

1                                   A bill to be entitled  
2           An act relating to Monroe County; creating the  
3           City of Marathon; providing legislative intent;  
4           providing municipal boundaries and municipal  
5           powers; providing a council-manager form of  
6           government; providing for election of a city  
7           council; providing for membership,  
8           qualifications, terms, powers, and duties of  
9           its members, including the mayor; providing for  
10          a vice mayor; providing for payment of  
11          expenses; providing general powers and duties;  
12          providing circumstances resulting in vacancy in  
13          office; providing grounds for forfeiture and  
14          suspension; providing for filling of vacancies;  
15          providing for meetings; providing for keeping  
16          of records; providing for adoption,  
17          distribution, and recording of technical codes;  
18          providing a limitation upon employment of  
19          council members; providing that certain  
20          interference with city employees shall  
21          constitute malfeasance in office; providing  
22          penalties; establishing the fiscal year;  
23          providing for adoption of annual budget and  
24          appropriation; providing for appropriations  
25          amendments; providing limitations; providing  
26          for appointment of charter officers, including  
27          a city manager and city attorney; providing for  
28          removal, compensation, and filling of  
29          vacancies; providing qualifications, powers,  
30          and duties; providing for nonpartisan elections  
31          and for matters relative thereto; providing for

1 recall; providing for initiatives and  
2 referenda; providing the city a transition  
3 schedule and procedures for first election;  
4 providing for first-year expenses; providing  
5 for adoption of transitional ordinances,  
6 resolutions, comprehensive plan, and local  
7 development regulations; providing for  
8 accelerated entitlement to state shared  
9 revenues; providing for a solid waste  
10 collection plan; providing for gas tax revenue;  
11 providing for transition agreement between  
12 Monroe County and the City of Marathon;  
13 providing land descriptions of the city;  
14 providing for future amendments of the charter;  
15 providing for standards of conduct in office;  
16 providing for the City of Marathon to receive  
17 infrastructure surtax revenues; providing for  
18 severability; providing for a referendum  
19 approval; providing effective dates.  
20

21 Be It Enacted by the Legislature of the State of Florida:  
22

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

27 Section 2. Legislative intent.--The Legislature finds  
28 and declares that:

29 (1) The greater Marathon area in Monroe County  
30 includes a compact and contiguous community of approximately  
31 12,000 residents susceptible to urban services, and

1 constitutes a community amenable to separate municipal  
2 government.

3 (2) It is in the best interests of the public health,  
4 safety, and welfare of the residents of the Marathon area to  
5 form a separate municipality for the Marathon area with all  
6 the powers and authority necessary to provide adequate and  
7 efficient municipal services to its residents.

8 (3) It is intended that this charter and the  
9 incorporation of the Marathon area shall serve to preserve and  
10 protect the distinctive characteristics of the individual  
11 communities within the boundaries of the City of Marathon.

12 Section 3. Incorporation of municipality; corporate  
13 limits.--There is hereby created, effective November 30, 1999,  
14 in Monroe County, a new municipality to be known as the City  
15 of Marathon, which shall have a council-manager form of  
16 government. The corporate boundaries of the City of Marathon,  
17 hereinafter referred to as "the city," shall be as described  
18 in section 10.

19 Section 4. Municipal powers.--The city shall be a body  
20 corporate and politic and shall have all the powers of a  
21 municipality under the State Constitution and laws of the  
22 State of Florida, as fully and completely as though such  
23 powers were specifically enumerated in this charter, unless  
24 otherwise prohibited by or contrary to the provisions of this  
25 charter. The city shall have all governmental, corporate, and  
26 proprietary powers necessary to enable it to conduct municipal  
27 government, perform municipal functions, and render municipal  
28 services, and may exercise any power for municipal services  
29 unless expressly prohibited by law. The powers of the city  
30 shall be liberally construed in favor of the city.

31 Section 5. City council.--

1           (1) CITY COUNCIL; COMPOSITION; QUALIFICATIONS OF  
2 COUNCIL MEMBERS.--

3           (a) There shall be a five-member city council,  
4 consisting of council members each elected from and  
5 representing the city at large.

