

By Representative Arnall

1 A bill to be entitled
2 An act relating to St. Johns County; creating
3 the Town of Ponte Vedra Beach; 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 town council; providing for
8 membership, qualifications, terms, powers, and
9 duties of its members, including the mayor;
10 providing for compensation and expenses;
11 providing general powers and duties; providing
12 circumstances resulting in vacancy in office;
13 providing grounds for forfeiture and
14 suspension; providing for filling of vacancies;
15 providing for meetings; providing for keeping
16 of records; providing for adoption,
17 distribution, and recording of technical codes;
18 providing a limitation upon employment of town
19 council members; providing certain interference
20 with town employees shall constitute
21 malfeasance in office; establishing the fiscal
22 year; providing for adoption of annual budget
23 and appropriation; providing amendments for
24 supplemental, reduction, and transfer of
25 appropriations; providing for limitations;
26 providing for appointment of charter offices,
27 including a town manager and town attorney;
28 providing for removal, compensation, and
29 filling of vacancies; providing qualifications,
30 powers, and duties; providing for nonpartisan
31 elections and for matters relative thereto;

1 providing for recall; providing for initiative
2 and referenda; providing the town a
3 transitional schedule and procedures for first
4 election; providing for first-year expenses;
5 providing for adoption of transitional
6 ordinances, resolutions, comprehensive plan,
7 and local development regulations; providing
8 for accelerated entitlement to state-shared
9 revenues; providing for gas tax revenue;
10 providing for a mechanism for St. Johns County
11 to separate countywide from municipal services
12 taxes and to allocate to the town the municipal
13 taxes; providing for a transition agreement
14 between St. Johns County and Town of Ponte
15 Vedra Beach; providing for interim municipal
16 services; providing for disposition of existing
17 special districts; providing for the
18 grandfathering in of existing land uses and
19 zoning for certain property owners; providing
20 land descriptions of the town; providing for
21 future amendments of the charter; providing for
22 standards of conduct in office; providing for
23 severability; providing for a referendum;
24 providing an effective date.

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

Section 1. Short title.--This act, together with any
future amendments thereto, shall be known and may be cited as
the Town of Ponte Vedra Beach Charter, hereinafter referred to
as "the charter."

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

3 A. The Ponte Vedra Beach area in St. Johns County
4 includes a compact and contiguous community of approximately
5 25,000 residents susceptible to urban services, and
6 constitutes a community amenable to separate municipal
7 government.

8 B. It is the intent of the St. Johns County
9 Legislative Delegation that the Legislature shall not cast its
10 final vote upon this bill until a full and complete
11 feasibility study has been transmitted to and accepted by the
12 Committee on Community Affairs as being complete and
13 sufficient enough to provide all data necessary for potential
14 voters to reach an informed decision prior to a referendum on
15 the issue of incorporation.

16 Section 3. Incorporation of municipality; corporate
17 limits.--There is hereby created, effective December 31, 1998,
18 in St. Johns County, a new municipality to be known as the
19 Town of Ponte Vedra Beach, which shall have a council-manager
20 form of government. The corporate boundaries of the Town of
21 Ponte Vedra Beach, hereinafter referred to as "town," shall be
22 as described in section 12.

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

1 services, and may exercise any power for municipal services
2 unless expressly prohibited by law. The powers of the town
3 shall be liberally construed in favor of the town.

4 Section 5. Town council.--

5 A. COUNCIL; COMPOSITION; QUALIFICATIONS OF COUNCIL
6 MEMBERS.--

7 1. There shall be a five member town council,
8 hereinafter referred to as the "council," consisting of four
9 council members elected at-large, although each of these
10 council members must reside in the district they represent,
11 and one council member representing the town at-large and
12 designated as mayor.

13 2. The districts' geographical boundaries are:

14 District 1:

15 Beginning at a point where Ponte Vedra Lakes
16 Boulevard intersects the boundary of St. Johns
17 County and Duval County; thence southerly and
18 easterly on Ponte Vedra Lakes Boulevard to the
19 power lines; thence southerly along the power
20 line right-of-way to Solana Road also known as
21 State Road 210A; thence easterly along Solana
22 Road to the intersection of State Road 210A and
23 A1A North; thence southerly along A1A North to
24 Thousand Oaks Boulevard; thence westerly and
25 northerly along Thousand Oaks Boulevard to
26 Palmera Drive; thence northerly along Palmera
27 Drive to Alta Mar Drive; thence west along Alta
28 Mar Drive to TPC Boulevard; thence northerly
29 and westerly along TPC Boulevard to Solana
30 Road; thence westerly along State Road 210A to
31 the intersection of State Road 210A and North

