

Amendment No. 01 (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 Community Affairs 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 NORTHWEST CORNER OF SECTION 18,  
13 TOWNSHIP 2 SOUTH, RANGE 14 WEST. THENCE EAST  
14 ALONG THE NORTH LINE OF SECTIONS 18, 17, 16 AND  
15 15 TO THE NORTHEAST CORNER OF SECTION 15,  
16 TOWNSHIP 2 SOUTH, RANGE 14 WEST; THENCE NORTH  
17 ALONG THE WEST LINE OF SECTION 11, TOWNSHIP 2  
18 SOUTH, RANGE 14 WEST TO THE NORTHWEST CORNER OF  
19 SAID SECTION 11; THENCE EAST ALONG THE NORTH  
20 LINE OF SECTIONS 11 AND 12, TOWNSHIP 2 SOUTH,  
21 RANGE 14 WEST AND THE NORTH LINE OF SECTION 7,  
22 TOWNSHIP 2 SOUTH, RANGE 13 WEST TO THE CENTER  
23 OF CEDAR CREEK; THENCE SOUTHERLY ALONG THE  
24 CENTER OF CEDAR CREEK AND DEER POINT LAKE TO  
25 THE MIDPOINT OF DEER POINT LAKE DAM; THENCE  
26 SOUTHWESTERLY ALONG THE CENTER OF NORTH BAY TO  
27 THE SOUTHERLY PROJECTION OF THE EAST LINE OF  
28 SECTION 4, TOWNSHIP 3 SOUTH, RANGE 14 WEST;  
29 THENCE NORTH ALONG SAID EAST LINE TO THE  
30 SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 2  
31 SOUTH, RANGE 14 WEST; THENCE WEST ALONG THE

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

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1           THE WEST LINE OF SAID SECTION 6, THE WEST LINE  
2           OF SAID SECTION 6, AND THE WEST LINE OF  
3           SECTIONS 31, 30, 19 AND 18, TOWNSHIP 2 SOUTH,  
4           RANGE 14 WEST TO THE POINT OF BEGINNING.

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

17                           ARTICLE III

18                           CITY COMMISSION

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

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

27           (2) QUALIFICATIONS FOR OFFICE.--

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

31           (b) Each individual seeking to qualify as a candidate

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

7 Section 3.02 Terms of office.--

8 (1) The term of office for each commissioner shall be  
9 4 years.

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

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

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

22 Section 3.04 Powers and duties of mayor.--

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

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

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

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

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

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

25 Section 3.06 Compensation and expenses.--

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

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1 until the date of commencement of the terms of the  
2 commissioners elected at the next regular election.

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

6 Section 3.07 Vacancies.--

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

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

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

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

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

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

28 (3) FILLING OF VACANCIES.--

29 (a) If a vacancy occurs in the office of mayor, the  
30 vice mayor shall serve as mayor until a new mayor is elected  
31 at the next regularly scheduled city election and assumes the

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1 duties of his or her office. The commission shall fill the  
2 commissioner's seat temporarily vacated by the vice mayor by  
3 appointment or as otherwise herein provided.

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

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

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

24 Section 3.08 City commission meetings.--

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

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



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1 constitute an adequate form of notification to one another. No  
2 business shall be conducted at a special meeting other than  
3 that stated in the notice of the special meeting.

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

17 ARTICLE IV

18 DESIGNATED CHARTER OFFICERS

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

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

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

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

30 (4) FILLING OF VACANCIES.--The city commission shall  
31 begin the process to fill a vacancy in the charter office of

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1 the city manager and the city attorney within 90 days of the  
2 vacancy. An acting city manager or acting city attorney may be  
3 appointed by the city commission during a vacancy in office.

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

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

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

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

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

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

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

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

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

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1           (f) Prepare and submit the annual budget, budget  
2 message, and capital program to the commission in a form  
3 provided for by ordinance.

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

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

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

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

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

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

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

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

27           (3) POWERS AND DUTIES.--

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

31           (b) The city attorney shall perform such professional

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1 duties as may be required by law or by the commission in  
2 furtherance of the law.

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

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

11 Section 4.04 City clerk.--

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

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

26 ARTICLE V

27 ORDINANCES

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

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

8 ARTICLE VI

9 ELECTIONS

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

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

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

30 Section 6.04 Conduct.--Except as otherwise  
31 specifically provided by this charter, all elections held by

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1 the city shall be conducted in accordance with all applicable  
2 provisions of the Florida Election Code.

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

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

12 ARTICLE VII

13 DISTRICT BOUNDARIES

14 Section 7.01 District boundaries.--

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

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

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

28 ARTICLE VIII

29 SOUTHPORT AREA MUNICIPAL SERVICES

30 Section 8.01 After the city commissioners are sworn  
31 into office, the city commissioners shall authorize the city

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1 manager to enter into contracts for municipal services on  
2 behalf of the City of Southport.

3 ARTICLE IX

4 GENERAL PROVISIONS

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

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

14 Section 9.03 Initiative and referendum.--

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

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

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

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

15 ARTICLE X

16 SEVERABILITY

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

25 ARTICLE XI

26 TRANSITION SCHEDULE

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



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1 approval by referendum of a majority of the registered  
2 electors residing within the proposed corporate limits as  
3 provided in section 11.02.

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

9  
10 Shall HB\_\_\_\_\_ , as enacted by the 1999  
11 Legislature, creating the City of Southport,  
12 Florida, and providing for its charter, be  
13 approved?

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

19 Section 11.03 Initial election of commissioners.--

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

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

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

3 (3) CERTIFICATION OF ELECTION RESULTS.--

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

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

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

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

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

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General law prohibits the adoption of zoning ordinances as emergency ordinances.

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

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

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

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

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1 city commission.

2       Section 11.07 State shared revenues.--The City of  
3 Southport shall be entitled to participate in all State of  
4 Florida shared revenue programs to which municipalities are  
5 entitled, effective January 1, 2000. The provisions of s.  
6 218.23, Florida Statutes, shall be waived for the purpose of  
7 eligibility to receive revenue sharing funds from the date of  
8 incorporation through the state fiscal year 2001-2002. If the  
9 City Commission of Southport negotiates an agreement with the  
10 county to continue participating in the existing municipal  
11 services taxing unit for fire services, then the millage  
12 levied may be used by the City of Southport for purposes of  
13 satisfying the provisions of s. 218.23(1), Florida Statutes.  
14 The provisions of s. 218.26(3), Florida Statutes, shall be  
15 waived for the 1999-2000 state fiscal year and the  
16 apportionment factors for the municipalities and counties  
17 shall be recalculated pursuant to s. 218.245, Florida  
18 Statutes. Initial population estimates for calculating  
19 eligibility for shared revenues shall be determined by the  
20 University of Florida Bureau of Economic and Business  
21 Research. Should the bureau be unable to provide an  
22 appropriate population estimate, the Bay County Planning  
23 Department shall provide an appropriate estimate.

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

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1 elections currently in force, except that this section shall  
2 take effect upon becoming a law.  
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