

Amendment No. 2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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The Committee on Election Reform offered the following:

Amendment

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. The charter of the City of Southport, Bay
County, Florida, is created to read:

ARTICLE I

CREATION AND POWERS

Section 1.01 Creation.--There is hereby created in Bay
County a new municipality to be known as the City of
Southport, Florida, which shall have a commission-manager form
of government.

Section 1.02 Municipal powers.--The city shall be a
body corporate and politic and shall have all the powers of a
municipality under the Constitution and laws of the State of
Florida, as fully and completely as though such powers were
specifically enumerated in this charter, unless otherwise
prohibited by or contrary to the provisions of this charter.

The city shall have all governmental, corporate, and

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1 proprietary powers necessary to enable it to conduct municipal
2 government, perform municipal functions, and render municipal
3 services, and may exercise any power for municipal purposes
4 unless expressly prohibited by law. The powers of the city
5 shall be liberally construed in favor of the city.

6 ARTICLE II

7 CORPORATE LIMITS

8 Section 2.01 Boundaries.--The following areas shall
9 constitute the corporate limits of the City of Southport,
10 Florida:

11
12 BEGIN AT THE INTERSECTION OF THE NORTH LINE OF
13 SECTION 17, TOWNSHIP 2 SOUTH, RANGE 14 WEST,
14 BAY COUNTY, FLORIDA WITH THE WEST RIGHT OF WAY
15 LINE OF STATE ROAD NO. 77; THENCE EAST ALONG
16 THE NORTH LINE OF SECTIONS 17, 16 and 15 TO THE
17 NORTHEAST CORNER OF SECTION 15, TOWNSHIP 2
18 SOUTH, RANGE 14 WEST; THENCE NORTH ALONG THE
19 WEST LINE OF SECTION 11, TOWNSHIP 2 SOUTH,
20 RANGE 14 WEST TO THE NORTHWEST CORNER OF SAID
21 SECTION 11; THENCE EAST ALONG THE NORTH LINE OF
22 SECTIONS 11 AND 12, TOWNSHIP 2 SOUTH, RANGE 14
23 WEST AND THE NORTH LINE OF SECTION 7, TOWNSHIP
24 2 SOUTH, RANGE 13 WEST TO THE CENTER OF CEDAR
25 CREEK; THENCE SOUTHERLY ALONG THE CENTER OF
26 CEDAR CREEK AND DEER POINT LAKE TO THE MIDPOINT
27 OF DEER POINT LAKE DAM; THENCE SOUTHWESTERLY
28 ALONG THE CENTER OF NORTH BAY TO THE SOUTHERLY
29 PROJECTION OF THE EAST LINE OF SECTION 4,
30 TOWNSHIP 3 SOUTH, RANGE 14 WEST; THENCE NORTH
31 ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF

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1 SECTION 33, TOWNSHIP 2 SOUTH, RANGE 14 WEST;
2 THENCE WEST ALONG THE SOUTH LINE OF SAID
3 SECTION 33 TO THE SOUTHERLY PROJECTION OF THE
4 EAST LINE OF LOT 98, PLAT OF ST. ANDREWS BAY
5 PECAN & FIG GROVES COMPANY'S SUBDIVISION;
6 THENCE NORTH ALONG SAID EAST LINE AND THE
7 SOUTHERLY PROJECTION THEREOF TO THE NORTHEAST
8 CORNER OF SAID LOT 98; THENCE WEST ALONG THE
9 NORTH LINE OF SAID LOT 98 AND THE WESTERLY
10 PROJECTION THEREOF TO THE NORTHEAST CORNER OF
11 LOT 99, SAID PLAT OF ST. ANDREWS BAY PECAN &
12 FIG GROVES COMPANY'S SUBDIVISION; THENCE NORTH
13 ALONG THE EAST LINE OF LOT 94, SAID PLAT OF ST.
14 ANDREWS BAY PECAN & FIG GROVES COMPANY'S
15 SUBDIVISION TO THE NORTHEAST CORNER OF SAID LOT
16 94; THENCE WEST ALONG THE NORTH LINE OF SAID
17 LOT 94 TO THE EAST LINE OF THE "LANGLEY" TRACT,
18 SAID PLAT OF ST. ANDREWS BAY PECAN & FIG GROVES
19 COMPANY'S SUBDIVISION; THENCE NORTH ALONG THE
20 EAST LINE OF THE "LANGLEY" TRACT FOR 3.8 FEET
21 TO THE NORTH LINE OF THE 15 FOOT STRIP
22 DESCRIBED IN OFFICIAL RECORDS BOOK 1104, PAGE
23 666 OF THE PUBLIC RECORDS OF BAY COUNTY,
24 FLORIDA; THENCE WEST FOR 15 FEET; THENCE SOUTH
25 FOR 90 FEET; THENCE WEST ALONG THE NORTH LINE
26 OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS
27 BOOK 1104, PAGE 666 TO THE EDGE OF NORTH BAY;
28 THENCE SOUTHWESTERLY ALONG THE RIPARIAN RIGHTS
29 LINE OF SAID PARCEL TO THE CENTER OF NORTH BAY;
30 THENCE WESTERLY ALONG THE CENTER OF NORTH BAY
31 TO THE SOUTHERLY PROJECTION OF THE WEST LINE OF

