

By Senator Williams

4-1472-98

See HB

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A bill to be entitled
An act relating to the City of Cedar Key, Levy
County; repealing chapter 69-929, Laws of
Florida, and replacing same with a new charter;
providing for the powers and duties of the city
commission; providing for appointment of
administrative officials; establishing special
provisions; providing a transition schedule;
providing severability; providing an effective
date.

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

Section 1. Chapter 69-929, Laws of Florida, is
codified, reenacted, amended, and repealed as herein provided.

Section 2. The charter for the City of Cedar Key is
re-created and reenacted to read:

ARTICLE I
ESTABLISHMENT, CORPORATE LIMITS,
AND POWERS

Section 1.01 Establishment and general powers.--The
City of Cedar Key, created by chapter 69-929, Laws of Florida,
shall continue and is vested with all governmental, corporate,
and proprietary powers to enable it to conduct municipal
government, perform municipal functions, render municipal
services, and exercise any power for municipal purposes,
except as otherwise provided by law.

Section 1.02 Territorial limits.--The territorial
limits and boundaries of the municipality existing in Levy
County under the name of the City of Cedar Key shall embrace
all of the territory described as follows:

1 Begin at a point located 1461 feet from the
2 half mile corner on the South line of Section
3 19, Township 15 South, Range 13 East
4 (Tallahassee meridian), said point of beginning
5 being on a straight line, run North, 8 degrees,
6 19 minutes East, from the last mentioned half
7 mile corner, said point of beginning being
8 further described as being on a line run due
9 North through the exact center of 2 permanent
10 concrete monuments 100 feet apart located on
11 the Northern point of Way Key, said point of
12 beginning being on the last mentioned due North
13 line 400 feet North of the Northernmost of said
14 two concrete monuments (which said point of
15 beginning was described in Chapter 9698, Laws
16 of Florida, Special Acts of 1923 as being "100
17 yards North of the extreme Northern end as
18 measured at mean low water, of the point known
19 as the Bishop or Williams Point, said Bishop or
20 Williams Point being extreme Northern point of
21 Way Key"); Thence run due East (true meridian),
22 5078.7 feet from said point of beginning to the
23 East rail of the main line of the Seaboard Air
24 Line Railway as it formerly existed, said last
25 mentioned point now being marked with a
26 permanent concrete monument, said concrete
27 monument herein designated as Point "D"; thence
28 run South 12 degrees, 35 minutes West in a
29 straight line along the said East rail of the
30 main line of the Seaboard Air Line Railway as
31 it formerly existed, to a point intersecting

1 the North line of that certain parcel of land
2 described in Official Record Book 183, page 110
3 of the Public Records of Levy County, Florida.
4 Thence departing from said East rail of the
5 main line of the Seaboard Air Line Railway as
6 it formerly existed, run along the North line
7 of said parcel of land described in Official
8 Record Book 183, page 110 in an East-Southeast
9 direction to the Westerly right-of-way line of
10 State Road No. 24, thence run along said
11 right-of-way line in a Southwesterly direction,
12 200.00 feet; thence departing from said
13 right-of-way, run along the South line of said
14 parcel described in Official Record Book 183,
15 page 110 in a West-Northwest direction to a
16 point intersecting the aforementioned East rail
17 of the main line of the Seaboard Air Line
18 Railway as it formerly existed; thence run
19 along said East rail of the Seaboard Air Line
20 Railway to a point known as Point "E"; Point
21 "E" lying South 12 degrees, 35 minutes West,
22 3360.5 feet of Point "D"; thence from Point
23 "E", run along a line, due East (true meridian,
24 said line hereinafter designated as "Line E-F")
25 to the Easterly right-of-way line of State Road
26 No. 24; thence run along said right-of-way
27 line, in a North-Northeast direction to a point
28 intersecting the North line of LOT 4, BLOCK H,
29 MAP OF HALE'S ADDITION TO CEDAR KEY, FLORIDA,
30 (a subdivision as recorded in Plat Book 1, page
31 22 of the Public Records of Levy County,

