

By Representative C. Green

1 A bill to be entitled
2 An act relating to Lee County; creating the
3 City of Bonita Springs; providing for municipal
4 boundaries and municipal powers; providing for
5 a city-manager form of government; providing
6 for annexation and establishing a 5-year
7 moratorium prior to the annexation of an area
8 into the corporate limits of the City of Bonita
9 Springs; providing for the general powers and
10 duties to be exercised by the city; providing
11 for nonpartisan elections of the city council,
12 their terms and term limits; creating council
13 districts; providing for membership,
14 qualifications, powers, and duties of the city
15 council including the mayor; providing for
16 compensation and expenses of city council
17 members; providing circumstances resulting in
18 vacancy in the office of city council;
19 providing grounds for forfeiture and
20 suspension, and for filling of vacancies in the
21 city council; providing for meetings and
22 keeping of records; providing for referendum
23 election; providing for campaign spending
24 limits; providing for appointment of officers
25 including city manager and city attorney;
26 providing for powers and duties of city
27 manager; providing for code of technical
28 regulation; providing for adoption of
29 ordinances and resolutions to include emergency
30 ordinances; providing for first year expenses;
31 providing for adoption of annual budget and

1 appropriations; providing for capital programs;
2 providing for a debt limit on the amount of
3 outstanding long-term liabilities; providing
4 for referendum petitions and for recall;
5 providing for code of ethics; providing for
6 amendments to the city charter; providing for
7 participation in state shared revenue and local
8 option gas taxes; providing for initial
9 election of city council and early assumption
10 of duties; providing for a transitional period
11 and for county ordinances and services during
12 the transitional period; providing effective
13 dates; providing for an annual financial audit;
14 providing for severability; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. The charter for the City of Bonita Springs
20 is created to read:

21 Section 1. Short title.--This act, together with any
22 future amendments thereto, shall be known and may be cited as
23 the City of Bonita Springs Charter, hereinafter referred to as
24 the "charter."

25 Section 2. Legislative intent.--The Legislature hereby
26 finds and declares that the City of Bonita Springs in Lee
27 County includes a compact and contiguous community of
28 approximately 33 square miles (21,120 acres) and 23,186
29 permanent residents susceptible to urban services, and
30 constitutes a community amenable to separate municipal
31 government. The present permanent population density is

1 slightly less than 1.5 persons per acre, however, with the
2 area's coastal and environmental features and its patterns of
3 growth and land use, extraordinary conditions do exist which
4 allow for the establishment of a municipality with less
5 existing density than 1.5 persons per acre. The total
6 population including seasonal residents is estimated to
7 approach approximately 40,000 residents which represents an
8 average population density of 1.89 persons per acre.

9 Section 3. Feasibility study.--A feasibility study was
10 prepared examining the economic impact this act may have upon
11 the public and/or agencies responsible for enforcing the law,
12 the cost of implementation and who is to bear such cost,
13 identifying the benefits from the passage of this act and
14 providing the data and analysis to support the conclusions
15 that incorporation is financially feasible and will have a
16 positive impact on the citizens of the community of Bonita
17 Springs.

18 Section 4. Incorporation of municipality; corporate
19 limits.--There is hereby created, effective December 31, 2000,
20 in Lee County, a new municipality to be known as the City of
21 Bonita Springs, which shall have a city-manager form of
22 government. The corporate boundaries of the City of Bonita
23 Springs, hereinafter referred to as the "city," shall be as
24 described in section 7.

25 Section 5. Preamble.--The preamble to the charter
26 shall read:

27
28 We, the people of the Bonita Springs Community, by the grace
29 of God and pursuant to the authority granted by the
30 Constitution and the laws of the United States and of the
31 State of Florida, in order to secure the benefits of local

1 self-government, and otherwise to promote the common welfare
2 of all citizens, do hereby ordain and establish this charter
3 for the City of Bonita Springs.

4 Section 6. Purpose.--The purpose clause of the
5 charter:

6
7 We, the people of the City of Bonita Springs, desiring to
8 avail ourselves of the right to establish a home-rule charter,
9 in accordance with the Constitution and the laws of the State
10 of Florida, do ordain and establish this charter and form of
11 government for the City of Bonita Springs.

12 Section 7. Boundaries.--The territorial boundaries of
13 the City of Bonita Springs, upon the date of incorporation,
14 shall include the following areas situated in the County of
15 Lee, State of Florida:

16
17 Beginning at a point at the northeast corner of
18 Section 18, Township 47 South, Range 26 East,
19 proceed southward along the easterly section
20 line of Sections 18 and 19 thence along the
21 westerly right-of-way line of Bonita Grande
22 Drive to the southern right-of-way line of
23 Bonita Beach Road on the line separating
24 Sections 5 and 6 in Township 48 South, Range 26
25 East. From thence proceed eastward for two
26 miles to the section line separating Sections 4
27 and 3 of Range 26 East, Township 48 South.
28 From there proceed south along the section line
29 for one mile to the Lee/Collier County line.
30 The southern boundary shall then proceed west
31 along the Lee/Collier boundary until it reaches

1 Vanderbilt Drive, at which point it will follow
2 the Lee/Collier boundary north for one mile
3 along Vanderbilt Drive. The boundary shall
4 then proceed west along the section line
5 separating Section 5 of Township 48 South,
6 Range 25 East, and Section 32 of Township 47
7 South, Range 25 East, being the Lee/Collier
8 boundary, until it reaches a point 500 feet
9 west of the high tide mark of the Gulf of
10 Mexico. The western boundary of the City of
11 Bonita Springs shall be a line drawn 500 feet
12 westward of the mean high tide line and
13 extending from the section line separating
14 Section 6 of Township 48 South, Range 25 East,
15 in Collier County from Section 31, Township 47
16 South, Range 25 East, in Lee County northwest
17 to the section line separating Sections 10 and
18 3 in Township 47 South, Range 24 East, in Lee
19 County. From there the boundary shall extend
20 east, northeast, north, east and south
21 following a line drawn 500 feet from the mean
22 high tide of Lovers Key and Black Island,
23 returning to the section line separating
24 Sections 2 and 11, thence proceeding eastward
25 to the westerly section line of Section 7,
26 Township 47 South, Range 25 East. From there
27 proceed southward along the westerly boundary
28 of Section 7, to the southwest corner of
29 Section 7, Township 47 South, Range 25 East,
30 Lee County, Florida. From there proceed east
31

1 along the section line for approximately seven
2 miles to the point of beginning.

3
4 The territorial boundaries of the City of Bonita
5 Springs includes coastal areas and/or islands which are
6 located within 2 miles of the territorial boundaries of Fort
7 Myers Beach, because of such extraordinary natural boundaries,
8 it requires the presence of a separate municipal government
9 for these coastal and/or island areas.

10 Section 8. Extension of the corporate limits;
11 annexation.--For a period of 5 years from the date the city is
12 created, no area currently within the Estero Fire and Rescue
13 District shall be annexed into the corporate limits of Bonita
14 Springs. With this exception, the corporate limits of the
15 city may be revised and expanded as provided by general law.

16 Section 9. Form of government.--The form of government
17 established under this charter shall be a city-manager form as
18 herein provided, with the city council to consist of a mayor
19 and six city council members who will be elected in the manner
20 hereinafter provided. The city council will constitute the
21 governing body of the city, with the duties and
22 responsibilities hereinafter provided. The city council shall
23 appoint a city manager to be the chief administrative officer
24 of the city and who shall serve at the pleasure of the city
25 council.

26 Section 10. Powers of the city.--The city shall be a
27 body corporate and politic and shall have all the powers of a
28 municipality under the Florida Constitution and laws of the
29 State of Florida, as fully and completely as though such
30 powers were specifically enumerated in the charter. In
31 accordance with the Florida Constitution and statutes of the

1 State of Florida, the City of Bonita Springs shall have all
2 governmental, corporate, and proprietary powers to enable it
3 to conduct municipal government, perform municipal functions
4 and render municipal services, and may exercise any of its
5 powers for municipal purposes, except when expressly
6 prohibited by law.