6           (b) There shall be five separate council seats to be  
7 designated as Seat 1, Seat 2, Seat 3, Seat 4, and Seat 5.  
8 Candidates must qualify for council elections by seat, and  
9 council members elected to those seats shall hold Seats 1  
10 through 5, respectively.

11           (c) To qualify for office:

12           1. Each candidate for the office of city council shall  
13 be a registered voter in the State of Florida and a resident  
14 of the city.

15           2. At the time of qualification, each candidate for a  
16 council seat shall reside within the boundaries of the city  
17 and, if elected, shall maintain such residency throughout his  
18 or her term of office. For the initial election, following the  
19 referendum approving the creating of the city, candidates for  
20 office shall qualify as provided in paragraph (2) of section  
21 9. Thereafter, candidates shall qualify as provided in  
22 paragraph (3) of section 8.

23           (2) TERM OF OFFICE.--The term of office for council  
24 members shall be 2 years. Each council member shall remain in  
25 office until a successor is elected and assumes the duties of  
26 the position, except as otherwise provided herein. No council  
27 member shall serve more than three consecutive terms of  
28 office.

29           (3) THE MAYOR; POWERS AND DUTIES.--

30           (a) The city council, at its first regular meeting  
31 after the fourth Tuesday of each February, shall elect from

1 its membership a mayor and a vice mayor who shall serve at the  
2 pleasure of the city council and who shall have the same  
3 legislative powers and duties as any other council member,  
4 except as provided in paragraph (b).

5 (b) In addition to carrying out the regular duties  
6 under paragraph (a), the mayor shall preside at the meetings  
7 of the council and shall be recognized as the head of city  
8 government for service of process, ceremonial matters, and the  
9 signature or execution of ordinances, contracts, deeds, bonds,  
10 and other instruments and documents. The mayor shall have no  
11 administrative duties other than those necessary to accomplish  
12 these actions, or such other actions as may be authorized by  
13 the city council, consistent with general or special law.

14 (4) THE VICE MAYOR.--The vice mayor shall serve as  
15 acting mayor during the absence or disability of the mayor. In  
16 the absence of the mayor and the vice mayor, the remaining  
17 council members shall select a council member to serve as  
18 acting mayor.

19 (5) COMPENSATION AND EXPENSES.--City council members  
20 shall not be compensated, but shall be entitled to receive  
21 reimbursement in accordance with Florida Statutes for  
22 authorized travel and per diem expenses incurred in the  
23 performance of their official duties. The city council, by not  
24 less than four affirmative votes, may elect to provide for  
25 compensation by ordinance. However, no such ordinance  
26 establishing compensation shall take effect until the date of  
27 commencement of the terms of council members selected at the  
28 next regular election which follows the adoption of said  
29 ordinance.

30 (6) GENERAL POWERS AND DUTIES OF COUNCIL.--Except as  
31 otherwise prescribed herein or provided by law, legislative

1 and police powers of the city shall be vested in the council.  
2 The council shall provide for the exercise of its powers and  
3 for the performance of all duties and obligations imposed on  
4 the city by law.

5 (7) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;  
6 FILLING OF VACANCIES.--

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

13 (b) Forfeiture of office.--A council member shall  
14 forfeit his or her office upon determination by the council,  
15 acting as a body, at a duly noticed public meeting that he or  
16 she:

17 1. Lacks at any time, or fails to maintain during his  
18 or her term of office, any qualification for the office  
19 prescribed by this charter or otherwise required by law;

20 2. Is convicted of a felony, or enters a plea of  
21 guilty or nolo contendere to a crime punishable as a felony,  
22 even if adjudication is withheld;

23 3. Is convicted of a first degree misdemeanor arising  
24 directly out of his or her official conduct or duties, or  
25 enters a plea of guilty or nolo contendere thereto, even if  
26 adjudication of guilt has been withheld;

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

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1           5. Is absent from three consecutive regular council  
2 meetings without justifiable reason, or for any other reason  
3 established in this charter.

4           (c) Suspension from office.--A council member shall be  
5 suspended from office upon return of an indictment or issuance  
6 of any information charging the council member with any crime  
7 which is punishable as a felony or with any crime arising out  
8 of his or her official duties which is punishable as a first  
9 degree misdemeanor. Pursuant thereto:

10           1. During the period of suspension, the council member  
11 shall not perform any official act, duty, or function, or  
12 receive any pay, allowance, emolument, or privilege of office.

