

1 A bill to be entitled
2 An act relating to Bay County; creating the
3 City of Southport; fixing boundaries; providing
4 for a city commission, qualifications and terms
5 of office, vacancies, compensation, charter
6 officers, mayor and vice mayor, a city manager,
7 a city attorney, and a city clerk; providing
8 for elections; providing for municipal
9 services; providing for charter amendment,
10 review, and referendum; providing for
11 severability; providing for transition;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. The charter of the City of Southport, Bay
17 County, Florida, is created to read:

18 ARTICLE I

19 CREATION AND POWERS

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

24 Section 1.02 Municipal powers.--The city shall be a
25 body corporate and politic and shall have all the powers of a
26 municipality under the Constitution and laws of the State of
27 Florida, as fully and completely as though such powers were
28 specifically enumerated in this charter, unless otherwise
29 prohibited by or contrary to the provisions of this charter.
30 The city shall have all governmental, corporate, and
31 proprietary powers necessary to enable it to conduct municipal

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

5 ARTICLE II

6 CORPORATE LIMITS

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

10
11 BEGIN AT THE INTERSECTION OF THE NORTH LINE OF
12 SECTION 17, TOWNSHIP 2 SOUTH, RANGE 14 WEST,
13 BAY COUNTY, FLORIDA WITH THE WEST RIGHT OF WAY
14 LINE OF STATE ROAD NO. 77; THENCE EAST ALONG
15 THE NORTH LINE OF SECTIONS 17, 16 and 15 TO THE
16 NORTHEAST CORNER OF SECTION 15, TOWNSHIP 2
17 SOUTH, RANGE 14 WEST; THENCE NORTH ALONG THE
18 WEST LINE OF SECTION 11, TOWNSHIP 2 SOUTH,
19 RANGE 14 WEST TO THE NORTHWEST CORNER OF SAID
20 SECTION 11; THENCE EAST ALONG THE NORTH LINE OF
21 SECTIONS 11 AND 12, TOWNSHIP 2 SOUTH, RANGE 14
22 WEST AND THE NORTH LINE OF SECTION 7, TOWNSHIP
23 2 SOUTH, RANGE 13 WEST TO THE CENTER OF CEDAR
24 CREEK; THENCE SOUTHERLY ALONG THE CENTER OF
25 CEDAR CREEK AND DEER POINT LAKE TO THE MIDPOINT
26 OF DEER POINT LAKE DAM; THENCE SOUTHWESTERLY
27 ALONG THE CENTER OF NORTH BAY TO THE SOUTHERLY
28 PROJECTION OF THE EAST LINE OF SECTION 4,
29 TOWNSHIP 3 SOUTH, RANGE 14 WEST; THENCE NORTH
30 ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF
31 SECTION 33, TOWNSHIP 2 SOUTH, RANGE 14 WEST;

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

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

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

3
4 LESS AND EXCEPT: BEGIN AT THE NORTHEAST CORNER
5 OF LOT 82, ST. ANDREWS BAY PECAN & FIG GROVES
6 CO'S, PLAT OF SECTION 33, TOWNSHIP 2 SOUTH,
7 RANGE 14 WEST; THENCE SOUTH FOR 200 FEET;
8 THENCE WEST FOR 231.78 FEET; THENCE
9 NORTHWESTERLY FOR 115 FEET AT AN ANGLE OF
10 23°28' TO THE RIGHT TO THE SOUTHEASTERLY RIGHT
11 OF WAY LINE OF STATE ROAD NO. 77; THENCE
12 NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE TO
13 THE NORTH LINE OF LOT 82; THENCE EAST TO THE
14 POINT OF BEGINNING.

15 ARTICLE III

16 CITY COMMISSION

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

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

25 (2) QUALIFICATIONS FOR OFFICE.--

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

29 (b) Each individual seeking to qualify as a candidate
30 for a seat on the commission shall submit to the Supervisor of
31 Elections of Bay County, Florida, a petition specifically

1 declaring which seat he or she is endeavoring to obtain and
2 containing the signatures of at least 25 electors residing
3 within the boundaries of the City of Southport at large
4 supporting his or her candidacy.

5 Section 3.02 Terms of office.--

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

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

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

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

20 Section 3.04 Powers and duties of mayor.--

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

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

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

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

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

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

23 Section 3.06 Compensation and expenses.--

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

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

4 Section 3.07 Vacancies.--

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

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

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

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

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

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

26 (3) FILLING OF VACANCIES.--

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

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

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

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

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

1 (b) The city attorney shall perform such professional
2 duties as may be required by law or by the commission in
3 furtherance of the law.

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

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

12 Section 4.04 City clerk.--

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

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

27 ARTICLE V

28 ORDINANCES

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

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

9 ARTICLE VI

10 ELECTIONS

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

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

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

1 Section 6.04 Conduct.--Except as otherwise
2 specifically provided by this charter, all elections held by
3 the city shall be conducted in accordance with all applicable
4 provisions of the Florida Election Code.

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

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

14 ARTICLE VII

15 DISTRICT BOUNDARIES

16 Section 7.01 District boundaries.--

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

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

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

30 ARTICLE VIII

31 SOUTHPORT AREA MUNICIPAL SERVICES

1 the city must be passed by the affirmative vote of a majority
2 of the full commission.

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

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

17 ARTICLE X

18 SEVERABILITY

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

27 ARTICLE XI

28 TRANSITION SCHEDULE

29 Section 11.01 Creation and establishment of city.--For
30 the purpose of compliance with Florida Statutes relating to
31 assessment and collection of ad valorem taxes, the City of

1 Southport is hereby created and established effective on the
2 date the special act passes in the Legislature, subject to its
3 approval by referendum of a majority of the registered
4 electors residing within the proposed corporate limits as
5 provided in section 11.02.

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

11
12 Shall Chapter 99-___, Laws of Florida, creating
13 the City of Southport, Florida, and providing
14 for its charter, be approved?
15

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

20 Section 11.03 Initial election of commissioners.--

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

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

1 on the city commission must qualify as a candidate with the
2 Bay County Supervisor of Elections in accordance with the
3 provisions of this charter and general law.

4 (3) CERTIFICATION OF ELECTION RESULTS.--

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

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

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

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

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

31

1 otherwise continued only in the manner normally prescribed for
2 ordinances.

3
4 General law prohibits the adoption of zoning ordinances as
5 emergency ordinances.

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

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

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

26 (3) Subsequent to the commencement of the city's
27 corporate existence, no amendment of the county's land
28 development regulations enacted by the Bay County Commission
29 which are in effect upon legislative approval of the special
30 act incorporating the City of Southport shall be deemed as an
31 amendment of the city's transitional comprehensive plan or

1 land development regulations or shall otherwise take effect
2 within the city's corporate limits, unless approved by the
3 city commission.

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

26 Section 2. Except as otherwise provided herein, this
27 act shall take effect only upon its approval by a majority
28 vote of those qualified electors of Bay County residing within
29 the proposed corporate limits of the proposed City of
30 Southport voting in a referendum to be called by the Bay
31 County Commission and to be held within 120 days after the

1 legislative approval of this act, but no later than September
2 1, 1999, in accordance with the provisions of law relating to
3 elections currently in force, except that this section shall
4 take effect upon becoming a law.

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