7 Section 11. Construction.--The powers of the city
8 under this charter shall be construed liberally in favor of
9 the city, and the specific mention of particular powers in the
10 charter shall not be construed as limiting in any way the
11 general power granted by this charter.

12 Section 12. Intergovernmental relations.--The city may
13 exercise any of its powers or perform any of its functions and
14 may participate in the financing thereof, jointly or in
15 cooperation, by contract or otherwise, with any one or more
16 states, counties, municipalities, special districts, or any
17 agencies thereof, or the United States or any agencies
18 thereof.

19 Section 13. Powers vested in city council.--All powers
20 of the city shall be vested in the city council, except as
21 otherwise provided by law or this charter, and the council
22 shall provide for the exercise thereof and for the performance
23 of all duties and obligations imposed on the city by law.

24 Section 14. Composition of city council, eligibility,
25 elections, terms, term limits.--

26 (A) There shall be a city council composed of the
27 mayor and six council members. One council member shall be
28 nominated and elected by the voters in each of the six council
29 districts. Each council member, excluding the mayor, must
30 reside in the district they represent. The mayor shall be
31

1 elected at-large within the city in the manner provided for in
2 this charter and must reside within the city.

3 (B) Only registered voters of the city shall be
4 eligible to hold the office of council member or mayor.
5 Candidates qualifying for any seat on the council shall have
6 been residents and registered voters of the particular
7 district for a minimum of 2 years immediately preceding the
8 commencement of the term of office and must be a resident of
9 the district they represent during their incumbency.

10 (C) The regular election of council members will be at
11 the same time as the first primary election of each
12 even-numbered year, which will be held on the Tuesday 9 weeks
13 prior to the general election. At the initial election under
14 this charter six council members shall be elected, council
15 members from districts 1, 3, and 5 shall serve for terms of 2
16 years, and council members from districts 2, 4, and 6 shall
17 serve for terms of 4 years. Thereafter, all council members
18 shall serve for terms of 4 years. The terms of council
19 members shall begin 2 weeks from the date of the certification
20 of their election. Each council member will remain in office
21 until a successor is elected and assumes the duties of the
22 position which shall begin 2 weeks from the date of the
23 certification of their election. Neither the mayor nor any
24 other council member may serve more than two consecutive
25 4-year terms in the same seat. After 2 years out of office, a
26 candidate may requalify for any vacant seat on the council.

27 (D) Any elector of the city who wishes to become a
28 candidate for a city elective office shall qualify with the
29 supervisor of elections for the initial election; thereafter,
30 candidates shall qualify with the city clerk. Candidates must
31 submit their names and proof of qualification, as described in

1 this charter and in the applicable provisions of chapter 99,
2 Florida Statutes, to the office of the Lee County Supervisor
3 of Elections between noon of the 50th day and noon of the 46th
4 day prior to the city election. Proof of qualification
5 includes proof of current address and 2 year residency
6 requirement. Each candidate shall pay a qualifying fee as set
7 forth under the Florida elections laws.

8 Section 15. Nonpartisan election.--All elections to
9 the office of mayor or city council shall be conducted on a
10 nonpartisan basis without designation of any political
11 affiliation for any candidate on any ballot.

12 Section 16. Referendum spending limits; campaign
13 spending limits.--

14 (A) There shall be a maximum cap of not more than \$1
15 per registered voter in the city placed on campaign spending
16 for any referendum vote for or against such referendum
17 question.

18 (B) No candidate for mayor or a city council seat may
19 spend more than \$1 per registered voter in the city on an
20 election.

21 Section 17. Adoption of election procedure.--The
22 council, by ordinance, may adopt such election procedures as
23 are necessary and as provided by Florida law.

24 Section 18. Multiple candidates.--In the event that
25 multiple candidates qualify for election to a single office,
26 the candidate receiving a majority of votes cast shall be
27 elected. If no candidate receives a majority, then the two
28 candidates receiving the most votes shall have a run-off
29 election to decide the winner of the election for that office.
30 If required, and except for the initial election, the run-off
31 election shall be held on the Tuesday 5 weeks prior to the

1 date of the general election, which general election is on the
2 first Tuesday after the first Monday in November of each
3 even-numbered year.

4 Section 19. Mayor.--At the initial election under this
5 charter, a mayor shall be elected, at-large, and shall serve
6 for a term of 4 years. The mayor shall be a voting member of
7 the city council and shall preside at meetings of the council,
8 represent the city in intergovernmental relationships, appoint
9 with the advice and consent of the council the members of
10 citizen advisory boards and commissions, present an annual
11 "State of the City Message," and perform other duties as
12 specified by the council. The mayor shall be recognized as
13 head of the city government for all ceremonial purposes and by
14 the Governor for purposes of military law, but shall have no
15 administrative duties. In addition to any other duties, the
16 mayor shall have a voice and a vote in all council
17 proceedings, but shall have no veto power. The council shall
18 elect, from among its members, a deputy mayor who shall act as
19 mayor during the absence or disability of the mayor and, if a
20 vacancy occurs, shall become mayor for the remainder of the
21 unexpired term.

22 Section 20. Compensation; expenses.--The mayor and
23 city council shall not receive compensation for their
24 services. The council may provide for reimbursement of actual
25 expenses incurred by its members, including the mayor, while
26 performing their official duties.

27 Section 21. Prohibitions.--

28 (A) Except where authorized by law, no council member
29 including the mayor shall hold any other elected public
30 office during the term for which the member was elected.
31 Neither the mayor nor any council member shall hold any other

1 city office or city employment during the terms for which the
2 member was elected to the council. Neither the mayor nor any
3 council member shall hold any office or employment with the
4 city prior to 2 years after the expiration of the term for
5 which the member was elected. Nothing in this section shall be
6 construed to prohibit the council from appointing any current
7 or former mayor or council member to represent the city on the
8 governing board of any regional or other intergovernmental
9 agency.

10 (B) Neither the city council nor any of its members
11 shall in any manner control or demand the appointment or
12 removal of any city administrative officer or employee whom
13 the city manager, or any subordinate of the city manager, is
14 empowered to appoint, but the council may express its views
15 and freely discuss with the city manager anything pertaining
16 to appointment and/or removal of such officers and employees.

17 (C) Except for the purpose of inquiries and
18 investigations as provided for in this charter, the council or
19 its members shall deal with city officers and employees who
20 are subject to the direction and supervision of the city
21 manager solely through the city manager, and neither the
22 council nor its members shall give orders to any such officer
23 or employee, either publicly or privately.

24 Section 22. Vacancies; forfeitures of office; filling
25 vacancies.--

26 (A) The office of a council member shall become vacant
27 upon the member's death, resignation, inability to fulfill the
28 duties of the office, movement of residence outside the
29 district, or removal from office as authorized by law or this
30 charter.

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1 (B) A council member shall forfeit the office if the
2 council member: lacks at any time during the term of office
3 any qualification for the office prescribed by this charter or
4 as provided by law; violates any express prohibition of this
5 charter; is convicted of a crime involving a felony or moral
6 turpitude; or fails to attend three consecutive regular
7 meetings of the council without being excused by the council.
8 Should any of these events occur, a hearing shall
9 automatically be conducted at the next regularly scheduled
10 council meeting and the member may be declared to have
11 forfeited the office by majority vote of the other council
12 members.

13 (C) A vacancy on the city council, except for the
14 position of mayor, shall be filled for the remainder of the
15 unexpired term by a representative from the incumbent's
16 district who shall be appointed by the city council to serve
17 until the next general election. The first choice for this
18 replacement council member shall be the candidate from that
19 district who received the second highest number of votes in
20 the last election. If the council fails to appoint a
21 replacement council member within 45 days from the occurrence
22 of the vacancy, the council shall call a special election to
23 fill that vacancy, to be held no sooner than 90 days and no
24 later than 120 days following the occurrence of the vacancy,
25 and as otherwise governed by law. In the event the mayor
26 becomes unable to fulfill the duties of office, ceases to be
27 qualified, or is removed from office as provided by law or
28 this charter, the deputy mayor of the council shall assume the
29 full powers and duties of the mayor. The deputy mayor of the
30 council shall temporarily relinquish his or her office as
31 council member and shall assume the office of mayor for the

1 remainder of the unexpired term. The council vacancy shall be
2 filled as provided for in this subsection.