1 Roscoe Boulevard; thence westerly from said
2 intersection along an extension of State Road
3 210A to the centerline of the Intracoastal
4 Waterway; thence northerly along the
5 Intracoastal Waterway to a point where the
6 centerline of the channel of the Intracoastal
7 Waterway intersects the boundary of St. Johns
8 County and Duval County; thence easterly along
9 the St. Johns County boundary to the point of
10 beginning.
11 District 2:
12 Beginning at the intersection of the shores of
13 the Atlantic Ocean and the boundary line
14 between St. Johns County and Duval County;
15 thence southerly along the shores of the
16 Atlantic Ocean to the easterly extension of
17 Mickler's Cutoff; thence along said extension
18 to the intersection of County Road 203 and
19 Mickler's Cutoff Road; thence northerly and
20 westerly along the boundary of the Ponte Vedra
21 Municipal Service District (hereinafter
22 referred to as "Ponte Vedra MSD"), to Ponce de
23 Leon Boulevard, also known as State Road A1A;
24 thence northerly along Ponce de Leon Boulevard
25 to Solana Road; thence west on Solana Road to
26 the Power Lines; thence northerly along the
27 power lines to Ponte Vedra Lakes Boulevard;
28 thence northwesterly along Ponte Vedra Lakes
29 Boulevard to the boundary of St. Johns County;
30 thence easterly along the boundary between St.
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1 Johns County and Duval County to the point of
2 beginning.
3 District 3:
4 Beginning at the intersection of TPC Boulevard
5 and Alta Mar Drive; thence southerly and
6 easterly along TPC Boulevard to Highway A1A
7 North; thence south on Highway A1A to the
8 intersection of Mickler's Cutoff; thence
9 easterly along Mickler's Cutoff to the
10 intersection with the western boundary of the
11 Ponte Vedra MSD; thence northerly and westerly
12 along the boundary of the Ponte Vedra MSD;
13 thence southerly on A1A North to the
14 intersection of Thousand Oaks Boulevard; thence
15 westerly and northerly along Thousand Oaks
16 Boulevard to Palmera Drive; thence northerly
17 along Palmera Drive to Alta Mar Drive; thence
18 west along Alta Mar Drive to the point of
19 beginning.
20 District 4:
21 Beginning at the intersection of TPC Boulevard
22 and Solana Road; thence southerly and easterly
23 along TPC Boulevard to Highway A1A North;
24 thence southerly along A1A North to the
25 intersection of A1A North and Mickler's Cutoff
26 Road; thence easterly along an extension of
27 Mickler's Cutoff Road to the shores of the
28 Atlantic Ocean; thence southerly along the
29 shores of the Atlantic Ocean to an extension of
30 the southern boundary of the Ponte Vedra MSD;
31 thence westerly along said extension to the

1 intersection with the boundary of the Guana
2 State Park; thence following the boundary of
3 the Guana State Park to the center of the
4 Intracoastal Waterway; thence northerly along
5 the center of the Intracoastal Waterway to the
6 westerly extension of Solana Road; thence
7 easterly along Solana Road to the point of
8 beginning.
9 District 5:
10 At-Large Mayoral/Council Seat comprising the
11 entire Town.
12 3. Redistricting.--In the year 2001 and in the
13 odd-numbered years after each decennial census thereafter, and
14 at any time when required by law, the town council shall
15 redivide the town into four districts of contiguous territory
16 as nearly equal in population as possible.
17 4. Council Seats.--There shall be five separate
18 council seats to be designated as District 1, District 2,
19 District 3, District 4 and District 5-Mayoral/Council. Council
20 members must qualify for council positions by district and the
21 council members elected to those seats shall hold seats 1
22 through 5 respectively.
23 5. To qualify for office:
24 a. Each candidate for the office of council shall be a
25 registered voter in the State of Florida and an elector of the
26 town.
27 b. At the time of qualification, each candidate for a
28 council seat shall reside within the boundaries of the town
29 and, if elected, shall maintain such residency throughout his
30 or her term of office. Each district council member must be a
31 resident of the district they represent during their

1 incumbency. For the initial election, following the referendum
2 approving the creating of the town, candidates for office
3 shall qualify as provided in section 9B. Thereafter,
4 candidates shall qualify as provided in section 8C.

5 B. TERM OF OFFICE.--The term of office for council
6 members shall be 4 years. Each council member shall remain in
7 office until a successor is elected and assumes the duties of
8 the position, except as otherwise provided herein. No council
9 member shall serve more than two consecutive terms of office.

10 C. THE MAYOR; POWERS AND DUTIES.--

11 1. The mayor shall be elected from the at-large
12 District 5-Mayoral/Council candidates. The mayor shall have
13 the same legislative powers and duties as any other council
14 member, as well as, the duties provided in paragraph 2.

15 2. In addition to carrying out his or her regular
16 council member duties, the mayor shall preside at the meetings
17 of the council and shall be recognized as the head of town
18 government for service of process, ceremonial matters, and the
19 signature or execution of ordinances, contracts, deeds, bonds,
20 and other instruments and documents. The mayor shall serve as
21 the liaison between the town council and the town manager;
22 however, the mayor shall have no administrative duties other
23 than those necessary to accomplish the actions delineated
24 above, or such other actions as may be authorized by the
25 council, consistent with general or special law.

26 D. COMPENSATION AND EXPENSES.--Council members shall
27 be compensated at the rate of \$500 per month and shall be
28 entitled to receive reimbursement in accordance with Florida
29 Statutes for authorized travel and per diem expenses incurred
30 in the performance of their official duties. The council, by
31 not less than a majority plus one vote of the entire council,

1 may elect to provide for an increase in compensation by
2 ordinance. However, no such ordinance establishing or
3 increasing compensation shall take effect until the date of
4 commencement of the terms of council members elected at the
5 next regular election which follows the adoption of said
6 ordinance.

7 E. GENERAL POWERS AND DUTIES OF COUNCIL.--Except as
8 otherwise prescribed herein or provided by law, legislative
9 and police powers of the town shall be vested in the council.
10 The council shall provide for the exercise of its powers and
11 for the performance of all duties and obligations imposed on
12 the town by law.

13 F. VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;
14 FILLING OF VACANCIES.--

15 1. Vacancies.--A vacancy in the office of a council
16 member shall occur upon the death of the incumbent, removal
17 from office as authorized by law, resignation, appointment to
18 other public office which creates dual office holding,
19 judicially determined incompetency, or forfeiture of office as
20 described in paragraph 2.