1 Florida); thence departing from said
2 right-of-way line, run along the North line of
3 said LOT 4 to the Northeast corner of LOT 4,
4 said point being on the Easterly line of
5 aforesaid BLOCK H, MAP OF HALE'S ADDITION;
6 thence run along the Easterly line of said
7 BLOCK H in a South-Southwest direction to a
8 point intersecting the aforesaid "Line E-F";
9 thence run along said "Line E-F" due East (true
10 meridian) to a point intersecting a Southerly
11 projection of West line of LOTS 1-8, BLOCK G,
12 MAP OF HALE'S ADDITION TO CEDAR KEY; thence run
13 in a North-Northeast direction along the West
14 line of said LOTS 1-8, BLOCK G, to the Easterly
15 boundary line of aforesaid MAP OF HALE'S
16 ADDITION; thence run along said Easterly
17 boundary line in a Southeast direction to the
18 Northeast corner of aforesaid BLOCK G; thence
19 run in a South-Southwest direction along the
20 Easterly line of said BLOCK G to a point
21 intersecting the aforesaid "Line E-F"; thence
22 run along said "Line E-F", due East (true
23 meridian) to a point located at the
24 intersection of the last mentioned due East
25 line with a line run due North (true meridian)
26 from a point (hereinafter designated as point
27 "A") 100 yards due East (true meridian) of the
28 present mean low water line of the extreme
29 eastern end of Fenimore Mill Point (now the
30 Standard Manufacturing & Fibre Factory Point),
31 said Fenimore Mill Point being located on the

1 Eastern prolongation of Second Street as it
2 existed in the former City of Cedar Key; thence
3 run due South (true meridian) from the last
4 mentioned intersection through said Point "A"
5 along a line to its intersection with a
6 straight line run through the present mean low
7 water line of the Southernmost point of Dog
8 Island (said Dog Island being located in
9 Sections 28 and 33, Township 15 South, Range 13
10 East, (Tallahassee meridian), and through the
11 present mean low water line of the Southernmost
12 point of the Island of Piney Point, said line
13 being hereinafter designated as "B-C"; thence
14 from the last mentioned intersection, run
15 Southwesterly along the said "B-C" to its
16 intersection with a line run due South (true
17 meridian) from a point located 100 yards due
18 East (true meridian) of the present mean low
19 water line of the Easternmost point of the
20 Island of Piney Point; thence from the last
21 mentioned point of intersection run on a line
22 in a Northerly direction (said line being a
23 projection to the point of beginning and
24 previously known as the "West City Limits Line"
25 to a point intersecting the Easterly
26 right-of-way line of Airport Road (Levy County
27 Road No. 470); thence run along said
28 right-of-way line, South 11 degrees, 41
29 minutes, 24 seconds West, to a point
30 intersecting an Easterly projection of the
31 South line of LOT 4, CEDAR POINT (a subdivision

1 as recorded in Plat Book 9, page 9 of the
2 Public Records of Levy County, Florida); thence
3 run along said South line, South 88 degrees, 54
4 minutes, 43 seconds West, 103.52 feet; (thence
5 run along the following described courses of
6 said LOT 4); thence run North 25 degrees, 18
7 minutes, 17 seconds East, 13.83 feet; thence
8 run North 27 degrees, 31 minutes, 03 seconds
9 West, 71.84 feet; thence run North 12 degrees,
10 47 minutes, 05 seconds West, 61.41 feet, thence
11 run South 83 degrees, 54 minutes, 59 seconds
12 West, 66.62 feet; thence run South 70 degrees,
13 10 minutes, 24 seconds West, 62.89 feet; thence
14 run South 81 degrees, 02 minutes, 13 seconds
15 West, 98.85 feet; thence run South 80 degrees,
16 34 minutes, 23 seconds West, 69.42 feet; thence
17 run North 75 degrees, 16 minutes, 34 seconds
18 West, 55.16 feet; thence run North 31 degrees,
19 54 minutes, 09 seconds East, 130.34 feet;
20 thence run North 33 degrees, 13 minutes, 14
21 seconds East, 93.42 feet to the Northwesterly
22 corner of aforesaid LOT 4; thence run along the
23 North line of said LOT 4, South 68 degrees, 00
24 minutes, 50 seconds East, projecting to a point
25 intersecting the aforementioned "West City
26 Limit Line"; thence run along said "West City
27 Limit Line", in a Northerly direction to a
28 point intersecting the South line of LOT 10,
29 EGRET'S PASS, (a subdivision as recorded in
30 Plat Book 8, page 75 of the Public Records of
31 Levy County, Florida); thence run along the