3 Section 23. Judge of qualifications.--The council
4 shall be the judge of the election and qualifications of its
5 members and of the grounds for forfeiture of their office. The
6 council shall have the power to set additional written
7 standards of conduct for its members beyond those specified in
8 this charter and may provide for such penalties as it deems
9 appropriate, including forfeiture of office. In order to
10 exercise these powers, the council shall have power to
11 subpoena witnesses, administer oaths, and require the
12 production of evidence. A member charged with conduct
13 constituting grounds for forfeiture of office shall be
14 entitled to a public hearing on demand, and notice of such
15 hearing shall be published in one or more newspapers of
16 general circulation in the city at least 7 days in advance of
17 the hearing. Decisions made by the council under this section
18 shall be subject to judicial review.

19 Section 24. Investigations.--The city council may make
20 investigations into the affairs of the city and the conduct of
21 any city department, office, or agency and for this purpose
22 may subpoena witnesses, administer oaths, take testimony, and
23 require the production of evidence. Failure or refusal to obey
24 a lawful order issued in the exercise of these powers by the
25 council shall be a misdemeanor punishable by a fine of not
26 more than \$500, or by imprisonment for not more than 60 days;
27 or both such fine and imprisonment.

28 Section 25. Independent financial audit.--The city
29 council shall provide for an independent annual financial
30 audit of all city accounts and may provide for more frequent
31 audits as it deems necessary. Such audits shall be made by a

1 certified public accountant or firm of such accountants who
2 have no personal interest, direct or indirect, in the fiscal
3 affairs of the city government or any of its officers. The
4 council may, through competitive proposals, designate such
5 accountant or firm annually or for a period not exceeding 3
6 years, but the designation for any particular fiscal year
7 shall be made no later than 30 days after the beginning of
8 such fiscal year. If the State of Florida makes such an audit,
9 the council may accept it as satisfying the requirements of
10 this section.

11 Section 26. Meetings.--The council shall meet
12 regularly at least once every month at such time and place as
13 the council may prescribe. Special meetings may be held on the
14 call of the mayor or of four or more members and, whenever
15 practical, upon no less than 12 hours' notice to each member
16 and the public. Action taken at a special meeting shall be
17 limited to the purpose for which the special meeting is
18 called. Except as authorized by law, all meetings shall be
19 open to the public.

20 Section 27. Rules and journal.--The council shall
21 determine its own rules and order of business and shall
22 provide for keeping a journal of its proceedings. Except as
23 authorized by state law, the journal and minutes shall be
24 public record.

25 Section 28. Voting by city council.--Voting, except on
26 procedural motions, shall be by roll call with the ayes and
27 nays recorded in the journal. Four council members shall
28 constitute a quorum, but a smaller number may adjourn from
29 time to time and may compel the attendance of absent members
30 in the manner and subject to the penalties prescribed by the
31 rules of the council. No action of the council, except as

1 otherwise provided for in this charter, shall be valid or
2 binding unless adopted by the affirmative vote of four or more
3 council members.

4 Section 29. Actions requiring an ordinance.--In
5 addition to other acts required by law or by specific
6 provision of this charter to be done by ordinance, those acts
7 of the city council shall be by ordinance which:

8 (A) Adopt or amend an administrative code or
9 establish, alter, or abolish any city department, office, or
10 agency;

11 (B) Provide for a fine or other penalty or establish a
12 rule or regulation, the violation for which a fine or other
13 penalty is imposed;

14 (C) Levy taxes; the city council determines what taxes
15 are levied, with a stipulated amount of millage set for
16 operating expenses;

17 (D) Grant, renew, or extend a franchise;

18 (E) Regulate the rate charged for its services by a
19 public or private utility;

20 (F) Authorize the borrowing of money;

21 (G) Convey or lease, or authorize the conveyance or
22 lease of, any city real or personal property;

23 (H) Regulate land use and development; and

24 (I) Amend or repeal any ordinance previously adopted.

25
26 Acts other than those referred to in this section may be done
27 either by ordinance or by resolution.

28 Section 30. Ordinances and resolutions;
29 definitions.--As used in this charter, the following words and
30 terms shall have the following meanings unless some other
31 meaning is plainly indicated:

1 (A) "Ordinance" means an official legislative action
2 of the council which action is a regulation of general and
3 permanent nature and enforceable as a local law.

4 (B) "Resolution" means an expression of the city
5 council concerning matters of administration and expressions
6 of a temporary character or a provision for the disposition of
7 a particular item of the administrative business of the city
8 council.

9 Section 31. Ordinances in general.--

10 (A) Every proposed ordinance shall be introduced in
11 writing and in the form required for final adoption. No
12 ordinance shall contain more than one subject together with
13 matters properly connected therewith which will be clearly
14 expressed in its title. The enacting clause shall be "The City
15 of Bonita Springs hereby ordains.....". Any ordinance which
16 repeals or amends an existing ordinance or part of the city
17 code shall set out in full the ordinance, section or
18 subsections to be repealed or amended, and shall indicate
19 matters to be omitted by enclosing it in brackets or by
20 strikeout type and shall indicate new matters by underscoring
21 or by italics. All ordinances shall be adopted as provided
22 for in chapter 166, Florida Statutes, as such may be amended
23 from time to time.

24 (B) An ordinance may be introduced by any member at
25 any regular or special meeting of the council. Upon
26 introduction of any ordinance, the city clerk/treasurer shall
27 distribute a copy to each council member and to the city
28 manager, shall file a reasonable number of copies in the
29 office of the city clerk/treasurer and such other public
30 places as the council may designate, and shall publish the
31 ordinance together with a notice setting forth the time and

1 place for a public hearing thereon and for its consideration
2 by the council. The proposed ordinance shall be read in full
3 or by title at no less than two public meetings of the city
4 council, the first of which will be permission to advertise
5 the public hearing. The public hearing shall follow the
6 publication by at least 10 days, may be held separately or in
7 connection with a regular or special council meeting that may
8 be adjourned from time to time, and all persons interested
9 shall have an opportunity to be heard. After the hearing the
10 council may adopt the ordinance with or without amendments or
11 reject it. If it is amended as to any matter of substance, the
12 council may not adopt it until the ordinance or its amended
13 sections have been subjected to all the procedures required in
14 the case of a newly introduced ordinance. As soon as
15 practicable after adoption, the city clerk/treasurer shall
16 have a summary of the ordinance and a notice of its adoption
17 published. A copy of the complete ordinance will be available
18 at a reasonable price.

19 (C) Except as otherwise provided in this charter,
20 every adopted ordinance shall become effective 30 days after
21 adoption or at any later date specified in the ordinance.

22 (D) As used in this section, "publish" means to print
23 in one or more newspapers of general circulation in the city:

- 24 (1) The ordinance or a brief summary thereof; and
25 (2) The places where copies of it have been filed and
26 the times when they are available for public inspection and
27 purchase at a reasonable price.