21 2. Forfeiture of office.--A council member shall
22 forfeit his or her office upon determination by the council,
23 acting as a body at a duly noticed public meeting, that he or
24 she:

25 a. Lacks at any time, or fails to maintain during his
26 or her term of office, any qualification for the office
27 prescribed by the charter or otherwise provided by law;

28 b. Is convicted of a felony, or enters a plea of
29 guilty or nolo contendere to a crime punishable as a felony;

30 c. Is convicted of a first degree misdemeanor arising
31 directly out of his or her official conduct or duties, or

1 enters a plea of guilty or nolo contendere thereto, even if
2 adjudication of guilt has been withheld;

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

7 e. Is absent from two consecutive regular council
8 meetings or four or more meetings in any calendar year without
9 justifiable reason, or for any other reason established in the
10 charter.

11 3. Suspension from office.--A council member shall be
12 suspended from office upon return of an indictment or issuance
13 of any information charging the council member with any crime
14 which is punishable as a felony or with any crime arising out
15 of his or her official duties which is punishable as a first
16 degree misdemeanor. In furtherance thereof:

17 a. During the period of suspension, the council member
18 shall not perform any official act, duty, or function or
19 receive any pay, allowance, emolument, or privilege of office.

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

28 4. Filling of vacancies.--

29 a. If a vacancy occurs in the office of mayor, the
30 council shall appoint from its members by majority vote an
31 individual to be mayor for the remainder of the mayor's term.

1 b. If any vacancy occurs in the office of any council
2 member, including any vacancy resulting from a council member
3 being appointed by the council to fill a mayoral vacancy, the
4 remaining council members shall, within 30 days following the
5 occurrence of such vacancy, by majority vote, appoint a person
6 to fill the vacancy until the next general election.

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

10 G. Council meetings.--Regular meetings of the council
11 shall be held on the third Thursday of every month and at such
12 place, reasonably accessible to the citizens of the town, as
13 the council shall prescribe by resolution. Such meetings shall
14 be public meetings within the meaning of s. 286.011, Florida
15 Statutes, and shall be subject to notice and other
16 requirements of law applicable to public meetings. Pursuant
17 thereto:

18 1. Special meetings may be held at the call of the
19 mayor or upon the request of a majority of the council
20 members. Such meetings shall be held at a place that is
21 reasonably accessible to the citizens of the town. Unless of
22 an emergency nature, the person or persons calling such
23 meeting shall provide not less than 72-hours prior notice of
24 the meeting to the public.

25 2. Elected or reelected council members shall be
26 inducted into office at the first regularly scheduled meeting
27 following certification of their election.

28 3. A majority of the council shall constitute a
29 quorum. No action of the council shall be valid unless adopted
30 by an affirmative vote of the majority of the council unless
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1 otherwise provided by law. All actions of the council shall be
2 by ordinance, resolution, or motion.

3 H. TOWN RECORDS.--The council shall, in a properly
4 indexed book kept for the purpose, provide for the
5 authentication and recording in full of all minutes of
6 meetings and all ordinances and resolutions adopted by the
7 council, and the same shall at all times be a public record.
8 The council shall further maintain a current codification of
9 all ordinances. Such codification shall be printed and shall
10 be made available for distribution to the public on a
11 continuing basis. All ordinances or resolutions of the council
12 shall be signed by the mayor and attested to by the town
13 clerk, hereinafter referred to as "clerk," who shall be
14 selected by the town manager, hereinafter referred to as
15 "manager."

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

22 1. Requirements regarding distribution and filing of
23 copies of the ordinance shall not be construed to require
24 distribution and filing of copies of the adopted code of
25 technical regulations, except as provided in paragraph 2.

26 2. A copy of each adopted code of technical
27 regulations, as well as of the adoptive ordinance, shall be
28 authenticated and recorded by the clerk.

29 J. LIMITATION OF EMPLOYMENT OF COUNCIL MEMBERS.--No
30 council member shall be in the employment of the town in any
31 other capacity while in office, nor shall any former council

1 member be employed by the town until after the expiration of 1
2 year from the time of leaving office.

3 K. NONINTERFERENCE BY COUNCIL.--Except for the
4 purposes of inquiry and information, the council and its
5 members including committees thereof, are expressly prohibited
6 from interfering with the performance of the duties of any
7 employee of the town who is under the direct or indirect
8 supervision of the manager or town attorney, hereinafter
9 referred to as "attorney." Such action shall be malfeasance
10 within the meaning of s. 112.501, Florida Statutes, and s.
11 112.51, Florida Statutes.

12 Section 6. Budget and appropriations.--

13 A. FISCAL YEAR.--The town shall have a fiscal year
14 which shall begin on October 1 of each year and end on
15 September 30 of the succeeding year.

16 B. BUDGET ADOPTION.--The council shall by resolution
17 adopt a budget for the next fiscal year prior to the beginning
18 of the next fiscal year, following a minimum of two public
19 hearings on the proposed budget. A resolution adopting the
20 annual budget shall constitute appropriation of the amounts
21 specified therein as expenditures from funds indicated.

22 C. APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.--

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

28 2. Reduction of appropriations.--If, at any time
29 during the fiscal year, it appears probable to the manager
30 that the revenues available will be insufficient to meet the
31 amount appropriated, the manager shall report same to the

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

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

15 Section 7. Charter officers.--

16 A. DESIGNATION.--The manager and attorney are
17 designated as charter officers, except that the office of the
18 attorney may be contracted to an attorney or law firm.

19 B. APPOINTMENT; REMOVAL COMPENSATION; FILLING OF
20 VACANCIES.--

21 1. The charter officers shall be appointed by a
22 majority of the full council and shall serve at the pleasure
23 of the council.