13           2. If the council member is subsequently found not  
14 guilty of the charge, or if the charge is otherwise dismissed,  
15 reduced, or altered in such a manner that suspension would no  
16 longer be required as provided herein, the suspension shall be  
17 lifted and the council member shall be entitled to receive  
18 full back pay and such other emoluments or allowances as he or  
19 she would have been entitled to had the suspension not  
20 occurred.

21           (d) Filling of vacancies.--

22           1. If a vacancy occurs in the office of mayor, the  
23 vice mayor shall serve as mayor until a new mayor is elected  
24 as provided in paragraph (3)(a) and assumes the duties of his  
25 or her office.

26           2. If any vacancy occurs in the office of any council  
27 member and the remainder of the unexpired term is less than 81  
28 days, the remaining council members shall, within 30 days  
29 following the occurrence of such vacancy, by majority vote,  
30 appoint a person to fill the vacancy for the remainder of the  
31 unexpired term. If, however, the remainder of the unexpired

1 term is 81 days or more, the remaining council members shall,  
2 within 30 days following the occurrence of such vacancy, by  
3 majority vote, appoint a person to fill the vacancy until the  
4 next regularly scheduled city election.

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

8 (8) CITY COUNCIL MEETINGS.--The council shall conduct  
9 regular meetings at such times and places as the council shall  
10 prescribe by resolution. Such meetings shall be public  
11 meetings within the meaning of s. 286.011, Florida Statutes,  
12 and shall be subject to notice and other requirements of law  
13 applicable to public meetings. Pursuant thereto:

14 (a) Special meetings may be held at the call of the  
15 mayor or, in his or her absence, at the call of the vice  
16 mayor. Special meetings may also be called upon the request of  
17 a majority of the council members. Unless of an emergency  
18 nature, the person or persons calling such a meeting shall  
19 provide not less than 72 hours' prior notice of the meeting to  
20 the public.

21 (b) Elected or reelected council members shall be  
22 inducted into office at the first regularly scheduled meeting  
23 following certification of their election.

24 (c) A majority of the council shall constitute a  
25 quorum. No action of the council shall be valid unless adopted  
26 by an affirmative vote of the majority of the council members  
27 in attendance, unless otherwise provided by law. All actions  
28 of the city council shall be by ordinance, resolution, or  
29 motion.

30 (9) CITY RECORDS.--The council shall, in a properly  
31 indexed book kept for the purpose, provide for the



1 authentication and recording in full of all minutes of  
2 meetings, and all ordinances and resolutions adopted by the  
3 council, and the same shall at all times be a public record.  
4 The council shall further maintain a current codification of  
5 all ordinances. Such codification shall be printed and shall  
6 be made available for distribution to the public on a  
7 continuing basis. All ordinances or resolutions of the council  
8 shall be signed by the mayor, or vice mayor in the absence or  
9 disability of the mayor, or by the acting mayor in the absence  
10 or disability of both the mayor and the vice mayor, and  
11 attested to by the city clerk.

12 (10) ADOPTION OF CODES.--The council may adopt any  
13 standard code of technical regulations by reference thereto in  
14 an adopting ordinance and may amend the code in the adopting  
15 ordinance or later amendatory ordinance. The procedures and  
16 requirements governing such an adoption ordinance shall be  
17 prescribed for ordinances generally, except that:

18 (a) Requirements regarding distributing and filing of  
19 copies of the ordinance shall not be construed to require  
20 distribution and filing of copies of the adopted code of  
21 technical regulations, except as provided in paragraph (b).

22 (b) A copy of each adopted code of technical  
23 regulations, as well as of the adoptive ordinance, shall be  
24 authenticated and recorded by the city clerk.

25 (11) LIMITATION OF EMPLOYMENT OF COUNCIL MEMBERS.--No  
26 council member shall be in the employment of the city while in  
27 office, nor shall any former council member be employed by the  
28 city until after the expiration of 1 year from the time of  
29 leaving office.