1 South line of said LOT 10, North 88 degrees, 54
2 minutes, 25 seconds West, 49.82 feet; thence
3 run North 00 degrees, 40 minutes, 56 seconds
4 East, 90.00 feet; thence run North 88 degrees,
5 54 minutes, 25 seconds West, 214 feet more or
6 less to the Easterly water's edge of the Gulf
7 of Mexico; thence run Northerly along said
8 water's edge to the Southerly water's edge of a
9 private canal; thence run along the Southerly
10 water's edge of said canal in an Easterly
11 direction to a point intersecting the aforesaid
12 "West City Limit Line"; thence run along "West
13 City Limit Line", in a Northerly direction to a
14 point intersecting the South right-of-way line
15 of Whiddon Avenue, according to the plat of
16 FOWLER-WAY IN CEDAR KEY, FLORIDA, (a
17 subdivision as recorded in Plat Book 1, page 38
18 of the Public Records of Levy County, Florida);
19 thence run along said right-of-way line in a
20 Westerly direction to the water's edge of the
21 Gulf of Mexico; thence run along said water's
22 edge in a Northwesterly direction to the South
23 line of WESTVIEW (a subdivision as recorded in
24 Plat Book 6, page 39 of the Public Records of
25 Levy County, Florida); thence run along the
26 South line of WESTVIEW, North 88 degrees, 54
27 minutes, 25 seconds West, 454 feet more or less
28 to the Southwest corner of said record plat
29 WESTVIEW; thence run North 00 degrees, 41
30 minutes, 42 seconds West, 300.14 feet to the
31 Northwest corner of said record plat WESTVIEW;

1 thence run along the North line of said record
2 plat WESTVIEW, South 88 degrees, 54 minutes, 25
3 seconds East, to a point intersecting the
4 aforsaid "West City Limit Line"; thence run
5 along "West City Limit Line" in a Northerly
6 direction to a point intersecting the South
7 line of the North One-Half (N 1/2) of Section
8 30, Township 15 South, Range 13 East; thence
9 run along said South line of N 1/2 of Section
10 30, West, to a point that is 365 feet West of
11 the center of said Section 30; thence South 36
12 degrees, 05 minutes West, a distance of 2805
13 feet, thence North 67 degrees, 20 minutes West,
14 a distance of 700 feet to a point that is 660
15 feet North of the Southwest corner of said
16 Section 30; thence run North along the West
17 boundary of Section 30 to the Westerly
18 extension of the South right-of-way line of
19 HODGES AVENUE (a subdivision as recorded in
20 Plat Book 3, page 19 of the Public Records of
21 Levy County, Florida); thence run Easterly
22 along said extension and South right-of-way
23 line to its intersection with a Southerly
24 projection of the West boundary of LOT 1, BLOCK
25 H, CEDAR KEY SHORES, UNIT 1, (a subdivision as
26 recorded in Plat Book 3, pages 19-19A, of the
27 Public Records of Levy County, Florida); thence
28 run along said projection in a Northerly
29 direction to a point intersecting the North
30 line of said LOT 1; thence run along said North
31 line of LOT 1 to the Northeast corner of said

1 LOT 1; thence run along a projection of the
2 East line of said LOT 1, South, to an
3 intersection with the aforementioned South
4 right-of-way line of Hodges Avenue; thence run
5 East along said right-of-way line to a point
6 intersecting a Southerly projection of the West
7 line of LOT 3, BLOCK J, CEDAR KEY SHORES, UNIT
8 1; thence run along said projection, North to
9 the Northwest corner of said LOT 3; thence run
10 West, 70 feet to the Southwest corner of LOT 4
11 of aforesaid BLOCK J; thence run North, 123
12 feet to the Northwest corner of LOT 5 of said
13 BLOCK J; thence run North 64 degrees, 53
14 minutes, 37 seconds East, 193.25 feet to the
15 Northeast corner of said LOT 5; thence run
16 South on a projection of the East line of LOTS
17 3, 4 and 5, BLOCK J to a point intersecting the
18 aforesaid South right-of-way line of Hodges
19 Avenue; thence run East along said right-of-way
20 line to a point intersecting a Southerly
21 projection of the West line of LOT 25, BLOCK F,
22 CEDAR KEY SHORES, UNIT 1; thence run along said
23 projection, North, 166 feet to the Northwest
24 corner of said LOT 25; thence run along the
25 North line of LOT 25 and LOT 1, BLOCK F, East,
26 200 feet to the Northeast corner of said LOT 1;
27 thence run South along a projection of the East
28 line of LOT 1, 166 feet to a point intersecting
29 the South right-of-way line of aforesaid Hodges
30 Avenue; thence run East along said right-of-way
31 line to a point intersecting a Southerly