24 2. The charter officers shall be removed from office
25 only by a majority plus one vote of the full council. Upon
26 demand by a charter officer, a special hearing shall be held
27 prior to such removal.

28 3. The compensation of the charter officers shall be
29 fixed by the council.

30 4. The council shall begin the process to fill a
31 vacancy in a charter office as soon as practicable. An acting

1 town manager or an acting town attorney may be appointed by
2 the council during a vacancy in such charter office.

3 5. The charter officers shall not be a candidate for
4 council while holding their charter position.

5 C. TOWN MANAGER.--The manager shall be the chief
6 administrative officer of the town.

7 1. Qualifications.--The manager shall be selected on
8 the basis of experience, expertise, and management ability as
9 it pertains to running municipal government. There shall be a
10 town manager who shall be appointed and who shall serve at the
11 pleasure of the town council. The town manager shall be chosen
12 on the basis of professional training, executive and
13 administrative experience, and qualifications. The town
14 manager shall have a Bachelor's Degree from an accredited
15 college or university and at least 5 years experience as the
16 town manager or assistant town manager in a city or county
17 with a population of comparable size. The town manager shall
18 maintain residency within the county during the tenure of
19 office and shall not engage in any other business or
20 occupation without the express approval of the town council.

21 2. The town manager shall be bonded at the discretion
22 of the town council.

23 3. Powers and duties.--The manager shall:

24 a. As the chief administrative officer of the town,
25 direct and supervise the administration of all departments,
26 offices, and agencies of the town, except the office of
27 attorney, and except as otherwise provided by the charter or
28 by law.

29 b. Appoint, suspend, or remove any employee of the
30 town or appointive administrative officer provided for, by or
31 under the charter, including the clerk, except the office of

1 attorney, and except as otherwise provided by law, the charter
2 or personnel rules adopted pursuant to the charter. The
3 manager may authorize any administrative officer who is
4 subject to his or her discretion and supervision to exercise
5 these powers with respect to subordinates in that officer's
6 department, office, or agency.

7 c. Ensure that all laws, provisions of the charter and
8 acts of the council are faithfully executed.

9 d. Prepare and submit the annual operating budget and
10 the capital expenditures program to the council in the form
11 prescribed by ordinance.

12 e. Attend meetings of the council.

13 f. Draw and sign vouchers upon depositories as
14 provided by ordinance, and keep, or cause to be kept, a true
15 and accurate account of same.

16 g. Sign all licenses issued by the town and issue
17 receipts for all moneys paid to the town and deposit said
18 moneys in the proper depositories on the first banking day
19 after receipt. The manager may delegate the responsibilities
20 of this subparagraph to an appropriate town employee who shall
21 be bonded.

22 h. Provide administrative services in support of the
23 official duties of the mayor and the council.

24 i. Keep the council advised as to the financial
25 condition and future needs of the town and make
26 recommendations to the council concerning the affairs of the
27 town.

28 j. Submit to the council, and make available to the
29 public, a complete report on finances and administrative
30 activities of the town as of the end of each fiscal year.

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1 k. Sign contracts on behalf of the town to the extent
2 authorized by ordinance.

3 l. Perform such other duties as are specified in the
4 charter or as may be required by the council.

5 D. TOWN ATTORNEY.--The attorney shall be the chief
6 legal officer of the town.

7 1. Qualifications.--The town attorney shall be a
8 member of The Florida Bar in good standing.

9 2. Powers and duties.--The town attorney:

10 a. Shall serve as chief legal advisor to the council,
11 the charter officers and all town departments, officers, and
12 agencies.

13 b. May hire such assistants as may be required when
14 approved by the council.

15 c. Shall attend council meetings unless excused by the
16 council and shall perform such professional duties as may be
17 required by law or by the council in furtherance of the law.

18 d. Shall prepare an annual budget for the operation of
19 the office of attorney and shall submit this budget to the
20 manager for inclusion in the annual town budget in accordance
21 with uniform town procedures.

22 Section 8. Elections.--

23 A. ELECTORS.--Any person who is a resident of the
24 town, who has qualified as an elector of this state, and who
25 registers in the manner prescribed by law shall be an elector
26 of the town.

27 B. NONPARTISAN ELECTIONS.--All elections for the
28 council members shall be conducted on a nonpartisan basis
29 without any designation of political party affiliation.

30 C. QUALIFYING FOR OFFICE.--Any elector of the town who
31 wishes to become a candidate for a town elective office shall

1 qualify with the clerk. Candidates must submit their names and
2 proof of qualification, as described in the applicable
3 provisions of s. 99.061, Florida Statutes, to the St. Johns
4 County Supervisor of Elections Office between noon of the 50th
5 day and noon of the 46th day prior to the town election. Proof
6 of qualification includes:

7 1. Proof of current address.

8 2. A petition for the candidate with signatures of
9 Ponte Vedra Beach registered voters totaling not less than 25
10 registered voters as of January 31st of that same year.

11 D. SCHEDULE FOR STAGGERED TOWN ELECTIONS AND
12 RUNOFFS.--Pursuant to s. 100.031, Florida Statutes, the town
13 elections for District 2 and District 4 will be held in
14 conjunction with the first primary which is 9 weeks prior to
15 the General Election which is held on the first Tuesday after
16 the first Monday in November of even-numbered years beginning
17 in the year 2000. Pursuant to s. 100.031, Florida Statutes,
18 the town elections for District 1 and District 3 and the mayor
19 will be held in conjunction with the first primary which is 9
20 weeks prior to the general election which is held on the first
21 Tuesday after the first Monday in November of even-numbered
22 years beginning in the year 2002. In the event no candidate
23 for an office receives a majority of the votes cast for said
24 office, there will be a runoff election between the two
25 candidates with the highest number of votes. The runoff will
26 be held in conjunction with the general election in November.