28 Section 32. Emergency ordinances.--To meet a public
29 emergency affecting life, health, property, or the public
30 peace, the city council may adopt one or more emergency
31 ordinances, but such ordinances may not: levy taxes; grant,

1 renew, or extend a franchise; regulate the rate charged by any
2 utility for its services; or authorize the borrowing of money
3 except as provided in this charter. An emergency ordinance
4 shall be plainly designated as an emergency ordinance and
5 shall contain, after the enacting clause, a declaration
6 stating that an emergency exists and describing it in clear
7 and specific terms. An emergency ordinance may be adopted with
8 or without amendments or rejected at the meeting at which it
9 is introduced, but the affirmative vote of two-thirds of the
10 members voting shall be required for adoption. After its
11 adoption the ordinance shall be published and printed as
12 prescribed for other adopted ordinances. It shall become
13 effective upon adoption or at such later time as may be
14 specified. Every emergency ordinance except one made pursuant
15 to section 48(B) of this charter shall automatically stand
16 repealed as of the 61st day following the date on which it was
17 adopted, but this shall not prevent reenactment of the
18 ordinance in the manner specified in this section if the
19 emergency still exists. An emergency ordinance may also be
20 repealed by adoption of a repealing ordinance in the same
21 manner specified in this section for adoption of ordinances.

22 Section 33. Codes of technical regulations.--The city
23 council may adopt any standard code of technical regulation by
24 reference thereto in an adopting ordinance. The procedure and
25 requirements governing such an adopting ordinance shall be as
26 prescribed for ordinances generally except that:

27 (A) The requirements in this charter for distribution
28 and filing of copies of the ordinance shall be construed to
29 include copies of the code of technical regulations as well as
30 of the adopting ordinance; and

31

1 (B) A copy of each adopted code of technical
2 regulations as well as of the adopting ordinance shall be
3 authenticated and recorded by the city clerk/treasurer.

4
5 Copies of any adopted code of technical regulations shall be
6 made available by the city clerk/treasurer for distribution or
7 purchase at a reasonable price.

8 Section 34. Authentication and recording;
9 codification; printing.--

10 (A) An ordinance shall, upon its final passage, be
11 recorded in a book kept for that purpose and shall be signed
12 by the mayor and the city clerk/treasurer. Copies of the
13 ordinance shall be available to the public at a reasonable
14 price.

15 (B) Within 3 years after adoption of this charter and
16 at least every 10 years thereafter, the city council shall
17 provide for the preparation of a general codification of all
18 city ordinances and resolutions having the force and effect of
19 law. The general codification shall be adopted by the council
20 by ordinance and shall be published promptly in bound or
21 loose-leaf form, together with this charter and any amendments
22 thereto, pertinent provisions of the Florida Constitution and
23 other laws of the State of Florida, and such codes of
24 technical regulations and other rules and regulations as the
25 council may specify. This compilation shall be known and cited
26 officially as the Bonita Springs City Code. Copies of the code
27 shall be furnished to city officers, placed in libraries and
28 public offices for public reference and made available for
29 purchase by the public at a reasonable price.

30 (C) Printing of ordinances and resolutions. The city
31 council shall cause each ordinance and resolution having the

1 force and effect of law and each amendment to this charter to
2 be printed promptly following its adoption, and the printed
3 ordinances, resolutions, and charter amendments shall be
4 distributed or available to the public at a reasonable price.
5 Following publication of the first Bonita Springs City Code
6 and at all times thereafter, the ordinances, resolutions, and
7 charter amendments shall be printed in substantially the same
8 style as the code then currently in effect and shall be
9 suitable in form for integration therein. The council shall
10 make such further arrangements as it deems desirable with
11 respect to reproduction and distribution of any current
12 changes in, or additions to, the codes of technical
13 regulations and other rules and regulations to be included in
14 the code.

15 Section 35. Appointment; qualifications; compensation
16 of the city manager.--The city council by a majority vote of
17 its total membership shall appoint a city manager for an
18 indefinite term and fix the manager's compensation, and
19 approve the reimbursement of city-related expenses. The city
20 manager shall be appointed on the strength of executive,
21 administrative, and municipal experience and qualifications.
22 At the time of appointment, the manager does not need to be a
23 resident of the city or state, but may not reside outside the
24 city while in office without approval of the council. The
25 council shall put its goals in writing to the city manager
26 annually, and the council shall have an annual written
27 evaluation of the performance of the city manager.

28 Section 36. Removal of city manager.--The city manager
29 may be suspended by a resolution approved by majority vote of
30 the city council, which shall set forth the reasons for
31 suspension and proposed removal. A copy of such resolution

1 shall immediately be served upon the city manager. The city
2 manager shall have 15 days to reply thereto in writing, and
3 upon request, shall be afforded a public hearing, which shall
4 occur not earlier than 15 days or later than 30 days after
5 such hearing is requested. After the public hearing, if one is
6 requested, and after full consideration, the city council, by
7 a majority vote of its total membership, may adopt a final
8 resolution of removal. The city manager will continue to
9 receive full salary until the effective date of a final
10 resolution of removal.

11 Section 37. Acting city manager.--By letter filed with
12 the city clerk/treasurer, the city manager shall designate a
13 city officer or employee to exercise the powers and perform
14 the duties of city manager during the manager's temporary
15 absence or disability. The city council may revoke such
16 designation at any time and appoint another officer of the
17 city to serve until the city manager returns.

18 Section 38. Powers and duties of the city
19 manager.--The city manager shall be the chief administrative
20 officer of the city, responsible to the council for the
21 administration of all city affairs placed in the manager's
22 charge by or under this charter or as directed by the council.
23 The city manager shall:

24 (A) Appoint and, when necessary for the good of the
25 city, suspend or remove any city employees and appointive
26 administrative officers, except as otherwise provided by law,
27 this charter, or personnel rules adopted pursuant to this
28 charter. The city manager may authorize any administrative
29 officer, subject to the manager's direction and supervision,
30 to exercise these powers with respect to subordinates in that
31 officer's department, office, or agency;

- 1 (B) Direct and supervise the administration of all
2 departments, offices, and agencies of the city, except as
3 otherwise provided by this charter or by law;
- 4 (C) Attend the city council meetings; the city manager
5 shall have the right to take part in discussion but shall not
6 vote;
- 7 (D) Ensure that all state and federal laws, provisions
8 of the charter, and acts of the city council are faithfully
9 executed;
- 10 (E) Prepare and submit the annual budget and capital
11 expenditures program to the city council;
- 12 (F) Submit to the city council and make available to
13 the public a complete report on the finances and
14 administrative activities of the city as of the end of each
15 fiscal year;
- 16 (G) Make such other reports as the city council may
17 require concerning the operations of city departments,
18 offices, and agencies subject to the city manager's direction
19 and supervision;
- 20 (H) Keep the city council fully advised as to the
21 financial condition and future needs of the city;
- 22 (I) Make recommendations to the city council
23 concerning the affairs of the city;
- 24 (J) Provide staff support services for the mayor and
25 council members;
- 26 (K) Perform such other duties as are specified in this
27 charter or as may be required in writing by the city council;
- 28 (L) Contract for services where authorized by law and
29 approved by the council; and
- 30 (M) Have written goals for all city employees and
31 written performance reviews of all city personnel.

1 Section 39. City clerk/treasurer.--There shall be a
2 city clerk/treasurer who shall be appointed by the city
3 manager with the consent of the council. At the time of
4 appointment, the city clerk/treasurer need not be a resident
5 of the city or state, but may not reside outside the city
6 while employed without approval of the council. The city
7 clerk/treasurer shall serve at the pleasure of the city
8 manager and shall:

9 (A) Give notice of council meetings to its members and
10 the public;

11 (B) Keep the journal and minutes of the proceedings of
12 the council;

13 (C) Authenticate by signature and record, in books
14 kept for that purpose, all ordinances and resolutions passed
15 by the council;

16 (D) Be the custodian of the city's seal;

17 (E) Have the power to administer oaths;

18 (F) Receive, safely keep, and disburse, under the
19 direction of the council, all funds belonging to or under the
20 control of the municipality, and keep an accurate account of
21 all receipts and disbursements in such manner as the city
22 manager shall direct. All checks drawn upon depository of
23 city funds shall be countersigned by those persons designated
24 by resolution of the city council; and

25 (G) Perform such other duties as may be assigned by
26 the city manager.

27 Section 40. General provisions.--

28 (A) The city council may establish city departments,
29 offices, or agencies in addition to those created by this
30 charter and may prescribe the functions of all departments,
31 offices, and agencies.