30 (12) NONINTERFERENCE BY CITY COUNCIL.--Except for the  
31 purposes of inquiry and information, the council and its

1 members, including committees thereof, are expressly  
2 prohibited from interfering with the performance of the duties  
3 of any employee of the city government who is under the direct  
4 or indirect supervision of the city manager or city attorney.  
5 Such action shall be malfeasance within the meaning of s.  
6 112.51, Florida Statutes, and shall be punishable as provided  
7 in s. 112.317, Florida Statutes.

8 Section 6. Budget and appropriations.--

9 (1) FISCAL YEAR.--The city shall have a fiscal year  
10 which shall begin on October 1 of each year and end on  
11 September 30 of the succeeding year.

12 (2) BUDGET ADOPTION.--The council shall by resolution  
13 adopt a budget on the 30th day of September of each year,  
14 following a minimum of two public hearings on the proposed  
15 budget. A resolution adopting the annual budget shall  
16 constitute appropriation of the amounts specified therein as  
17 expenditures from funds indicated.

18 (3) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.--

19 (a) Supplemental appropriations.--If, during the  
20 fiscal year, revenues in excess of those estimated in the  
21 budget are available for appropriation, the council by  
22 resolution may make supplemental appropriations for the year  
23 in an amount not to exceed such excess.

24 (b) Reduction of appropriations.--If, at any time  
25 during the fiscal year, it appears probable to the city  
26 manager that the revenues available will be insufficient to  
27 meet the amount appropriated, the city manager shall report  
28 same to the council without delay, indicating the estimated  
29 amount of the deficit, any remedial action taken, and  
30 recommendations as to any other steps that should be taken.  
31 The council shall then take such further action as it deems

1 necessary to prevent or minimize any deficit and, for that  
2 purpose, the council may by resolution reduce one or more  
3 appropriations accordingly.

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

12 Section 7. Charter officers.--

13 (1) DESIGNATION.--The city manager and the city  
14 attorney are redesignated as charter officers, except that the  
15 office of the city attorney may be contracted to an attorney  
16 or law firm.

17 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF  
18 VACANCIES.--

19 (a) The charter officers shall be appointed by a  
20 majority vote of the full council and shall serve at the  
21 pleasure of the council.

22 (b) The charter officers shall be removed from office  
23 only by a majority vote of the full council. Upon demand by a  
24 charter officer, a public hearing shall be held prior to such  
25 removal.

26 (c) The compensation of the charter officers shall be  
27 fixed by the city council.

28 (d) The city council shall begin the process to fill a  
29 vacancy in a charter office within 90 days after the vacancy.  
30 An acting city manager or an acting city attorney may be

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1 appointed by the council during a vacancy in such charter  
2 office.

3 (e) A charter officer shall not be a candidate for  
4 city council while holding his or her charter officer  
5 position.

6 (3) CITY MANAGER.--The city manager shall be the chief  
7 administrative officer of the city.

8 (a) Qualifications.--The city manager shall be  
9 selected on the basis of experience, expertise, and management  
10 ability as it pertains to running municipal government.

11 (b) Powers and duties.--The city manager shall:

12 1. As the chief administrative officer of the city,  
13 direct and supervise the administration of all departments,  
14 offices, and agencies of the city, except the offices of city  
15 attorney, and except as otherwise provided by this charter or  
16 by law.

17 2. Appoint, suspend, or remove any employee of the  
18 city or appointive administrative officer provided for by or  
19 under this charter, except the office of city attorney, and  
20 except as may otherwise be provided by law, this charter, or  
21 personnel rules adopted pursuant to the charter. The city  
22 manager may authorize any administrative officer who is  
23 subject to his or her direction and supervision to exercise  
24 these powers with respect to subordinates in that officer's  
25 department, office, or agency.

26 3. Ensure that all laws, provisions of this charter,  
27 and acts of the council are faithfully executed.

28 4. Prepare and submit the annual budget and capital  
29 program to the council in the form prescribed by ordinance.

30 5. Attend meetings of the city council.

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1           6. Draw and sign vouchers upon depositories as  
2 provided by ordinance, and keep or cause to be kept a true and  
3 accurate account of same.