1 projection of the West line of LOT 19, BLOCK B,
2 CEDAR KEY SHORES, UNIT 1; thence run along said
3 projection, North 166 feet; thence run North 45
4 degrees East, 60 feet more or less to the
5 water's edge of the Gulf of Mexico; thence run
6 along said water's edge in a Southeasterly
7 direction to the East line of said LOT 19;
8 thence run on a projection of the East line of
9 LOT 19, South, 182 feet more or less to a point
10 intersecting the South right-of-way line of
11 aforsaid Hodges Avenue; thence run East along
12 said right-of-way line to a point intersecting
13 a Southerly projection of the West line of LOT
14 15, BLOCK B, CEDAR KEY SHORES, UNIT 1; thence
15 run along said projection, North 238 feet more
16 or less to the water's edge of the Gulf of
17 Mexico; thence run along said water's edge to a
18 point intersecting the aforsaid "West City
19 Limit Line"; thence run along said "West City
20 Limit Line," Northerly to a point intersecting
21 the centerline of a canal abutting LOT 1, BLOCK
22 D, CEDAR KEY SHORES, UNIT 1; thence run along
23 the centerline of said canal in a Westerly
24 direction to a point intersecting a Northerly
25 projection of the Easterly right-of-way line of
26 Rye Key Drive; thence South 25.00 feet along
27 the East right-of-way line of Rye Key Drive to
28 a concrete monument; thence run West, 50.03
29 feet to the Northeast corner of LOT 1, BLOCK E,
30 CEDAR KEY SHORES, UNIT 1; thence run North
31 25.00 feet to the centerline of a canal running

1 Westerly; thence run Westerly along the
2 centerline of said canal a distance of 571 feet
3 more or less, to a point which is South 35
4 degrees, 28 minutes, 00 seconds East, a
5 distance of 548.00 feet from a 1/2 inch G.I.
6 pipe; thence run North 35 degrees, 28 minutes,
7 00 seconds West, a distance of 548.00 feet a
8 1/2 inch G.I. pipe; continue thence North 35
9 degrees, 28 minutes, 00 seconds West, a
10 distance of 443.00 feet to a 1/2 inch G.I.
11 pipe; thence run North 63 degrees, 51 minutes,
12 00 seconds East, a distance of 975.00 feet to a
13 1/2 inch G.I. pipe; thence run South 78
14 degrees, 58 minutes, 00 seconds East, to a
15 point intersecting the aforesaid "West City
16 Limit Line"; thence run along said "West City
17 Limit Line" to the Point of Beginning.

18
19 TOGETHER WITH:

20
21 All of those certain pieces, parcels, tracts
22 and lots of land on the Northerly side of the
23 right-of-way of CEDAR KEY AIRPORT in the West
24 1/2 of Section 31, Township 15 South, Range 13
25 East, consisting of LOTS 18 and 19, according
26 to a survey and plat of PINEY POINT, made
27 October 27, 1953 by Perry C. McGriff, a
28 surveyor, together with a further tract
29 Northwesterly of said LOTS 18 and 19, the said
30 LOTS 18 and 19 and the additional tract,
31

1 together being more particularly described as
2 follows, to-wit:
3 Commence at the Northwest corner of said
4 Section 31, Township 15 South, Range 13 East,
5 and run South 64 degrees, 52 minutes East, a
6 distance of 2397 feet; thence run North 41
7 degrees, 44 minutes West, a distance of 450
8 feet; thence run South 48 degrees, 16 minutes
9 West, a distance of 2000 feet to the
10 Southeasterly corner of said LOT 18 to
11 establish the POINT OF BEGINNING; from said
12 Point of Beginning run South 48 degrees, 16
13 minutes West, a distance of 300 feet; thence
14 run North 41 degrees, 44 minutes West, a
15 distance of 300 feet; thence run North 48
16 degrees, 16 minutes East, a distance of 300
17 feet; thence run South 41 degrees, 44 minutes
18 East, a distance of 300 feet to the Point of
19 Beginning.

20
21 AND:
22

23 A parcel of land in the East 1/2 of the NW 1/2
24 of Section 31, Township 15 South, Range 13
25 East, Levy County, Florida, being more
26 particularly described as follows:
27 Commence at the Northwest corner of Section 31,
28 Township 15 South, Range 13 East, Levy County,
29 Florida, and run South 64 degrees, 52 minutes
30 East, a distance of 2397 feet; thence run South
31 41 degrees, 44 minutes East, a distance of 100

1 feet to establish the POINT OF BEGINNING; from
2 said Point of Beginning thence run South 48
3 degrees, 16 minutes West, a distance of 100
4 feet, thence run South 41 degrees, 44 minutes
5 East, a distance of 600 feet; thence run North
6 48 degrees, 16 minutes East, a distance of 100
7 feet; thence run North 41 degrees, 44 minutes
8 West, a distance of 600 feet more or less to
9 the Point of Beginning.