1 (B) All departments, offices, and agencies under the
2 direction and supervision of the city manager may be
3 administered by an officer appointed by, and subject to, the
4 direction and supervision of the city manager. With the
5 consent of council, the city manager may serve as the head of
6 one or more such departments, offices, or agencies or may
7 appoint one person as the head of two or more of them.

8 Section 41. Personnel.--

9 (A) All appointments, salary increases, and promotions
10 of city officers and employees shall be made solely on the
11 basis of merit and fitness demonstrated by a valid and
12 reliable review of such officer or employee's performance
13 against goals, or other evidence of competence.

14 (B) Consistent with all applicable federal and state
15 laws, the city council shall provide by ordinance for the
16 establishment, regulation, and maintenance of a merit system
17 governing personnel policies necessary for effective
18 administration of the employees of the city's departments,
19 offices, and agencies, including, but not limited to,
20 classification and pay plans, examinations, force reduction,
21 removals, working conditions, provisional and exempt
22 appointments, in-service training, grievances, and
23 relationships with employee organizations.

24 Section 42. Planning.--Consistent with all applicable
25 federal and state laws with respect to land use, development
26 and environmental protection, the city council shall:

27 (A) Designate an agency or agencies to carry out the
28 planning function with such decisionmaking responsibilities as
29 may be specified by ordinance or by Florida Statutes;
30
31

1 (B) Adopt a comprehensive plan and ensure that zoning
2 and other land use control ordinances are consistent with the
3 plan, all in accordance with Florida Statutes;

4 (C) Adopt zoning and/or development regulations, to be
5 specified by ordinance, to implement the plan.

6 Section 43. City attorney.--There shall be a city
7 attorney, who shall be a member of The Florida Bar in good
8 standing, appointed by the council, who may represent the city
9 in all legal proceedings and shall perform all other duties as
10 assigned by the council. The council may remove the city
11 attorney for any reason by a majority vote of its total
12 membership. The city attorney shall serve as chief legal
13 advisor to the council and all city departments, offices, and
14 agencies. The city attorney shall attend council meetings
15 unless excused by the council and shall perform such
16 professional duties as may be required by law or by the
17 council in furtherance of the law.

18 Section 44. Fiscal year.--The fiscal year of the city
19 shall begin on the first day of October and end on the last
20 day of September of each year.

21 Section 45. Submission of budget and budget
22 message.--On or before the 15th day of August of each year,
23 the city manager shall submit to the city council a budget for
24 the ensuing fiscal year and an accompanying message.

25 (A) The city manager's message shall explain the
26 budget both in fiscal terms and in terms of the work programs.
27 It shall outline the proposed financial policies of the city
28 and summarize the city's debt position.

29 (B) The budget shall provide a complete financial plan
30 of all city funds and activities for the ensuing fiscal year
31 and, except as required by law or this charter, shall be in

1 such form as the city manager deems desirable or the city
2 council may require. It will include estimated income and
3 expenditures for the ensuing fiscal year compared with actual
4 income and expenditure figures for the past fiscal year.

5 Section 46. City council action on budget.--The
6 council shall publish in one or more newspapers of general
7 circulation in the city a general summary of the budget and
8 notice of where copies of the budget are available for
9 inspection by the public and the time and place for public
10 hearings on the budget. There will be a minimum of two public
11 hearings prior to the city council adopting the budget by
12 resolution. A resolution adopting the annual budget shall
13 constitute appropriation of the amounts specified therein as
14 expenditures from funds indicated.

15 Section 47. Appropriation; revenue; surety bond
16 ordinances.--To implement the adopted budget, the city council
17 shall adopt, prior to the beginning of the ensuing fiscal
18 year:

19 (A) An appropriation ordinance making appropriations
20 by department or major organizational unit and authorizing a
21 single appropriation for each department or unit;

22 (B) A tax levy ordinance authorizing the property tax
23 levy and setting the tax rate; and

24 (C) Any other ordinances, if necessary, to authorize
25 new revenues or amend the rates of existing taxes or other
26 revenue sources.

27
28 The city council shall determine, by ordinance, which city
29 officers and employees shall be required to furnish a surety
30 bond to the city, the amount of such bonds, and the amount of
31 penalty thereof.

1 Section 48. Amendments after adoption.--
2 (A) If during the fiscal year, revenues in excess of
3 those estimated in the budget are available for appropriation,
4 the city council may, by ordinance, make supplemental
5 appropriations for the year in an amount not to exceed such
6 excess, or carryover excess revenues into the next fiscal
7 year.
8 (B) To meet a public emergency the city council may
9 make emergency appropriations by ordinance in accordance with
10 state and federal laws. If sufficient funds are not available
11 to meet such emergencies the city council may authorize
12 emergency notes to be paid not later than the last day of the
13 fiscal year next succeeding that in which the emergency
14 appropriation was made.
15 (C) If, at any time during the fiscal year, it appears
16 probable to the city manager that the revenues available will
17 be insufficient to meet the amount appropriated, the manager
18 shall report same to the council without delay, indicating the
19 estimated amount of the deficit, any remedial action taken and
20 recommendations as to any other steps that should be taken.
21 The council shall then take such further action as it deems
22 necessary to prevent or minimize any deficit and, for that
23 purpose, the council may by resolution reduce one or more
24 appropriations accordingly.
25 (D) At any time during the fiscal year the city
26 council, upon recommendation of the city manager by resolution
27 at one meeting, may transfer at the next meeting part or all
28 of the unencumbered appropriation balance from one department
29 or major organizational unit to the appropriation for other
30 departments or major organizational units. The manager may
31 transfer part or all of any unencumbered appropriation

1 balances among programs within a department or organizational
2 unit and shall report such transfers to the council in writing
3 in a timely manner.

4 (E) No appropriation for debt service may be reduced
5 or transferred, and no appropriation may be reduced below any
6 amount required by law to be appropriated, or by more than the
7 unencumbered balance thereof. Other provisions of law to the
8 contrary notwithstanding, the supplemental and emergency
9 appropriations and reduction or transfer of appropriations
10 authorized by this section may be made effective immediately
11 upon adoption.

12 (F) The city charter hereby provides for a legal debt
13 limit which caps the amount of outstanding long-term
14 liabilities to 10 percent of the assessed property value
15 within the city.

16 Section 49. Lapse of appropriations.--Every
17 appropriation, except an appropriation for a capital
18 expenditure, shall lapse at the close of the fiscal year to
19 the extent that it has not been expended or encumbered. An
20 appropriation for a capital expenditure shall continue in
21 force until expended, revised, or repealed, the purpose of any
22 such appropriation shall be deemed abandoned if 3 years pass
23 without any disbursement from or encumbrance of the
24 appropriation.

25 Section 50. Administration of the budget.--The city
26 council shall provide, by ordinance, the procedures for
27 administering the budget.

28 Section 51. Overspending of appropriations
29 prohibited.--No payment against any allotment or appropriation
30 shall be made unless the city manager certifies that such
31 funds are available to cover the obligation when it becomes

1 due and payable. Except where prohibited by law, nothing in
2 this charter shall be construed to prevent the making or
3 authorizing of payments or making of contracts for capital
4 improvements to be financed wholly or partly by the issuance
5 of bonds or to prevent the making of any contract or lease
6 providing for payments beyond the end of the fiscal year, but
7 only if such action is made or approved by ordinance.

8 Section 52. Capital program.--In conjunction with the
9 submission of the budget, the city manager shall prepare and
10 submit to the city council a 5-year capital program to include
11 cost estimates, time schedules, methods of financing, and
12 estimated annual costs of operation and maintenance for such
13 capital improvements. This shall be revised and extended each
14 year depending on which capital improvements are still pending
15 or in process of construction or acquisition.

16 Section 53. City council action on capital
17 program.--The city council shall publish in one or more
18 newspapers of general circulation within the city a summary of
19 the capital program and a notice of not less than two public
20 hearings on the capital program. The city council, by
21 resolution, shall adopt the capital program with or without
22 amendments after the public hearings and on or before the 15th
23 day of August of the then current fiscal year.