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1 THE EAST HALF OF THE EAST HALF OF SECTION 31,
2 TOWNSHIP 2 SOUTH, RANGE 14 WEST; THENCE NORTH
3 ALONG SAID WEST LINE OF THE EAST HALF OF THE
4 EAST HALF OF SAID SECTION 31 AND THE SOUTHERLY
5 PROJECTION THEREOF TO THE NORTH LINE OF SAID
6 SECTION 31; THENCE NORTH ALONG THE WEST LINE OF
7 THE EAST HALF OF THE SOUTHEAST QUARTER OF
8 SECTION 30, TOWNSHIP 2 SOUTH, RANGE 14 WEST TO
9 THE NORTHWEST CORNER OF SAID EAST HALF OF THE
10 SOUTHEAST QUARTER; THENCE EAST ALONG THE NORTH
11 LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER
12 TO THE WEST LINE OF SECTION 29, TOWNSHIP 2
13 SOUTH, RANGE 14 WEST; THENCE SOUTH ALONG SAID
14 WEST LINE OF SECTION 29 TO THE NORTHWEST CORNER
15 OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF
16 SAID SECTION 29; THENCE EAST ALONG THE NORTH
17 LINE OF SAID SOUTH HALF OF THE SOUTHWEST
18 QUARTER TO THE NORTHEAST CORNER OF SAID SOUTH
19 HALF OF THE SOUTHWEST QUARTER; THENCE NORTH
20 ALONG THE WEST LINE OF THE EAST HALF OF SAID
21 SECTION 29 TO THE NORTHWEST CORNER OF THE
22 NORTHEAST QUARTER OF SAID SECTION 29; THENCE
23 EAST ALONG THE NORTH LINE OF SAID SECTION 29 TO
24 THE NORTHEAST CORNER OF SAID SECTION 29; THENCE
25 NORTH ALONG THE WEST LINE OF SECTION 21,
26 TOWNSHIP 2 SOUTH, RANGE 14 WEST TO THE
27 NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH
28 HALF OF SAID SECTION 21; THENCE EAST ALONG THE
29 NORTH LINE OF SAID SOUTH HALF OF THE SOUTH HALF
30 TO THE INTERSECTION OF THE WEST RIGHT OF WAY
31 LINE OF STATE ROAD NO. 77 WITH THE NORTH LINE

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1 OF SAID SOUTH HALF OF THE SOUTH HALF OF SECTION
2 21; THENCE NORTHWESTERLY ALONG SAID WEST RIGHT
3 OF WAY LINE TO THE POINT OF BEGINNING.

