upon
12 becoming a law.
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