27 E. SCHEDULE FOR OTHER ELECTIONS.--Special municipal
28 elections shall be held in the same manner as regular
29 elections, except that the council, by ordinance, shall fix
30 the time for the holding of such elections.

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1 F. DETERMINATION OF ELECTION TO OFFICE.--In either the
2 case of council members or the mayoral/council member, if only
3 one candidate qualifies for an office, said candidate shall be
4 deemed to be elected. If two or more candidates qualify for an
5 office, the names of those candidates shall be placed on the
6 ballot at the general election. If no candidate for an office
7 receives a majority of the votes cast for said office, then
8 the two candidates for the office receiving the highest vote
9 in the general election shall run again in the runoff
10 election, provided that:

11 1. If more than two candidates for an office receive
12 an equal and highest number of votes, the names of such
13 candidates shall be placed on the runoff election ballot.

14 2. In any contest in which there is a tie for second
15 place, the name of the candidate placing first and the names
16 of the candidates tying for second shall be placed upon the
17 runoff election ballot. The candidate receiving the highest
18 number of votes cast for the office in the runoff election
19 shall be elected to such office. If the vote at the runoff
20 election results in a tie, the outcome shall be determined by
21 lot.

22 G. TOWN CANVASSING BOARD.--The town canvassing board,
23 hereinafter referred to as the "canvassing board," shall be
24 composed of the manager, attorney, and clerk, of whom the
25 clerk shall act as chair. At the close of the polls of any
26 town election, or as soon thereafter as practicable, the
27 canvassing board shall meet at a time and place designated by
28 the chair and shall proceed to publicly canvass the vote as
29 shown by the returns then on file in the office of the town
30 clerk, and then shall publicly canvass the absentee elector
31 ballots. The canvassing board shall prepare and sign a

1 certificate containing the total number of votes cast for each
2 candidate or other measure voted upon. The certificate shall
3 be placed on file with the clerk.

4 H. RECALL OF COUNCIL MEMBERS.--Any member of the
5 council, including the mayor, may be removed from office by
6 the electors of the town following the procedures for recall
7 established by general law.

8 I. INITIATIVE AND REFERENDUM.--

9 1. Power to initiate and reconsider ordinances.--

10 a. Initiative.--The electors of the town shall have
11 the power to propose ordinances to the council and, if the
12 council fails to adopt an ordinance so proposed without any
13 change in substance, to adopt or reject it at a town election,
14 provided that such power shall not extend to the annual budget
15 or capital program or any ordinance appropriating money,
16 levying taxes, or setting salaries of town officers or
17 employees.

18 b. Referendum.--

19 (1) The council shall have the power, by resolution,
20 to call for a referendum vote by the electors of the town at
21 any time, provided that the purpose of such referendum is
22 presented to the town at a public hearing at least 60 days
23 prior to the adoption of said resolution. Any resolution
24 calling for a referendum vote of the electors of the town must
25 be passed by the affirmative vote of a majority of the full
26 council.

27 (2) The electors of the town shall have the power to
28 require reconsideration by the council of any adopted
29 ordinance and, if the council fails to repeal an ordinance so
30 reconsidered, to approve or reject it at a town election,
31 provided that such power shall not extend to the annual budget

1 or capital program or any ordinance appropriating money,
2 levying taxes or setting salaries of town officers or
3 employees.

4 2. Commencement of proceedings.--Any 10 electors may
5 commence initiative or referendum proceedings by filing with
6 the clerk an affidavit stating that they shall constitute the
7 petitioners' committee, hereinafter referred to as the
8 "committee," and be responsible for circulating the petition
9 and filing it in proper form stating their names and addresses
10 and specifying the address to which all notices to the
11 committee are to be sent, and setting out in full the proposed
12 initiative ordinance or citing the ordinance sought to be
13 reconsidered. Promptly after the affidavit of the committee
14 is filed, the clerk shall, at the committee's request, issue
15 the appropriate petition blanks to the committee at the
16 committee's expense.

17 3. Petitions.--

18 a. Initiative and referendum petitions must be signed
19 by electors of the town equal in number to at least 10 percent
20 of the total number of electors registered to vote in the last
21 regular town election and at least 10 percent of the total
22 number of electors in each of the four districts registered to
23 vote in the last regular town election.

24 b. All papers of a petition shall be assembled as one
25 instrument of filing. Each signature shall be executed in ink
26 and shall be followed by the printed name and address of the
27 person signing. Petitions shall contain or have attached
28 thereto, throughout their circulation, the full text of the
29 ordinance proposed or sought to be reconsidered.

30 c. Each paper of a petition shall have attached to it
31 when filed, an affidavit executed by the circulator thereof

1 stating that he or she personally circulated the paper, the
2 number of signatures thereon, that all signatures were affixed
3 in his or her presence, that he or she believes them to be the
4 genuine signatures of the persons whose names they purport to
5 be and that each signer had an opportunity before signing to
6 read the full text of the ordinance proposed or sought to be
7 reconsidered.

8 d. All initiative and referendum petitions must be
9 filed within 60 days of the date on which proceedings with
10 respect to such initiative or referendum are commenced and all
11 requirements of the process, including, but not limited to,
12 the submission of the signatures required, must be completed
13 no later than 90 days following the date of filing of said
14 initiative or referendum petition.