4
5 LESS AND EXCEPT: BEGIN AT THE NORTHEAST CORNER
6 OF LOT 82, ST. ANDREWS BAY PECAN & FIG GROVES
7 CO'S, PLAT OF SECTION 33, TOWNSHIP 2 SOUTH,
8 RANGE 14 WEST; THENCE SOUTH FOR 200 FEET;
9 THENCE WEST FOR 231.78 FEET; THENCE
10 NORTHWESTERLY FOR 115 FEET AT AN ANGLE OF
11 23°28' TO THE RIGHT TO THE SOUTHEASTERLY RIGHT
12 OF WAY LINE OF STATE ROAD NO. 77; THENCE
13 NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE TO
14 THE NORTH LINE OF LOT 82; THENCE EAST TO THE
15 POINT OF BEGINNING.

16 ARTICLE III

17 CITY COMMISSION

18 Section 3.01 Composition and qualifications for
19 office.--

20 (1) COMPOSITION.--There shall be a five-member city
21 commission, consisting of a mayor and four commissioners, each
22 elected from the Southport area at large. For purposes of
23 proper interpretation of this charter, unless the context
24 otherwise requires, the term "commissioner" shall be construed
25 to include the mayor.

26 (2) QUALIFICATIONS FOR OFFICE.--

27 (a) Each candidate for the office of city commissioner
28 shall be a qualified elector of the city and a resident of the
29 City of Southport for a minimum of 1 year.

30 (b) Each individual seeking to qualify as a candidate
31 for a seat on the commission shall submit to the Supervisor of

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1 Elections of Bay County, Florida, a petition specifically
2 declaring which seat he or she is endeavoring to obtain and
3 containing the signatures of at least 25 electors residing
4 within the boundaries of the City of Southport at large
5 supporting his or her candidacy.

6 Section 3.02 Terms of office.--

7 (1) The term of office for each commissioner shall be
8 4 years.

9 (2) Notwithstanding subsection 3.02(1), in order to
10 provide for the staggering of terms, the initial term of
11 office for Seats Two and Four shall be 2 years, and for every
12 term thereafter, for 4 years. Seats One, Three, and the
13 Mayor's Seat shall initially be and remain 4-year terms.

14 (3) Each commissioner shall remain in office until his
15 or her successor is elected and he or she assumes the duties
16 of the position at the first meeting of the new commission.

17 Section 3.03 Powers and duties of commission.--Except
18 as otherwise prescribed herein or provided by law, all lawful
19 legislative and corporate powers of the city shall be vested
20 in the commission.

21 Section 3.04 Powers and duties of mayor.--

22 (1) POWERS.--There shall be a mayor who shall be
23 elected at large and who shall have the same legislative
24 powers and duties as any other commissioner, except as herein
25 provided.

26 (2) DUTIES.--In addition to the duties provided for in
27 this charter and any lawful duties the commission may require,
28 the mayor shall preside at the meetings of the commission and
29 be recognized as the head of the city government for service
30 of process, ceremonial matters, and the signature and
31 execution of ordinances, contracts, deeds, bonds, and other

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1 instruments and documents. The mayor shall, with the approval
2 of the commission, name committees of the commission and
3 appoint members of the city boards. The mayor shall have no
4 administrative duties other than those necessary to accomplish
5 these actions, or such other actions as may be authorized by
6 the city commission, consistent with general or special law.

7 Section 3.05 Election and duties of vice mayor.--

8 (1) ELECTION.--There shall be a vice mayor elected
9 annually by the commission from among the commissioners. Such
10 election shall take place at the first meeting after each
11 regular city general election.

12 (2) DUTIES.--The vice mayor shall have the same
13 legislative powers and duties as any other commissioner,
14 except that he or she shall serve as acting mayor during the
15 absence or disability of the mayor and, during such period,
16 shall have the same duties as provided for in subsection
17 3.04(2). In the case of the permanent removal or death of the
18 mayor, the vice mayor shall serve as mayor for the remainder
19 of the mayor's unexpired term of office and the commissioners
20 shall fill the vacant office of commissioner as provided by
21 this charter. In the absence of the mayor and vice mayor, the
22 remaining commissioners shall elect a commissioner to serve as
23 acting mayor

24 Section 3.06 Compensation and expenses.--

25 (1) COMPENSATION.--The mayor shall initially serve the
26 city for compensation of \$500 a month. Seats One, Two, Three,
27 and Four of the commission shall initially serve the city for
28 compensation of \$300 a month. The commission may determine an
29 annual salary of commissioners and/or the mayor, but no
30 ordinance increasing such salaries shall become effective
31 until the date of commencement of the terms of the

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1 commissioners elected at the next regular election.