24 Section 54. Public records.--Copies of the budget,
25 capital program, and appropriation and revenue ordinances
26 shall be public records and shall be made available to the
27 public at suitable and published places in the city, and shall
28 be available for purchase at a reasonable price.

29 Section 55. Council districts; redistricting.--

30 (A) There will be six city council districts. The
31 districts shall be as roughly equal in permanent population as

1 is practical (along precinct lines) according to the
2 population figures available from the most recent Lee County
3 population estimates. Where practical no city block shall be
4 divided in the formation of districts.

5 (B) The districts' geographical boundaries are:

6
7 District 1:

8
9 Beginning at the Gulf of Mexico including all
10 of Lovers Key, Long Key and Black Island,
11 crossing Estero Bay to the mainland following
12 the Estero Fire District/Bonita Springs Fire
13 District lines proceeding easterly along the
14 Estero Fire District/Bonita Springs Fire
15 District line along Bonita Bill Street to
16 Interstate 75 thence proceeding southerly along
17 Interstate 75 to Sand Road then proceeding
18 westerly along Sand Road to the intersection of
19 Section Lines 23, 24, 25 and 26, all in
20 Township 47 South, Range 25 East, from thence
21 proceeding northerly along the border of
22 Section Lines 23 and 24 in Township 47 South,
23 Range 25 East to Haven Lane thence westerly
24 following the northern right-of-way of Haven
25 Lane to Shangrilla Road and thence westerly
26 following the northern right-of-way of
27 Shangrilla Road to the intersection with OLD US
28 41 proceeding westerly into Bernwood Industrial
29 Park into a canal that becomes Spring Creek and
30 following Spring Creek westerly all the way
31 into Estero Bay into New Pass into the Gulf of

1 Mexico to the point of beginning. This
2 district boundary is substantially the same as
3 the present boundaries for Lee County Election
4 Precinct Numbers 148 and 137.
5
6 District 2:
7
8 Beginning at the intersection of OLD US 41 and
9 Shangrilla Road, easterly along Shangrilla Road
10 to Haven Lane where it intersects at the
11 boundaries of Section Lines 23 and 24 in
12 Township 47 South, Range 25 East and thence
13 southerly along the section line to its
14 intersection with Sand Road and thence easterly
15 along Sand Road to Interstate 75 and thence
16 northerly along Interstate 75 to the Estero
17 Fire District/Bonita Springs Fire District line
18 and thence easterly along the Estero Fire
19 District/Bonita Springs Fire District line for
20 approximately two miles to the section line
21 between Sections 18 and 17 in Township 47
22 South, Range 26 East and thence southerly along
23 the section line between Sections 18 and 17 in
24 Township 47 South, Range 26 East for two miles
25 or so until the section line becomes Bonita
26 Grande Drive and thence southerly along Bonita
27 Grande Drive approximately another one mile to
28 its intersection with East Terry Street and
29 thence westerly along East Terry Street along
30 the northern right-of-way of East Terry Street
31 along to East Terry Street's intersection with

1 OLD US 41 from thence northerly along the
2 eastern right-of-way of OLD US 41 to the point
3 of the beginning. This district boundary is
4 substantially the same as the present boundary
5 of Lee County Election Precinct Number 134.
6
7 District 3:
8
9 From New Pass just north of Big Hickory Island
10 to Estero Bay proceeding southerly until Estero
11 Bay narrows to a tributary flowing into the
12 Imperial River and from thence easterly along
13 the Imperial River until it would meet a boat
14 ramp from Windsor Road extension into the
15 Imperial River along the western boundaries of
16 the mobile home park known as Anglers Paradise
17 from thence along the eastern right-of-way of
18 Windsor Road until Windsor Road would intersect
19 with Foley Road Extension and thence along the
20 southern right-of-way of Foley Road Extension
21 to Foley Road and easterly along Foley Road
22 until its intersection with US 41 and thence
23 southerly along US 41 until the Lee/Collier
24 County line and from thence westerly along the
25 Lee/Collier County line to Woods Edge Parkway
26 until the intersection of Woods Edge Parkway
27 with Vanderbilt Drive and thence northerly
28 along Vanderbilt Drive until its intersection
29 with Bonita Beach Road and thence following the
30 Lee/Collier County line along Bonita Beach Road
31 westerly until the Gulf of Mexico and thence

1 northerly along the Gulf of Mexico to New Pass
2 to the point of beginning. This district
3 boundary is substantially the same as the
4 present boundary of Lee County Election
5 Precinct Number 135.
6
7 District 4:
8
9 Beginning at Estero Bay as Spring Creek enters
10 Estero Bay and following Spring Creek in a
11 easterly direction to US 41 and thence moving
12 southward along the western right-of-way of US
13 41 to its intersection with Bonita Beach Road
14 and thence eastwardly along the southern
15 right-of-way of Bonita Beach Road to its
16 intersection with Interstate 75 and thence
17 southwardly along Interstate 75 to its
18 intersection with the Lee/Collier County line
19 and thence westwardly along the Lee/Collier
20 County line to its intersection with US 41 and
21 thence northerly along US 41 to its
22 intersection with Foley Road and thence
23 westwardly along Foley Road and Foley Road's
24 extension intersecting with Windsor Road and
25 thence northerly along the eastern right-of-way
26 of Windsor Road until Windsor Road's extension
27 running into the Imperial River just west of
28 Angler's Paradise Mobile Home Park and thence
29 westwardly along the Imperial River to its
30 entry into a tributary going north into Estero
31 Bay to the point of beginning. This district

1 boundary is substantially the same as the
2 present boundaries of Lee County Election
3 Precinct Numbers 133 and 136.

4
5 District 5:

6
7 Beginning at the intersection of US 41 and
8 Spring Creek at the southeast point and
9 following along Spring Creek in an easterly
10 direction along until it reaches a drainage
11 canal separating Pueblo Bonito from the
12 Bernwood Industrial Park just south of
13 Cockelshell Court to its intersection with OLD
14 US 41 and thence following in a southwardly
15 direction along the western right-of-way of OLD
16 US 41 Road until the intersection of OLD US 41
17 Road and Bonita Beach Road and thence westerly
18 along the northern right-of-way of Bonita Beach
19 Road until Bonita Beach Road intersects with US
20 41 and thence northerly along the eastern
21 right-of-way of US 41 along its intersection
22 with Spring Creek to the point of beginning.
23 This district boundary is substantially the
24 same as the present boundaries of Lee County
25 Election Precinct Numbers 13 and 61.

26
27 District 6:

28
29 Beginning at the intersection of OLD US 41 Road
30 and East Terry Street and proceeding easterly
31 along the southern right-of-way of East Terry

1 Street until the intersection of East Terry
2 Street with Bonita Grande Drive and thence
3 southwardly along the western right-of-way of
4 Bonita Grande Drive to the intersection of
5 Bonita Grande Road with Bonita Beach Road and
6 thence easterly along the southern right-of-way
7 of Bonita Beach Road for approximately two
8 miles along to the section line between
9 Sections 4 and 3 in Township 48 South, Range 26
10 East and proceeding southwardly along the
11 section line between Sections 4 and 3 in
12 Township 48 South, Range 26 East, along its
13 intersection with the Lee/Collier County line
14 and thence westwardly along the Lee/Collier
15 County line to Interstate 75 and thence
16 northerly along Interstate 75 until the
17 intersection of Interstate 75 with Bonita Beach
18 Road and thence westwardly along the northern
19 right-of-way of Bonita Beach Road to the
20 intersection of Bonita Beach Road with OLD US
21 41 Road and thence proceeding northerly along
22 the eastern right-of-way of OLD US 41 Road to
23 the point of beginning. This district boundary
24 is substantially the same as the present
25 boundaries of Lee County Election Precinct
26 Numbers 80 and 149.