10
11 AND:

12
13 That part of Section 31, Township 15 South,
14 Range 13 East, Levy County, Florida, being more
15 particularly described as follows:
16 Commence at the Northwest corner of said
17 Section 31 as a point of reference; thence run
18 South 2248.62 feet; thence run North 89
19 degrees, 06 minutes East, a distance of 869.88
20 feet; thence run South 48 degrees, 16 minutes
21 West, a distance of 431.9 feet to the Easterly
22 right-of-way line of a 40 foot wide road
23 right-of-way; thence run South 17 degrees, 01
24 minutes East, a distance of 137.00 feet to the
25 Point of Beginning; thence from said POINT OF
26 BEGINNING run North 72 degrees, 59 minutes
27 East, a distance of 100 feet; thence run North
28 17 degrees, 01 minutes West, a distance of
29 67.00 feet; thence run North 72 degrees, 59
30 minutes East, a distance of 163.00 feet more or
31 less to the water's edge of the Gulf of Mexico;

1 thence run in a Southerly direction along said
2 water's edge, a distance of 132.14 feet more or
3 less; thence run South 71 degrees, 59 minutes
4 West, a distance of 238.5 feet more or less to
5 said Easterly right-of-way line; thence run
6 North 17 degrees, 01 minutes West, along said
7 Easterly right-of-way line, a distance of 67.00
8 feet to the said Point of Beginning.

9
10 AND:

11
12 Commencing at the Northwest corner of Section
13 31, Township 15 South, Range 13 East, thence
14 run South 2248.62 feet, thence run North 89
15 degrees, 06 minutes East, 869.88 feet; thence
16 run South 48 degrees, 16 minutes West, 431.9
17 feet; thence run South 17 degrees, 01 minutes
18 East, 70 feet to the Point of Beginning; thence
19 run North 72 degrees, 59 minutes East, 100
20 feet; thence run South 17 degrees, 01 minutes
21 East, 67 feet; thence run South 72 degrees, 59
22 minutes West, 100 feet; thence run North 17
23 degrees, 01 minutes West, 67 feet to the Point
24 of Beginning, all being and lying in Section
25 31, Township 15 South, Range 13 East, Levy
26 County, Florida.

27
28 AND:

29
30 A parcel of land in the Northwest Quarter (1/4)
31 of the Southeast Quarter (1/4) of Section 20,

1 Township 15 South, Range 13 East, Levy County,
2 Florida, lying within the following described
3 boundary:
4 The West 510.00 feet of the South 600 feet of
5 the Northwest Quarter (1/4) of the Southeast
6 Quarter (1/4) of Section 20, Township 15 South,
7 Range 13 East, Levy County, Florida, LESS AND
8 EXCEPT the road right-of-way of State Road No.
9 24.
10 All lands described in the above legal
11 descriptions are lying and being in Sections
12 19, 20, 29, 30, 31 and 32, Township 15 South,
13 Range 13 East, and a portion in Section 36,
14 Township 15 South, Range 12 East, all being
15 located in LEVY County, Florida.
16
17 Section 1.03 Construction.--
18 (1) The powers of the city shall be construed
19 liberally in favor of the city, limited only by the State
20 Constitution, general law, and specific limitations contained
21 in this act.
22 (2) All powers and authority granted by this act are
23 supplemental and additional to all other statutory and
24 constitutional authority.
25 (3) For purposes of this act, the term:
26 (a) "City" means the City of Cedar Key.
27 (b) "Commission" means the city commission as
28 established in Article II.
29 (c) "State" means the State of Florida.
30 Section 1.04 Special powers.--In addition to its
31 general powers, the city may:

1 (1) Acquire by purchase, gift, devise, lease,
2 lease-purchase, condemnation, or otherwise real or personal
3 property, or any estate or interest in property, within or
4 without the city limits, and for any of the purposes of the
5 city, and to improve, sell, lease, mortgage, pledge, or
6 otherwise dispose of its property or any part of its property.

7 (2) Acquire, purchase, hire, construct, extend,
8 maintain, own, operate, or lease local public utilities,
9 including: cable television, transportation, electric,
10 telephone, and telegraph systems; wastewater and stormwater
11 facilities; works for supplying the city and its inhabitants
12 with water, gas, and electric energy for illuminating,
13 heating, or power purposes; water, electric, and gas
14 production, transmission, and distribution systems; sanitary
15 sewage facilities; wastewater transmission and disposal
16 facilities; and any and all other utilities as the welfare of
17 its residents reasonably demands.

18 (3) Cause any local improvement that is for a
19 municipal function or purpose to be planned, financed,
20 acquired, constructed, operated, and maintained, together with
21 any act or thing that is necessary or incidental thereto.
22 Local improvement shall include, but not be limited to, any of
23 the following, either partial or complete, in whole or in
24 part, within the city or outside the city, to-wit: streets,
25 alleys, sidewalks, curbs, gutters, storm sewers, sewerage
26 disposal systems, waterworks system, water treatment plant,
27 parks, playgrounds, municipal buildings, garbage and trash
28 disposal plants, docks, swimming pools, public works, public
29 projects, public utilities, and any act or thing that is
30 necessary or incidental thereto.