2 (2) EXPENSES.--The commission may provide for
3 reimbursement of approved expenses incurred by members while
4 performing their official duties.

5 Section 3.07 Vacancies.--

6 (1) VACANCIES.--A vacancy in the office of a
7 commissioner shall occur upon the death of the incumbent,
8 removal from office as authorized by law, resignation,
9 appointment to other public office which creates dual office
10 holding, judicially determined incompetency, or forfeiture of
11 office as herein described.

12 (2) FORFEITURE OF OFFICE.--A commissioner shall
13 forfeit his or her office upon determination by the
14 commission, acting as a body, that he or she:

15 (a) Lacks at any time or fails to maintain during his
16 or her term of office any qualification for the office
17 prescribed by this charter or otherwise required by law;

18 (b) Is convicted of a felony, or enters a plea of
19 guilty or nolo contendere to a crime punishable as a felony,
20 even if adjudication of guilt has been withheld;

21 (c) Is found to have violated any standard of conduct
22 or code of ethics established by law for public officials and
23 has been suspended from office by the Governor, unless
24 subsequently reinstated as provided by law; or

25 (d) Is absent from three consecutive regular
26 commission meetings without being excused by the commission.

27 (3) FILLING OF VACANCIES.--

28 (a) If a vacancy occurs in the office of mayor, the
29 vice mayor shall serve as mayor until a new mayor is elected
30 at the next regularly scheduled city election and assumes the
31 duties of his or her office. The commission shall fill the

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1 commissioner's seat temporarily vacated by the vice mayor by
2 appointment or as otherwise herein provided.

3 (b) If any vacancy occurs in the office of any
4 commissioner other than the mayor, the remaining commissioners
5 shall, within 30 days following the occurrence of such
6 vacancy, by majority vote, appoint a person to fill the
7 vacancy for the remainder of the unexpired term. If, however,
8 the remainder of the unexpired term exceeds 3 years, the
9 remaining commissioners shall, within 30 days following the
10 occurrence of such vacancy, call a special election to fill
11 the vacancy until the next regularly scheduled election.

12 (c) Any person appointed to fill a vacancy on the
13 commission is required to meet the qualifications of the seat
14 to which he or she is appointed except the petition
15 requirement.

16 (4) EXTRAORDINARY VACANCIES.--In the event that all
17 members of the commission are removed by death, disability,
18 law, or forfeiture of office, the Governor shall appoint an
19 interim commission that shall call a special election that
20 shall be held 60 to 90 days from the interim commission's
21 appointment. Such election shall be held in the same manner as
22 the first election under this charter.

23 Section 3.08 City commission meetings.--

24 (1) REGULAR MEETINGS.--The commission shall meet
25 regularly at such times and places as the city commissioners
26 shall decide, and as otherwise provided in this charter.

27 (2) SPECIAL MEETINGS.--Special meetings may be called
28 by the mayor or any three commissioners upon no less than 12
29 hours' notice to each member of the city commission. The
30 commissioners shall decide by majority vote what shall
31 constitute an adequate form of notification to one another. No

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1 business shall be conducted at a special meeting other than
2 that stated in the notice of the special meeting.

3 (3) PUBLIC HEARINGS.--The commission shall meet at
4 such times and places as it shall determine for the purpose of
5 conducting public hearings required by this charter, state
6 law, or ordinance of the city and for other purposes as the
7 city may determine, provided that notice of each such meeting
8 is given to each member of the city commission and to the
9 public by publication in a newspaper of general circulation
10 within the city, or by posting at four prominent public
11 locations designated by the commission for the posting of
12 ordinances adopted by the commission. The conduct of such
13 public hearings shall be in accordance with the provisions of
14 this charter, state law, ordinances of the city, and rules of
15 procedure established by the city commission.

16 ARTICLE IV

17 DESIGNATED CHARTER OFFICERS

18 Section 4.01 Designated charter officers.--Designated
19 charter officers shall be the city manager and the city
20 attorney.