27
28 (C) In the year 2001, and in the odd-numbered years
29 after each decennial census thereafter, and at any time when
30 required by law, the city council may re-divide the city into
31

1 six districts as roughly equal in permanent population (along
2 precinct lines) as practical.

3 Section 56. Initiative and referendum.--The powers of
4 initiative and referendum are hereby reserved to the qualified
5 registered voters of the city. The provisions of the election
6 laws of the state, as they currently exist or may hereafter be
7 amended or superseded, shall govern the exercise of the powers
8 of initiative and referendum under this charter.

9 Section 57. Recall.--The qualified voters of the city
10 shall have the power to remove from office any elected
11 official for unethical or illegal conduct or actions resulting
12 in the endangerment of the public health and safety,
13 malfeasance of office, or dereliction of duties. In the event
14 of recall of a city council district representative, at least
15 25 percent of the total number of electors registered to vote
16 in the last regular city election within the district shall be
17 needed to sign a petition to recall that city council member
18 from his or her district seat. In the event of recall of the
19 mayor, at least 25 percent of the total number of electors
20 registered to vote within the city limits in the last regular
21 city election shall be needed to sign a petition to recall
22 that individual from the mayor's city council seat. If said
23 number of signatures are collected and certified by the
24 supervisor of elections, then a special recall election shall
25 be held no later than 90 days after such certification. A
26 recall election shall be held as provided for by the Florida
27 Election Code.

28 Section 58. Code of ethics.--It is essential to the
29 proper conduct and operation of the city that the officers and
30 employees of the city be independent and impartial and for
31 their office not to be used for private gain other than the

1 remuneration provided by law or by ordinances. It is declared
2 to be the policy of the city that its officers and employees
3 are agents of the people and hold their position for the
4 benefit of the public. Therefore, all city officers,
5 employees, and the city attorney shall adhere to the Standards
6 of Conduct as set forth under Part III, chapter 112, Florida
7 Statutes, as amended from time to time.

8 Section 59. Amendments to city charter.--The charter
9 may be amended in accordance with the provisions for charter
10 amendments as specified in the Municipal Home Rule Powers Act,
11 chapter 166, Florida Statutes, as the same may be amended from
12 time to time, or its successor, or as may otherwise be
13 provided by general law. The city council may, by ordinance,
14 or the qualified registered voters of the city may, by
15 petition signed by 10 percent of the electors registered to
16 vote in the last regular city election, submit to the electors
17 of the city a proposed amendment to any part or all of the
18 charter. The form, content, and certification of any petition
19 to amend shall be established by ordinance.

20 Section 60. Election.--The city council shall place
21 the proposed amendment contained in the ordinance or petition
22 to a vote of the electors of the city at the next city
23 election or at a special election called for such purpose.

24 Section 61. Adoption of amendment.--If a majority of
25 the registered voters of the city vote in favor of a proposed
26 charter amendment, the amendment shall become effective at the
27 time fixed in the amendment or, if no time is therein fixed,
28 30 days after its adoption by the voters.

29 Section 62. Referendum election.--The referendum
30 election called for by this act shall be held on November 2,
31

1 1999, at which time the following question shall be placed
2 upon the ballot:

3
4 Shall Chapter....., Laws of Florida,
5 creating the City of Bonita Springs and
6 providing for its charter be approved?
7 Yes _____
8 No _____
9

10 In the event this question is answered affirmatively by a
11 majority of voters voting in the referendum, the provisions of
12 the charter will take effect as provided for in this charter.
13 The referendum election shall be conducted by the Supervisor
14 of Elections of Lee County in accordance with the Florida
15 Election Code as may be amended from time to time and the cost
16 of such election shall be funded by Lee County.

17 Section 63. Initial election of council.--

18 (A) Following the adoption of this charter, the Lee
19 County Commission shall call an election to be held on March
20 14, 2000, for the election of six city council members and the
21 mayor. The election shall be conducted by the Supervisor of
22 Elections of Lee County in accordance with the Florida
23 Election Code and the cost of such election shall be funded by
24 Lee County. Any necessary runoff election shall be held on
25 April 4, 2000.

26 (B) Between noon on January 17, 2000, and noon on
27 January 21, 2000, any individual who wishes to run for one of
28 the 6 initial seats on the council shall qualify as a
29 candidate with the Lee County Supervisor of Elections in
30 accordance with the provisions of this charter and general
31 law.

1 (C) For the initial election, the county canvassing
2 board shall certify the results of the election in accordance
3 with general law.

4 (D) Those candidates who are elected shall take office
5 at the initial council meeting which shall be held on April
6 15, 2000.

7 (E) Council seats for districts 1, 3, and 5 shall
8 initially be for a 2-year term; seats for districts 2, 4, and
9 6 for a 4-year term. The mayor's term of office shall be for
10 4 years. Thereafter, all terms shall be 4 years, on a
11 staggered basis.

12 Section 64. Officers and employees.--

13 (A) Nothing in this charter except as otherwise
14 specifically provided shall affect or impair the rights or
15 privileges of persons who are city officers or employees at
16 the time the city is created.

17 (B) Except as specifically provided by this charter,
18 if at the time this charter takes full effect a city
19 administrative officer or employee holds any office or
20 position which is or can be abolished by or under this
21 charter, he or she shall continue in such office or position
22 until a specific provision under this charter takes effect
23 directing that he or she vacate the office or position.

24 (C) An employee holding a city position at the time
25 this charter takes full effect, who was serving in that same
26 or a comparable position at the time of its adoption, shall
27 not be subject to competitive tests as a condition of
28 continuance in the same position, but in all other respects
29 shall be subject to the personnel system provided for in this
30 charter.

31 Section 65. Departments, offices, and agencies.--

1 (A) From and after the effective date of incorporation
2 of the City of Bonita Springs, and during the transition
3 period and until such time as the city council becomes
4 operative, Lee County shall continue to provide the city
5 residents with all of the same services it provided just prior
6 to the approval of the referendum and adoption of the charter.

7 (B) The property, records, and equipment of any
8 department, office, or agency of the Lee County existing when
9 this charter is adopted may, at the discretion of the Lee
10 County Commission, be transferred to the department, office,
11 or agency of the city assuming its powers and duties.

12 Section 66. Pending matters.--All rights, claims,
13 actions, orders, contracts, and administrative proceedings
14 affecting the area incorporated into the city shall continue
15 with the county and/or state agency having jurisdiction over
16 such matter, except as modified, pursuant to the provisions of
17 this charter.

18 Section 67. State and county laws.--In general, all
19 county ordinances, resolutions, orders, and regulations which
20 are in force when this charter becomes effective are repealed
21 to the extent they are inconsistent or interfere with the
22 effective operation of this charter or of ordinances or
23 resolutions adopted pursuant thereto. To the extent that the
24 Constitution and laws of the State of Florida permit, all laws
25 relating to or affecting the City of Bonita Springs or its
26 agencies, officers, or employees which are in force when this
27 charter becomes effective are superseded to the extent that
28 they are inconsistent or interfere with the effective
29 operation of this charter or of ordinances or resolutions
30 adopted pursuant thereto.

31

1 Section 68. Severability.--If any provision of this
2 charter is held invalid, the other provisions of the charter
3 shall not be affected thereby. If the application of the
4 charter or any of its provisions to any person or
5 circumstances is held invalid, the application of the charter
6 and its provisions to other persons or circumstances shall not
7 be affected thereby.

8 Section 69. Creation and establishment of the City of
9 Bonita Springs.--For the purpose of compliance with section
10 200.066, Florida Statutes, relating to assessment and
11 collection of ad valorem taxes, the City of Bonita Springs is
12 hereby created and established effective December 31, 2000.

13 Section 70. Early assumption of duties by city
14 council.--The initial city council shall have the authority
15 and power to enter into contracts, arrange for the hiring of
16 interim legal counsel, begin recruiting applicants for the
17 position of city manager, provide for necessary city offices
18 and facilities, and do such other things as it deems necessary
19 and appropriate for the city to become operational on December
20 31, 2000.