31

1 (4) Acquire by purchase, gift, devise, condemnation,
2 or otherwise, lands, either within or without the city limits,
3 to be used, kept, and improved as a place of interment of the
4 dead; make and enforce all necessary rules and regulations for
5 the protection and use of all cemeteries within the city
6 limits; and generally regulate the burial of the dead.

7 (5) Provide fire protection and other governmental
8 services within and without the city limits and enter into
9 contracts for such purposes.

10 (6) License, tax, cause to be registered, control the
11 drivers of, and fix the rate to be charged for the
12 transportation of persons and property within the city limits
13 and to the public works beyond the city limits; provide for
14 parking spaces on the streets and regulate, vacate, or
15 discontinue the right to use the parking spaces; and require
16 bonds and sureties to be furnished for all vehicles operated
17 for hire upon the streets of the city whether such operation
18 is wholly within the city limits or between the city and
19 places outside the city.

20 (7) Exercise full police powers over the entire width
21 of right-of-ways of all streets and public ways which lie
22 within, adjacent to, or partially within the city limits.

23 (8) Issue any bonds that municipalities are authorized
24 to issue under the State Constitution or laws of the state,
25 subject to the provisions of this act. For purposes of this
26 subsection:

27 (a) The term "bonds" means ad valorem bonds, revenue
28 bonds and certificates, certificates of indebtedness, special
29 assessment bonds and certificates, tax anticipation notes,
30 bond anticipation notes, revenue anticipation notes, and other
31 evidences of indebtedness.

1 resolution authorized hereunder, or the city commission may
2 cause the exercise of such powers in any manner as may be
3 prescribed by general or special law.

4 Section 2.02 Composition.--The city commission shall
5 have five members. The city commission at its annual
6 organizational meetings shall:

7 (1) Appoint one of its members as mayor.

8 (2) Appoint one of its members as vice mayor.

9 Section 2.03 Eligibility.--Each candidate for a seat
10 must be a qualified voter who is a resident of the city for at
11 least 6 months prior to the date the person qualifies to run
12 for office. Each commissioner and the mayor shall continuously
13 reside within the city during their terms of office.

14 Section 2.04 Mayor and vice mayor.--

15 (1) Mayor.--The mayor may preside at all meetings of
16 the commission, may determine whether or not the policies of
17 the commission are being carried out, report same to the
18 commission, and, at the pleasure of the commission, act as the
19 administrator of the city.

20 (a) The mayor may execute instruments, conveyances,
21 notes, mortgages, and bonds in the name of the city and affix
22 his or her signature thereto when authorized by the commission
23 to do so.

24 (b) Any deed, mortgage, or satisfaction of mortgage
25 heretofore or hereafter executed in the name of the city by
26 the mayor, attested by the city clerk, with the city seal
27 affixed thereto, acknowledged by the mayor and city clerk and
28 recorded in the public records of Levy County, shall be
29 conclusive evidence that such instrument was the act and deed
30 of the city and was duly and lawfully authorized and executed.

31

1 (c) The mayor shall be recognized as head of the city
2 government for all ceremonial purposes and by the Governor for
3 purposes of military law.

4 (d) The mayor shall perform any duties delegated to
5 him or her by any ordinance, resolution, or law.

6 (2) Vice mayor.--The vice mayor shall have the same
7 duties and powers as the mayor during the absence or
8 disability of the mayor, and in such case shall perform all of
9 the duties of the mayor, subscribing his or her name as vice
10 mayor, and when so done, it shall be deemed as valid as if the
11 mayor had in fact performed that act.

12 Section 2.05 Elections.--

13 (1) General election.--The city shall hold its general
14 election each year as established by ordinance from time to
15 time; however, the general election each year shall not be
16 prior to the first Tuesday in May and not later than the last
17 Tuesday in June. Both primary and runoff elections may be
18 provided for by ordinance.

19 (2) Special election.--Special elections may be held
20 at any time for any lawful purpose.

21 (3) Runoff election.--The city may provide for runoff
22 elections.

23 (4) City declared one election district; polling
24 places.--All of the territory within the city shall be
25 considered as one election district, but there may be more
26 than one polling place within the city as determined by the
27 ordinance. All qualified electors of the city may vote for any
28 candidate for the office of city commissioner.

29 (5) Election procedure.--The city may, by ordinance,
30 establish the rules, regulations, and procedures controlling
31 general and special elections and referendums, including

1 primary elections, runoff elections, freeholders' elections on
2 bond issues, and referendum elections to determine any issue
3 the commission wishes the respective electors to determine. It
4 may adopt by reference any part of the state election code.