21 (1) APPOINTMENT.--The charter officers shall be
22 appointed by a majority vote of the full commission and shall
23 serve at the pleasure of the commission.

24 (2) REMOVAL.--The charter officers may be removed from
25 office by a majority vote of the full commission.

26 (3) COMPENSATION.--The compensation of the charter
27 officers shall be fixed by the city commission, but may not be
28 reduced during a charter officer's tenure.

29 (4) FILLING OF VACANCIES.--The city commission shall
30 begin the process to fill a vacancy in the charter office of
31 the city manager and the city attorney within 90 days of the

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1 vacancy. An acting city manager or acting city attorney may be
2 appointed by the city commission during a vacancy in office.

3 (5) CANDIDATE FOR CITY OFFICE.--A charter officer
4 shall not be a candidate for any elected office while holding
5 his or her charter office position. Elected city officials may
6 not serve as charter officers for a period of 1 year after the
7 expiration date of his or her term of office.

8 Section 4.02 City manager qualifications, powers, and
9 duties.--

10 (1) QUALIFICATIONS.--Subject to subsection 4.01(1),
11 the city manager shall be selected on the basis of
12 qualifications the commissioners deem appropriate, including,
13 but not limited to, experience, expertise, and management
14 ability as it pertains to running municipal government.

15 (2) POWER AND DUTIES.--The city manager shall:

16 (a) Be the chief administrative officer of the city.

17 (b) Attend all meetings of the city commission.

18 (c) Be responsible to the commission for the
19 administration of all lawful city affairs placed in his or her
20 charge by majority vote of the commission or under this
21 charter.

22 (d) Appoint, suspend, or remove all city employees and
23 appointive administrative officers as provided by law. He or
24 she may authorize any administrative officer who is subject to
25 his or her direction and supervision to exercise these powers
26 with respect to subordinates in that officer's department,
27 office, or agency.

28 (e) Direct and supervise the administration of all
29 departments, offices, and agencies of the city, except as
30 otherwise provided by this charter or by law.

31 (f) Prepare and submit the annual budget, budget

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1 message, and capital program to the commission in a form
2 provided for by ordinance.

3 (g) Submit to the commissioners a complete report of
4 the finances and administrative activities of the city at the
5 end of each fiscal year.

6 (h) Make other reports as the city commissioners may
7 require concerning the operations of city departments,
8 offices, and agencies, subject to his or her direction and
9 supervision.

10 (i) Keep the commissioners apprised of the financial
11 condition and future needs of the city and make such
12 recommendations to the commissioners concerning the affairs of
13 the city as he or she deems desirable.

14 (j) Enter into contracts on behalf of the city upon
15 approval by the commissioners.

16 (k) Perform such other lawful duties as are specified
17 in this charter or may be required by the commissioners.

18 Section 4.03 City attorney qualifications, powers, and
19 duties.--

20 (1) APPOINTMENT.--The commission members may appoint a
21 city attorney subject to subsection 4.01(1) of this charter.

22 (2) QUALIFICATIONS.--The city attorney shall be a
23 member of The Florida Bar in good standing, but not
24 necessarily a resident of the corporate limits of the City of
25 Southport.

26 (3) POWERS AND DUTIES.--

27 (a) The city attorney, or his or her designee, shall
28 attend all city commission meetings unless excused by the city
29 commission.

30 (b) The city attorney shall perform such professional
31 duties as may be required by law or by the commission in

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1 furtherance of the law.

2 (c) The city attorney shall be the chief legal officer
3 of the city and shall serve as chief legal advisor to the
4 commission, the city manager, and all city departments,
5 offices, city advisory boards, and agencies.

6 (d) The city attorney shall represent the city and its
7 agencies, boards, commissions, authorities, officers, and
8 employees in matters relating to their official duties as
9 directed by the city commission.

10 Section 4.04 City clerk.--

11 (1) CREATION AND APPOINTMENT.--There is hereby created
12 the office of city clerk. The city clerk shall be appointed by
13 the city commissioners and shall hold office at their
14 pleasure. The compensation of the city clerk is determined by
15 the commission.