15 4. Procedure for filing.--

16 a. Within 20 days after an initiative petition or a
17 referendum is filed, the clerk shall complete a certificate as
18 to its sufficiency, specifying, if it is insufficient, the
19 particulars wherein it is defective and shall promptly send a
20 copy of the certificate to the committee by registered mail.
21 Grounds for insufficiency are only those specifics in
22 subparagraph c. that are not met. A petition certified
23 insufficient for lack of the required number of valid
24 signatures may be amended once if the committee files a notice
25 of intent to amend it with the designated official within 2
26 business days after receiving the copy of the certificate and
27 files a supplementary petition upon additional papers within
28 10 days after receiving a copy of such certificate. Such
29 supplementary petition shall comply with original petition
30 requirements, and within 5 days after it is filed, the clerk
31 shall complete a certificate as to the sufficiency of the

1 petition as amended and promptly send a copy of such
2 certificate to the committee by registered mail. If a petition
3 or an amended petition is certified sufficient, or if a
4 petition or amended petition is certified insufficient and the
5 committee does not elect to amend or request the council to
6 review under subparagraph b. within the time required, the
7 clerk shall promptly present the certificate to the council
8 and such certificate shall then be a final determination as to
9 the sufficiency of the petition.

10 b. The council review.--If a petition has been
11 certified insufficient and the committee does not file notice
12 of intent to amend it or if an amended petition has been
13 certified insufficient, the committee may, within 2 business
14 days after receiving the copy of such certificate, file a
15 request that it be reviewed by the council. The council shall
16 review the certificate at its next meeting following the
17 committee's filing of such request and approve or disapprove
18 it, and determination shall then be final as to the
19 sufficiency of the petition.

20 5. Action on petitions.--

21 a. Action by the council.--When an initiative or
22 referendum petition has been determined sufficient, the
23 council shall promptly consider the proposed initiative
24 ordinance or reconsider the referendum ordinance by voting its
25 repeal. The repeal of an ordinance relating to the levy of ad
26 valorem taxes shall be by ordinance. If the council fails to
27 adopt a proposed initiative ordinance without any change in
28 substance within 45 days or fails to repeal the referendum
29 ordinance within 30 days, or in the case of a referendum
30 authorized pursuant to sub-subparagraph 1.b.(1), within 5 days
31 after the date on which the petition is determined to be

1 sufficient, it shall submit the proposed initiative or
2 referendum ordinance to the electors of the town. If the
3 council fails to act on a proposed initiative ordinance or a
4 referendum ordinance within the time period specified, the
5 council shall be deemed to have failed to adopt the proposed
6 initiative ordinance or failed to repeal the referendum
7 ordinance on the last day that the council was authorized to
8 act on such manner.

9 b. Submission to electors.--The vote of the town on a
10 proposed initiative or referendum ordinance shall be held not
11 less than 30 or more than 60 days from the date the council
12 acted, or was deemed to have acted pursuant to subparagraph
13 a., that the petition was determined sufficient. If no regular
14 election is to be held within the period described in this
15 paragraph, the council shall provide for a special election,
16 except that the council may, in its discretion, provide for a
17 special election at an earlier date than 60 days. Copies of
18 the proposed initiative or referendum ordinance shall be made
19 available at the polls.

20 c. Withdrawal of petitions.--An initiative or
21 referendum petition may be withdrawn at anytime prior to the
22 15th day preceding the day scheduled for a vote of the
23 electors of the town by filing with the clerk a request for
24 withdrawal signed by at least eight members of the committee.
25 Upon the filing of such request, the petition shall have no
26 further force or effect and all proceedings thereon shall be
27 terminated.

28 6. Results of election.--

29 a. Initiative.--If a majority of the qualified
30 electors voting on a proposed initiative ordinance vote in its
31 favor, it shall be considered adopted upon certification of

1 the election results. If conflicting ordinances are approved
2 at the same election, the one receiving the greatest number of
3 affirmative votes shall prevail to the extent of such
4 conflict.

5 b. If a majority of the qualified electors voting on a
6 referendum ordinance vote against it, it shall be considered
7 repealed upon certification of the election results.

8 Section 9. Transition schedule.--

9 A. REFERENDUM.--The referendum election called for by
10 this act shall be held on November 3, 1998, at which time the
11 following question shall be placed upon the ballot:

12
13 "SHALL CHAPTER, LAWS OF FLORIDA, CREATING THE TOWN
14 OF PONTE VEDRA BEACH AND PROVIDING ITS CHARTER BE APPROVED?"

15
16 In the event this question is answered affirmatively by a
17 majority of voters voting in the referendum, the provisions of
18 the charter will take effect as provided in section 15.

19 B. INITIAL ELECTION OF COUNCIL MEMBERS.--

20 1. Dates.--Following the adoption of the charter in
21 accordance with subsection A, the St. Johns County Commission
22 shall call a special election for the election of the five
23 council members to be held on Tuesday, March 9, 1999. In the
24 event no candidate for an office receives a majority of the
25 votes cast for said office, then a runoff election between the
26 two candidates receiving the most votes shall be held on
27 Tuesday, March 23, 1999.

28 2. Qualifying period.--Between noon on Friday, January
29 29, 1999, and noon on Friday, February 12, 1999, any
30 individual who wishes to run for one of the five initial seats
31 on the council shall qualify as a candidate with the St. Johns

1 County Supervisor of Elections in accordance with the
2 provisions of the charter and general law.

3 3. Certification of election results.--For the initial
4 election, the St. Johns County Commission shall appoint a
5 canvassing board which shall certify the results of the
6 election.