21 Section 71. First year expenses.--The council, in
22 order to provide moneys for the expenses and support of the
23 city, shall have the power to borrow money necessary for the
24 operation of municipal government until such time as a budget
25 is adopted and revenues are raised in accordance with the
26 provisions of this charter.

27 Section 72. Transitional ordinances and
28 resolutions.--The council shall adopt ordinances and
29 resolutions required to effect the transition. Ordinances
30 adopted within 90 days after the first council meeting may be
31 passed as emergency ordinances as provided in this charter

1 except the transitional ordinances shall be effective for no
2 longer than 90 days after adoption and, thereafter, may be
3 readopted, renewed, or otherwise continued only in the manner
4 normally prescribed for ordinances.

5 Section 73. Transitional comprehensive plan.--Until
6 such time as the city adopts a comprehensive plan, the Lee
7 County Comprehensive Plan, as the same exists on the day the
8 city commences corporate existence, shall remain in effect as
9 the city's transitional comprehensive plan. However, all
10 planning functions, duties, and authority shall thereafter be
11 vested in the council, which shall be deemed the local
12 planning agency until the council establishes a separate local
13 planning agency.

14 Section 74. Transitional land development
15 regulations.--To implement the transitional comprehensive plan
16 when adopted, the city shall, in accordance with the
17 procedures required by the laws of the State of Florida, adopt
18 ordinances providing for land development regulations within
19 the corporate limits. Until the city adopts the ordinances:

20 (A) The comprehensive land use plan and land
21 development regulations of Lee County, as the same exists on
22 the date the city commences corporate existence, shall remain
23 in effect as the city's transitional land development
24 regulations and comprehensive land use plan.

25 (B) All powers and duties of the Lee County Department
26 of Community Development, Lee County Hearing Examiner, and
27 County Commission of Lee County, as set forth in these
28 transitional land development regulations, shall be vested in
29 the city council until such time as the city council delegates
30 all, or a portion thereof, to another agency, department, or
31 entity.

1 (C) The Council is fully empowered to amend,
2 supersede, enforce, or repeal the transitional land
3 development regulations, or any portion thereof, by ordinance.

4 (D) Subsequent to the commencement of the city's
5 corporate existence, no amendment of the comprehensive plan or
6 land development regulations enacted by the Lee County
7 Commission shall be deemed an amendment of the city's
8 transitional comprehensive plan or land development
9 regulations or otherwise take effect within the city's
10 municipal boundaries.

11 Section 75. State-shared revenues.--The City of Bonita
12 Springs shall be entitled to participate in all revenue
13 sharing programs of the State of Florida effective as of the
14 date the charter is approved by a majority vote of those
15 qualified electors residing within the proposed corporate
16 limits of the city. The provisions of section 218.23(1),
17 Florida Statutes, shall be waived for the purpose of
18 eligibility to receive revenue sharing funds from the date of
19 incorporation through the state fiscal year 2006-2007. The
20 provisions of section 218.26(3), Florida Statutes, shall be
21 waived as of the date the charter is approved by a majority
22 vote of those qualified electors residing within the proposed
23 corporate limits of the city through the state fiscal year
24 2006-2007, and apportionment factors for the municipalities
25 and counties shall be recomputed pursuant to section 218.245,
26 Florida Statutes, as of the date the charter is approved by a
27 majority vote of those qualified electors residing within the
28 proposed corporate limits of the city. For purposes of
29 meeting the provisions of section 218.23(1), Florida Statutes,
30 the city shall levy ad valorem taxes, exclusive of taxes
31 levied for debt service or other special millages authorized

1 by voters, to produce the revenue equivalent to a millage rate
2 of 3 mills on the dollar based on the 2000 taxable values of
3 real estate as certified by the property appraiser pursuant to
4 section 193.122(2), Florida Statutes, or, in order to produce
5 revenue equivalent to that which would otherwise be produced
6 by such 3 mill ad valorem tax to have:

7 (a) Received a remittance from the county pursuant to
8 general law;

9 (b) Collected an occupational license tax;

10 (c) Collected a utility tax;

11 (d) Levied an ad valorem tax;

12 (e) Received revenue from a combination of these four
13 sources;

14 (f) Any other municipal service special levies as may
15 be allowed by state law; or

16 (g) Any other municipal special tax district or unit.

17
18 Initial population estimates for calculating eligibility for
19 shared revenues shall be determined by the University of
20 Florida Bureau of Economic and Business Research. Should the
21 bureau be unable to provide an appropriate population
22 estimate, the Lee County Department of Community Development
23 shall provide the estimate.

24 Section 76. Lee County taxes and fees levied within
25 the boundaries of the city to provide for municipal
26 services.--In the event this charter is adopted, the taxes and
27 fees imposed by Lee County to provide municipal services
28 within the territorial boundaries of the city shall be
29 prorated between Lee County and the city using the date
30 (December 31, 2000) which the city becomes effective as the
31 date the tax revenues begin belonging to the city. To the

1 extent the city is the beneficiary of those tax revenues, it
2 will be deemed to have levied those taxes as city taxes.

3 Section 77. Local option gas taxes.--Notwithstanding
4 the requirements of section 336.025, Florida Statutes, to the
5 contrary, the City of Bonita Springs shall be entitled to
6 receive local option gas tax revenues beginning October 1,
7 2000. The said revenues shall be distributed in accordance
8 with section 336.025, Florida Statutes.

9 Section 78. Contractual services and
10 facilities.--Contractual services for fire, police, emergency
11 management, public works, parks and recreation, planning and
12 zoning, building inspection, development review, animal
13 control, and solid waste collection may be supplied by a
14 contract between the city and Lee County, special districts,
15 municipalities, or private enterprise until such time as the
16 city council establishes such independent services. Facilities
17 for housing the newly formed municipal operations may be
18 rented or leased until the city is in the position to obtain
19 its own facilities.

20 Section 79. Elimination of transition elements from
21 the charter.--Upon completion of the transition phase as
22 contained herein, those sections of the charter relating to
23 transition may be eliminated from the charter.

24 Section 80. Independent special districts.--It is
25 recognized that certain services within the municipal
26 boundaries are provided by independent special districts
27 created by special acts of the Florida Legislature. The
28 municipality is empowered to merge the functions of said
29 districts with those of the municipality only upon dissolution
30 of the special district, or upon affirmative vote of a
31 majority of the city council and an affirmative vote of the

1 majority of the council or board governing the district after
2 meeting all requirements for merger or dissolution in the
3 district's enabling legislation and chapter 189, Florida
4 Statutes. It is recognized that certain planning and
5 interlocal agreements may be necessary between the city and
6 such districts and the city council shall endeavor to maximize
7 the benefits of the districts to the fullest extent possible.
8 In the event the city council desires to supplement or
9 duplicate services determined to be inadequate, the council is
10 fully empowered to do so.

11 Section 81. Revenue-sharing.--It is recognized that
12 the services provided by independent districts within the
13 municipal boundaries provide essential services which would
14 customarily be provided by municipal government. It is,
15 therefore, declared that the City of Bonita Springs shall be
16 eligible to participate in revenue-sharing beyond the minimum
17 entitlement in any fiscal year, provided that the city and all
18 independent special districts created under special law,
19 combined, levy ad valorem taxes and/or produce other revenues
20 in amounts as provided for by section 218.23, Florida
21 Statutes.

22 Section 2. Severability as to this act.--If any
23 provision of this act, or the application thereof to any
24 person or circumstance is held invalid, the invalidity shall
25 not affect other provisions or applications of this act which
26 can be given effect without the invalid provision or
27 application, and to this end the provisions of this act are
28 declared severable.

29 Section 3. This act shall take effect upon approval by
30 a majority vote of those qualified electors residing within
31 the proposed corporate limits of the proposed City of Bonita

1 Springs as described in section 7 voting in a referendum
2 election to be called by the Lee County Commission to be held
3 November 2, 1999, in accordance with the provisions of law
4 relating to elections currently in force, except that this
5 section shall take effect upon becoming a law.
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