16 (2) DUTIES.--The city clerk shall serve as the clerk
17 of the city commission and, as such, shall have all the powers
18 and duties imposed upon that office by this charter and the
19 commission. In addition, the city clerk shall be the official
20 custodian of the city seal and all official records,
21 documents, and papers of the city, and shall perform such
22 other duties as are required of the city clerk by this
23 charter, state law, ordinances of the city, or the direction
24 of the city commission.

25 ARTICLE V

26 ORDINANCES

27 Section 5.01 Enactment by the commission.--The city
28 commission shall have the power to enact ordinances as it
29 deems necessary to exercise the legislative powers granted to
30 the city by this charter. The commission shall follow any
31 procedure set forth by this charter for the adoption of

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1 ordinances and state laws; however, the commission may adopt
2 additional procedures or prescribe procedures in greater
3 detail than contained herein, provided that such procedures
4 shall not lessen, alter, or reduce the procedural requirements
5 for the enactment of ordinances set forth in this charter or
6 state law.

7 ARTICLE VI

8 ELECTIONS

9 Section 6.01 Electors.--Any citizen of the United
10 States, who is a registered elector of Bay County, Florida, as
11 prescribed by law, and who resides within the City of
12 Southport, shall qualify as an elector of the City of
13 Southport.

14 Section 6.02 Nonpartisan elections.--All elections for
15 the office of mayor or city commissioner shall be conducted on
16 a nonpartisan basis without any designation of political party
17 affiliation. There shall be no party designation on official
18 ballots, literature, or campaign advertising.

19 Section 6.03 Qualifications.--In addition to all the
20 requirements imposed by state law, candidates for the office
21 of a city commission member or mayor shall qualify for such
22 office by the filing of a written notice of candidacy with the
23 supervisor of elections at such time and in such manner as may
24 be prescribed by state law, ordinance, and as otherwise
25 provided in this charter. In addition, any candidate for any
26 elected office must have resided in the City of Southport for
27 a minimum of 1 year prior to filing the written notice of
28 candidacy.

29 Section 6.04 Conduct.--Except as otherwise
30 specifically provided by this charter, all elections held by
31 the city shall be conducted in accordance with all applicable

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1 provisions of the Florida Election Code.

2 Section 6.05 Schedule for regular elections and
3 primaries.--The regular election of the city commission
4 members and mayor shall be held on the second Tuesday in April
5 of each even-numbered year, in the manner provided for by this
6 charter.

7 Section 6.06 Recall of city commissioners.--Any member
8 of the city commission may be removed from office by the
9 electors of this city following the procedures of recall
10 established by general law.

11 ARTICLE VII

12 DISTRICT BOUNDARIES

13 Section 7.01 District boundaries.--

14 (1) Elections shall be held at large until such time
15 as the commissioners pass an ordinance providing for voting
16 districts and the electors pass such ordinance by majority
17 vote at a general election.

18 (2) In the event that the commissioners pass an
19 ordinance providing for voting districts, such districts shall
20 come up for review commencing the year in which the results of
21 the national census become available, and every year
22 thereafter in which there is a national census. At the time of
23 the adoption of this charter, this equates to every 10 years.

24 (3) In the event that the voting districts are found
25 to be unequal, they shall be reapportioned so that they are
26 substantially equal, as prescribed by the commission.

27 ARTICLE VIII

28 SOUTHPORT AREA MUNICIPAL SERVICES

29 Section 8.01 After the city commissioners are sworn
30 into office, the city commissioners shall authorize the city
31 manager to enter into contracts for municipal services on

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1 behalf of the City of Southport.

2 ARTICLE IX

3 GENERAL PROVISIONS

4 Section 9.01 Charter amendment.--This charter may be
5 amended in accordance with the provisions of the Municipal
6 Home Rules Powers Act, chapter 166, Florida Statutes, as the
7 same may be amended from time to time, or its successor, or as
8 may otherwise be provided by general law. The form, content,
9 and certification of any petition to amend shall be
10 established by ordinance.