5 (a) Candidates elected.--The commission shall provide
6 for, establish, and designate the separate groups under which
7 candidates may qualify and seek election. At any regular,
8 special, or runoff election of the city, the ballot shall name
9 all candidates who have qualified for that election and the
10 procedure for determining the successful candidate. Any
11 candidate for city commissioner receiving a majority of the
12 votes cast in the group in which he or she is a candidate
13 shall be declared elected for a term of 2 years. If no
14 candidate receives a majority of the votes cast for that
15 particular group, the two candidates in that group receiving
16 the highest and next to the highest number of votes cast in
17 that group shall be qualified to participate in the runoff
18 election.

19 (b) Runoff election.--The commission shall provide for
20 runoff elections, which may be held no sooner than the
21 seventh, and not later than the twenty-first, day following
22 the date of the general or special election that the runoff is
23 held to resolve.

24 (8) Oath of candidate.--The city commission may, by
25 ordinance, require each candidate for the city commission at
26 the time he or she qualifies as a candidate to subscribe to an
27 oath that he or she would be qualified to hold office if
28 elected.

29 (10) Induction into office.--Commissioners elected
30 each year at the regular annual city election shall take the
31 oath of office at the next regular meeting following their

1 election, or at any special meeting called for that purpose.
2 In the event a candidate for the commission is elected in a
3 special election or runoff election or is unable to be sworn
4 in at the time above provided, he or she shall take the oath
5 of office and commence his or her duties at the next regular
6 commission meeting after he or she becomes able and entitled
7 to do so.

8 (11) Oath of office.--Each elected official of the
9 city, before entering upon the discharge of the duties of his
10 or her office, shall make oath before some judicial officer or
11 notary public of the state that he or she will support,
12 protect, and defend the government of the United States, and
13 of the state, against all enemies, domestic or foreign, and
14 will bear true faith, loyalty, and allegiance to the same;
15 that he or she is entitled to hold office under the
16 Constitution of the United States, and of the state; and that
17 he or she will faithfully perform all of the duties of the
18 office that he or she is about to enter.

19 (12) Judge as to qualifications of its members.--The
20 city commission shall be the judge of the election and
21 qualifications of its members and for such purpose shall have
22 power to subpoena witnesses and require the production of
23 records, all subject to review by the courts.

24 Section 2.06 Commission terms and vacancies.--

25 (1) The city commission members shall be elected for a
26 term of 2 years or until their successors have been elected
27 and take office.

28 (2) If a vacancy occurs in the city commission from
29 any cause 90 days or more prior to a general election, the
30 vacancy may be filled by the city commission appointing a
31 qualified person to fill such vacancy until the following

1 general election that follows said vacancy. In case of a
2 vacancy, such appointment shall be only until the next general
3 election of the city, and the election shall be for the
4 unexpired term.

5 Section 2.07 Order of business.--The commission shall
6 determine its own rules and order of business. It shall cause
7 the city clerk, or his or her designee, to keep the journal of
8 its proceedings and to authenticate by his or her signature
9 and record in a book kept for such purposes all ordinances and
10 resolutions.

11 Section 2.08 Commissioners required to vote.--Except
12 as otherwise provided by law, when any issue or question is to
13 be voted on at any commission meeting, any member thereof may
14 call for a roll call vote, and if such a vote is requested by
15 any member, the mayor or city clerk shall call the roll of the
16 commission members and each commissioner present at the
17 commission table at that time shall cast either an affirmative
18 or a negative vote on such issue or question and the clerk
19 shall record the individual vote of each in the journal.

20 Section 2.09 Compensation.--The compensation of the
21 city commissioners, and of all officials and employees of the
22 city, shall be as determined by the city commission.

23 Section 2.10 Removal of commissioners.--

24 (1) Grounds.--Any of the commissioners may be removed
25 from office for any of the following grounds:

26 (a) Successive failure to attend regular meetings
27 without good cause after being requested by the majority of
28 the commission to do so.

29 (b) Removal of residence from said city or ceasing to
30 be a freeholder in said city.

31 (c) Misfeasance in office.

1 (d) Malfeasance in office.

2 (e) Nonfeasance in office.

3 (f) Habitual intoxication.

4 (g) Conviction of a felony.

5 (2) Procedure.--The majority of the commission may
6 remove any member of the commission for any of the grounds set
7 forth herein, provided that such member is so charged in
8 writing, given a public hearing if requested and a bill of
9 particulars if demanded, and given the opportunity to appeal
10 the decision of the commission to the circuit court. The
11 commission may, by ordinance, further provide for additional
12 procedure to carry out the intent of this section.

13 (3) Recall of commissioners.--Commissioners including
14 the mayor are subject to recall as provided by law.

15 ARTICLE III

16 ADMINISTRATION

17 Section 3.01 Departments.--The city commission may
18 establish departments for orderly performance and
19 administration of city functions and duties.

20 (2) The city commission may appoint each one of its
21 respective commissioners to be in charge of each department.