7 4. Induction into office.--Those candidates who are
8 elected on either Tuesday, March 9, 1999, or Tuesday, March
9 23, 1999, shall take office at the initial council meeting,
10 which shall be held at 10 a.m. on Saturday, March 27, 1999, at
11 the Ponte Vedra Beach Public Library or at some other place
12 within the town limits as may be designated by the Chair of
13 the St. Johns County Commission.

14 5. Initial terms of office.--After the initial
15 election of council members and mayor, the first regular town
16 election will be held in accordance with section 8D in the
17 year 2000. The initial council members from District 2 and
18 District 4 shall serve a term from Saturday, March 27, 1999,
19 to the third Thursday in November 2000, or until the results
20 of any necessary run-off elections are certified and any
21 run-off election winners are sworn in. The initial council
22 members from District 1 and District 3 and the mayor shall
23 serve a term from Saturday, March 27, 1999, to the third
24 Thursday in November 2002, or until the results of any
25 necessary run-off elections are certified and any run-off
26 election winners are sworn in.

27 C. CREATION AND ESTABLISHMENT OF TOWN.--For the
28 purpose of compliance with s. 200.066, Florida Statutes,
29 relating to assessment and collection of ad valorem taxes, the
30 town is hereby created and established effective December 31,
31 1998. Notwithstanding anything to the contrary contained

1 herein, the town, although created and established as of
2 December 31, 1998, shall not be operable until March 27, 1999.

3 D. FIRST YEAR EXPENSES.--The council, in order to
4 provide moneys for the expenses and support of the town, shall
5 have the power to borrow money necessary for the operation of
6 the town government until such time as a budget is adopted and
7 revenues are raised in accordance with the provisions of the
8 charter.

9 E. COUNTY SERVICES DURING TRANSITION.--From and after
10 the effective date, during the transition period and until
11 such time as the council becomes operative, estimated to be
12 June 30, 1998, St. Johns County will continue to provide the
13 town with all of the same services as it does as of December
14 31, 1998.

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

24 G. TRANSITIONAL COMPREHENSIVE PLAN AND LAND
25 DEVELOPMENT REGULATIONS.--

26 1. Until such time as the town adopts a comprehensive
27 plan, the applicable provisions of the Comprehensive Plan of
28 St. Johns County, as the same exists on the day the town
29 commences corporate existence, shall remain in effect as the
30 town's comprehensive plan. Within 1 year after incorporation,
31 the town shall establish a local planning agency pursuant to

1 s. 163.3174, Florida Statutes, to prepare and adopt a
2 comprehensive plan as required by s. 163.3174, Florida
3 Statutes, within 3 years after the date of incorporation. The
4 St. Johns County Comprehensive Plan shall be controlling until
5 the town adopts a comprehensive plan in accordance with the
6 provisions of s. 163.3174, Florida Statutes. All planning
7 functions, duties, and authority shall thereafter be vested in
8 the council which shall be deemed the local planning agency
9 until and unless the council establishes a separate local
10 planning agency.

11 2. Subject to the provisions of the St. Johns County
12 Comprehensive Plan, all powers and duties of the planning
13 commission, zoning authority, any boards of adjustment, and
14 the County Commission of St. Johns County shall be vested in
15 the council until such time as the council delegates all or a
16 portion thereof to another entity. The council shall abide by
17 the St. Johns County Comprehensive Plan until such time as the
18 town's comprehensive plan is adopted.

19 3. Subsequent to the commencement of the town's
20 corporate existence, any amendment of the comprehensive plan
21 or land development regulations enacted by the St. Johns
22 County Commission shall be deemed as part of the town's
23 transitional land development regulations and shall take
24 effect within the town's corporate limits.

25 4. For purposes of meeting provisions of s. 218.23(1),
26 Florida Statutes, the town shall levy ad valorem taxes,
27 exclusive of taxes levied for debt service or other special
28 millages authorized by voters, to produce the revenue
29 equivalent to a millage rate of 3 mills on the dollar based on
30 the 1998 taxable values of real estate as certified by the
31 property appraiser pursuant to s. 193.122(2), Florida

1 Statutes, or, in order to produce revenue equivalent to that
2 which would otherwise be produced by such 3 mill ad valorem
3 tax to have:

4 (a) Received a remittance from the county pursuant to
5 general law;

6 (b) Collected an occupational license tax;

7 (c) Collected a utility tax;

8 (d) Levied an ad valorem tax;

9 (e) Received revenue from a combination of these four
10 sources; or

11 (f) Any other municipal service special levies as may
12 be allowed by state law.

13 H. STATE-SHARED REVENUES.--The town shall be entitled
14 to participate in all shared revenue programs of the State of
15 Florida effective immediately on the date of incorporation.
16 The provisions of s. 218.23(1)(a)-(c), Florida Statutes, as
17 the same pertains to financial reports and post audits, shall
18 be waived for the purpose of eligibility to receive revenue
19 sharing funds from the date of incorporation through the state
20 fiscal year 2000-2001. The town shall require that any law
21 enforcement and firefighters employed by the municipality meet
22 all state qualifications, training standards, and minimum
23 salaries as required by s. 218.23(1)(d) and (e), Florida
24 Statutes. Initial population estimates for calculating
25 eligibility for shared revenues shall be determined by the
26 University of Florida Bureau of Economic and Business
27 Research. Should the bureau be unable to provide an
28 appropriate population estimate, the St. Johns County Planning
29 Division estimate should be utilized.

30 I. GAS TAX REVENUES.--Notwithstanding the requirements
31 of s. 336.025, Florida Statutes, to the contrary, the town

1 shall be entitled to receive a local option gas tax revenue
2 beginning October 1, 1999, pursuant to s. 336.025(4)(b),
3 Florida Statutes.