11 Section 9.02 Charter review.--The standards for
12 charter review shall be established by ordinance.

13 Section 9.03 Initiative and referendum.--

14 (1) INITIATIVE.--At least 25 percent of the qualified
15 electorate of the city shall have the power to petition the
16 commission to propose an ordinance, or to require
17 reconsideration of an adopted ordinance, and if the commission
18 fails to adopt such ordinance so proposed, or to repeal such
19 adopted ordinance, without any change in substance, then the
20 commission shall place the proposed ordinance, or the petition
21 to repeal an adopted ordinance, on the ballot at the next
22 general election.

23 (2) REFERENDUM.--The commission shall have the power,
24 by resolution, to call for a referendum vote by electors of
25 the city at any time, provided that the purpose of such
26 referendum vote is presented to the city at a public hearing
27 at least 60 days prior to the adoption of said resolution. Any
28 resolution calling for a referendum vote of the electors of
29 the city must be passed by the affirmative vote of a majority
30 of the full commission.

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1 The commission shall adopt ordinances outlining the proper
2 procedure for filing initiative petitions or referenda, the
3 requirements for sufficiency of such petitions or referenda,
4 the procedure for review for sufficiency, and the procedure
5 for action on the petitions and referenda.

6 Section 9.04 Standards of conduct.--All elected
7 officials and employees of the city shall be subject to the
8 standards of conduct for public officials and employees set by
9 general law. In addition, the city commission may, by
10 ordinance, establish a code of ethics for officials and
11 employees of the city which may be supplemental to the general
12 law, but in no case may such an ordinance diminish the
13 provisions of general law.

14 ARTICLE X

15 SEVERABILITY

16 Section 10.01 If any provision, article, section,
17 paragraph, sentence, clause, phrase, or word of this charter
18 is, for any reason, held or declared by a court of competent
19 jurisdiction to be unconstitutional, or otherwise invalid, it
20 is the express intent of the citizens of the City of Southport
21 that the invalidity shall not be construed to affect those
22 portions of the charter not so held or declared, and to this
23 end the provisions of this act are declared severable.

24 ARTICLE XI

25 TRANSITION SCHEDULE

26 Section 11.01 Creation and establishment of city.--For
27 the purpose of compliance with Florida Statutes relating to
28 assessment and collection of ad valorem taxes, the City of
29 Southport is hereby created and established effective on the
30 date the special act passes in the Legislature, subject to its
31 approval by referendum of a majority of the registered

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1 electors residing within the proposed corporate limits as
2 provided in section 11.02.

3 Section 11.02 Referendum.--The referendum election
4 called for by this act shall be held within 120 days after
5 approval by the Legislature and, in any case, no later than
6 September 1, 1999, at which time the following question shall
7 be placed on the ballot:

8
9 Shall Chapter 99-___, Laws of Florida, creating
10 the City of Southport, Florida, and providing
11 for its charter, be approved?

12
13 In the event that the question is answered affirmatively by a
14 majority of the voters voting in the referendum, the
15 provisions of this charter shall take effect immediately in
16 accordance with the provisions outlined herein, and by law.

17 Section 11.03 Initial election of commissioners.--

18 (1) DATES.--Following the adoption of this charter by
19 a majority vote in accordance with sections 11.01 and 11.02,
20 the Bay County Commission shall call a special election for
21 the election of a mayor and four city commissioners to be held
22 not more than 90 days after the adoption of this charter.

23 (2) QUALIFYING.--The Bay County Commission shall also
24 designate when individuals seeking election in the new
25 municipality shall be required to qualify for office. The
26 qualifying period shall consist of 1 week and shall end not
27 less than 30 days before the date of the special election. Any
28 individual who wishes to run for one of the five initial seats
29 on the city commission must qualify as a candidate with the
30 Bay County Supervisor of Elections in accordance with the
31 provisions of this charter and general law.

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1 (3) CERTIFICATION OF ELECTION RESULTS.--

2 (a) For the initial election, the Bay County
3 Commission shall appoint a canvassing board which shall
4 certify the results of the election.

5 (b) After the first election, the Southport City
6 Commissioners shall decide how results are certified by
7 ordinance.