22 (3) The city commission may establish the duties,
23 rules, regulations, and policies pertaining to each
24 department.

25 (4) Administration of each respective department may
26 be by the commissioner in charge of that department, the
27 mayor, city administrator, or city manager, as determined by
28 the city commission from time to time.

29 Section 3.02 Appointment of officials.--The city
30 commission shall appoint:

31 (1) A city attorney;

- 1 (2) A city clerk;
2 (3) A chief of police; and
3 (4) Any other official it deems advisable.
4

5 All such appointed officials shall serve at the will of the
6 city commission.

7 Section 3.03 Duties of appointees.--The duties of
8 municipal officials shall be as follows:

9 (1) Attorney.--The city attorney, who must be admitted
10 to the practice of law in the state, shall be the legal
11 advisor to, and attorney for, the city. The city attorney
12 shall prosecute and defend all suits, complaints, and
13 controversies for and on behalf of the city, unless otherwise
14 directed by the commission, and shall review all contracts,
15 bonds, and other instruments in writing in which the city is
16 to be a party, and shall endorse on each approval as to form
17 and legality.

18 (2) City clerk.--The city clerk of the commission
19 shall keep records and perform such other duties as are
20 prescribed by this act or the commission.

21 (3) Chief of police.--The chief of police shall be the
22 chief administrative officer for the city police department.

23 (4) Other.--The city commission may establish by
24 ordinance any other officer of the city and designate an
25 appropriate title of said officer as determined necessary.

26 Section 3.04 Audits and examinations of administrative
27 departments.--In the absence of state law requiring the city
28 to conduct an annual financial audit, the commission shall
29 adopt an ordinance requiring an annual financial audit of the
30 accounts and records of the city to be completed by an
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1 independent certified public accountant within 12 months after
2 the end of each fiscal year.

3 ARTICLE IV

4 SPECIAL PROVISIONS

5 Section 4.01 Charter amendments.--This act may be
6 amended pursuant to this section or as otherwise provided by
7 general law.

8 (1) Petition.--An amendment may be proposed by a
9 petition signed by 20 percent of the registered voters of the
10 city, or by an ordinance adopted by a four-fifths vote of the
11 membership of the commission. The commission shall place the
12 proposed amendment to a vote of the electors at the next
13 general election or at a special election called for that
14 purpose.

15 (2) Notice.--The full proposed amendment must be
16 published once each week for 4 consecutive weeks prior to the
17 election in a newspaper of general circulation published in
18 the city.

19 (3) Effect of election.--A proposed amendment
20 receiving an affirmative vote of a majority of the votes cast
21 shall be effective as an amendment to this act not later than
22 the 90th calendar day after the day on which the vote was
23 taken unless otherwise provided in the proposed amendment.

24 Section 4.02 Fresh pursuit and arrest by municipal
25 officers.--Any police officer of the city may make fresh
26 pursuit of any person from within the city to any point in
27 Levy County and there arrest the person, if the pursued person
28 has violated a municipal ordinance of the city or committed a
29 misdemeanor within the city in the presence of a police
30 officer, or if the police officer has reasonable grounds to
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1 believe that the pursued person has committed or is committing
2 a felony.

3 ARTICLE V

4 TRANSITION SCHEDULE

5 Section 5.01 Former charter provisions.--All
6 provisions of the charter of the City of Cedar Key in effect
7 immediately prior to the effective date of this act which are
8 not contained in and are not inconsistent with this act are
9 ordinances of the city subject to modification or repeal in
10 the same manner as other ordinances of the city.

11 Section 5.02 Ordinances and resolutions
12 preserved.--All ordinances and resolutions in effect
13 immediately prior to the effective date of this act shall
14 remain in full force and effect to the extent not inconsistent
15 or in conflict with this act until repealed or changed in the
16 manner provided by law.

17 Section 5.03 Rights of officers and
18 employees.--Nothing in this act except as otherwise
19 specifically provided in this act shall affect or impair the
20 rights or privileges of persons who were city officers or
21 employees immediately prior to the effective date of this act.

22 Section 5.04 Pending matters.--All rights, claims,
23 actions, orders, and legal or administrative proceedings
24 involving the city immediately prior to the effective date of
25 this act shall continue, except as modified pursuant to the
26 provisions of this act.

27 Section 3. The provisions of this charter are
28 severable, and if any word, section, part of section,
29 paragraph, sentence, clause, phrase, or any portion of this
30 charter shall be held invalid or unconstitutional, such

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1 decision shall not affect any other part or portion of this
2 charter.

3 Section 4. Except as specifically reenacted herein,
4 chapter 69-929, Laws of Florida, is repealed.

5 Section 5. This act shall take effect upon becoming a
6 law.

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