4 Section 10. Land use and zoning.--Whenever the town
5 prescribes land use regulations or adopts zoning ordinances
6 that impose restrictions which are more stringent than those
7 in effect on the date of the town's incorporation, the town
8 must grant, for each parcel that was for the 5 years preceding
9 the date of the town's incorporation owned by the same person
10 or by his or her heirs or devisees, a variance that permits,
11 for a period of 10 years or for so long as the parcel remains
12 under the ownership of that person or his or her heirs or
13 devisees, whichever is longer, the same use of the parcel as
14 was permitted on the date of the town's incorporation and with
15 no greater restriction. Subsequent owners of such parcels who
16 are not heirs or devisees shall be granted the same variance
17 until the date which marks 10 years from the date of
18 incorporation.

19 Section 11. Provision for interim municipal services;
20 continuation, merger, and dissolution of existing districts;
21 continuation and allocation of St. Johns County imposed taxes
22 to fund town operations.--

23 A. PONTE VEDRA MUNICIPAL SERVICE DISTRICT.--Upon the
24 date the town becomes operable, the Ponte Vedra Municipal
25 Service District shall be dissolved. The town will assume any
26 indebtedness and receive title to all property owned by the
27 municipal service district, and will assume any liabilities
28 and other agreements made by the municipal service district.
29 The existing municipal service indebtedness, if any, shall be
30 allocated to the general fund and said debt shall be retired
31 by funds earmarked for general expenditures. The town may

1 contract for any of the services provided by the municipal
2 service district prior to its dissolution.

3 B. PROVISION FOR INTERIM SERVICES.--Following
4 appointment of the manager and attorney, the council may enter
5 into a transition agreement with St. Johns County for the
6 continuation of municipal services until replaced by
7 alternative providers designated by the council. The
8 transition agreement shall provide a manner in which the town
9 will compensate St. Johns County for continuing to provide
10 those services. In connection with that transition agreement,
11 the council shall also adopt and revise as necessary a
12 schedule for the implementation of municipal services. In any
13 event, there shall be no abridgement of existing contracts for
14 services for those contracts in existence as of the date of
15 incorporation.

16 C. ST. JOHNS COUNTY TAXES LEVIED WITHIN THE BOUNDARIES
17 OF THE TOWN TO PROVIDE FOR MUNICIPAL SERVICES.--In levying
18 taxes and fees for the 1999-2000 fiscal year, St. Johns County
19 shall separately identify all taxes and fees which it imposes
20 for countywide purposes and all taxes and fees it imposes to
21 provide municipal services to the unincorporated areas. If
22 services provided by St. Johns County serve both a municipal
23 and countywide purpose, an allocation of the cost of those
24 services between countywide and municipal government must be
25 made so that no countywide tax revenues are utilized to pay
26 for municipal services. In the event the town charter is
27 adopted, those municipal taxes and fees imposed by St. Johns
28 County to provide municipal services within the boundaries of
29 the town shall be prorated between St. Johns County and the
30 town using the date which the town becomes operable pursuant
31 to section 9C as the date the tax revenues belonged to the

1 town. To the extent the town is the beneficiary of those tax
2 revenues, it will be deemed to have levied those taxes as town
3 taxes. The transition agreement will provide for the payment
4 to St. Johns County of such amounts as are necessary to
5 compensate St. Johns County for providing transition municipal
6 services.

7 D. POLICE.--The town may form its own police
8 department or contract for same.

9 E. FIRE.--The town may form its own fire department or
10 contract for same. Upon withdrawal from the county fire
11 district, the town shall assume the assets and liabilities of
12 the fire district within the incorporated town limits.

13 F. OTHER ESSENTIAL SERVICES.--All residents of the
14 town shall be entitled to all other essential services offered
15 by the town. The town may form its own departments for such
16 services or contract for same.

17 Section 12. Land description.--The corporate
18 boundaries of the town shall be as follows:

19 A part of the Townships 3 and 4 South, Range 29
20 East, St. Johns County, Florida, bounded as
21 follows: On the East by the mean high water
22 line of the Atlantic Ocean; on the South by the
23 northern boundary of the Guana State Park as
24 described in Official Records 650, page 948 of
25 the Public Records of St. Johns County; on the
26 West by the centerline of the Intracoastal
27 Waterway; and on the North by the St. Johns
28 County Line.

29 Section 13. General provisions.--

30 A. CHARTER AMENDMENTS.--The charter may be amended in
31 accordance with the provisions for charter amendments as

1 specified in the Municipal Home Rule Powers Act, chapter 166,
2 Florida Statutes, as the same may be amended from time to
3 time, or its successor, or as may otherwise be provided by
4 general law. The town council may, by ordinance, or the
5 electors of the town may, by petition signed by 10 percent of
6 the registered electors as of the last preceding town
7 election, submit to the electors of the town a proposed
8 amendment to the charter, which amendment may be to any part
9 or to all of the charter except that part describing the
10 boundaries of the town. The town council shall place the
11 proposed amendment contained in the ordinance or petition to a
12 vote of the electors of the town at the next town election or
13 at a special election called for such purpose. The form,
14 content, and certification of any petition to amend shall be
15 established by ordinance.

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

26 Section 14. If any provision 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 15. Unless otherwise specified herein, this
2 act shall take effect upon becoming a law, subject to its
3 approval by a majority vote of those qualified electors
4 residing within the proposed corporate limits of the proposed
5 Town of Ponte Vedra Beach as described in section 12, voting
6 in a referendum election to be called by the St. Johns County
7 Commission to be held on November 3, 1998, in accordance with
8 the provisions of law relating to elections currently in
9 force.
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