8 (4) INDUCTION INTO OFFICE.--Those candidates who are
9 elected in the election to be held in accordance with
10 subsection (1) shall take office at the initial city
11 commission meeting which shall be noticed by the Bay County
12 Commission and held after the special election results are
13 certified, at the Southport Community Center, located on
14 Franklin Street, Southport, Florida.

15 Section 11.04 First-year expenses.--The city
16 commission, in order to provide moneys for the expenses and
17 support of the city, shall have the power to borrow money
18 necessary for the operation of city government until such time
19 as a budget is adopted and revenues are raised in accordance
20 with the provisions of this charter.

21 Section 11.05 Transitional ordinances and
22 resolutions.--The city commission shall adopt ordinances and
23 resolutions required to effect the transition. Ordinances
24 adopted within 60 days after the first commission meeting
25 shall be passed as emergency ordinances. These transitional
26 ordinances shall be effective for no longer than 90 days after
27 adoption, and thereafter may be readopted, renewed, or
28 otherwise continued only in the manner normally prescribed for
29 ordinances.

30
31 General law prohibits the adoption of zoning ordinances as

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1 emergency ordinances.

2 Section 11.06 Transitional comprehensive plan and land
3 development regulation.--

4 (1) Until such time as the city shall adopt a
5 comprehensive plan, the applicable provisions of the
6 Comprehensive Plan of Bay County, as it exists upon
7 legislative approval of the special act incorporating the City
8 of Southport, shall remain in effect as the city's
9 transitional comprehensive plan. However, all planning,
10 functions, duties, and authority shall thereafter be vested in
11 the City Commission of Southport and, at its discretion, a
12 separate local planning agency.

13 (2) All powers and duties of the Bay County Planning
14 and Land Development Regulations Commission relevant to the
15 jurisdiction within the boundaries of Southport, any Boards of
16 Adjustment and Appeals created pursuant to statutory trade
17 codes, and the County Commission of Bay County, as set forth
18 in the transitional zoning and land use regulations, shall be
19 vested in the City Commission of Southport until such time as
20 the city commission delegates all or a portion of such powers
21 and duties to another entity.

22 (3) Subsequent to the commencement of the city's
23 corporate existence, no amendment of the county's land
24 development regulations enacted by the Bay County Commission
25 which are in effect upon legislative approval of the special
26 act incorporating the City of Southport shall be deemed as an
27 amendment of the city's transitional comprehensive plan or
28 land development regulations or shall otherwise take effect
29 within the city's corporate limits, unless approved by the
30 city commission.

31 Section 11.07 State shared revenues.--The City of

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1 Southport shall be entitled to participate in all State of
2 Florida shared revenue programs to which municipalities are
3 entitled, effective January 1, 2000. The provisions of s.
4 218.23, Florida Statutes, shall be waived for the purpose of
5 eligibility to receive revenue sharing funds from the date of
6 incorporation through the state fiscal year 2001-2002. If the
7 City Commission of Southport negotiates an agreement with the
8 county to continue participating in the existing municipal
9 services taxing unit for fire services, then the millage
10 levied may be used by the City of Southport for purposes of
11 satisfying the provisions of s. 218.23(1), Florida Statutes.
12 The provisions of s. 218.26(3), Florida Statutes, shall be
13 waived for the 1999-2000 state fiscal year and the
14 apportionment factors for the municipalities and counties
15 shall be recalculated pursuant to s. 218.245, Florida
16 Statutes. Initial population estimates for calculating
17 eligibility for shared revenues shall be determined by the
18 University of Florida Bureau of Economic and Business
19 Research. Should the bureau be unable to provide an
20 appropriate population estimate, the Bay County Planning
21 Department shall provide an appropriate estimate.

22 Section 2. Except as otherwise provided herein, this
23 act shall take effect only upon its approval by a majority
24 vote of those qualified electors of Bay County residing within
25 the proposed corporate limits of the proposed City of
26 Southport voting in a referendum to be called by the Bay
27 County Commission and to be held within 120 days after the
28 legislative approval of this act, but no later than September
29 1, 1999, in accordance with the provisions of law relating to
30 elections currently in force, except that this section shall
31 take effect upon becoming a law.