4           7. Sign all licenses issued by the city, and issue  
5 receipts for all moneys paid to the city, and deposit said  
6 moneys in the proper depositories on the first banking day  
7 after receipt. The city manager may delegate the  
8 responsibilities of this subparagraph to an appropriate city  
9 employee who shall be bonded.

10           8. Provide administrative services in support of the  
11 office duties of the mayor and the council.

12           9. Keep the council advised as to the financial  
13 condition and future needs of the city and make  
14 recommendations to the council concerning the affairs of the  
15 city.

16           10. Submit to the city, and make available to the  
17 public, a complete report on finances and administrative  
18 activities of the city as of the end of the fiscal year.

19           11. Sign contracts on behalf of the city to the extent  
20 authorized by ordinance.

21           12. Perform such other duties as are specified in this  
22 charter or as may be required by the council.

23           (4) CITY ATTORNEY.--The city attorney shall be the  
24 chief legal officer of the city.

25           (a) Qualifications.--The city attorney shall be a  
26 member of The Florida Bar in good standing.

27           (b) Powers and duties.--The city attorney:

28           1. Shall serve as chief legal advisor to the city  
29 council, the charter officers, and all city departments,  
30 offices, and agencies.

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1           2. May hire such assistants as may be required, when  
2 approved by the city council.

3           3. Shall attend city council meetings unless excused  
4 by the city council, and shall perform such professional  
5 duties as may be required by law or by the council in  
6 furtherance of the law.

7           4. Shall prepare an annual budget for the operation of  
8 the office of the city attorney and shall submit this budget  
9 to the city manager for inclusion in the annual city budget,  
10 in accordance with uniform city procedures.

11           Section 8. Elections.--

12           (1) ELECTORS.--Any person who is a resident of the  
13 city, who has qualified as an elector of this state and who  
14 registers in the manner prescribed by law, shall be an elector  
15 of the city.

16           (2) NONPARTISAN ELECTIONS.--All elections for the city  
17 council members shall be conducted on a nonpartisan basis  
18 without any designation of political party affiliation.

19           (3) QUALIFYING FOR OFFICE.--Any resident of the city  
20 who wishes to become a candidate for a city elective office  
21 shall qualify with the city clerk no sooner than noon on the  
22 last Tuesday in December nor later than noon on the second  
23 Tuesday in January of the year in which the election is to be  
24 held.

25           (4) SCHEDULE FOR GENERAL ELECTIONS AND RUNOFFS.--The  
26 regular city election shall be the second Tuesday in February  
27 of each election year. Such city elections shall be general  
28 city elections. In the event no candidate for an office  
29 receives a majority of the votes cast for said office, then a  
30 runoff election shall be held on the fourth Tuesday in  
31 February.

1           (5) SCHEDULE FOR OTHER ELECTIONS.--

2           (a) An election to fill the remainder of an unexpired  
3 term shall be held as provided in subsection (4).

4           (b) Special municipal elections shall be held in the  
5 same manner as regular elections, except that the city  
6 council, by ordinance, shall fix the time for holding of such  
7 elections.

8           (6) DETERMINATION OF ELECTION TO OFFICE.--If only one  
9 candidate qualifies for an office, said candidate shall be  
10 deemed to be elected. If two or more candidates qualify for an  
11 office, the names of those candidates shall be placed on the  
12 ballot at the general election. If no candidate for an office  
13 receives a majority of the votes cast for said office, then  
14 the two candidates for the office receiving the highest vote  
15 in the general election shall run again in the runoff  
16 election, provided that:

17           (a) If more than two candidates for an office receive  
18 an equal and highest number of votes, the name of such  
19 candidates shall be placed on the runoff election ballot.

20           (b) In any contest in which there is a tie for second  
21 place, the name of the candidate placing first and the name of  
22 each candidate tying for second shall be placed upon the  
23 runoff election ballot. The candidate receiving the highest  
24 number of votes cast for the office in the runoff election  
25 shall be elected to such office. If the vote at the runoff  
26 election results in a tie, the outcome shall be determined by  
27 lot.

28           (7) CITY CANVASSING BOARD.--The city canvassing board  
29 shall be composed of those members of the city council who are  
30 not candidates for reelection and the city clerk, who shall  
31 act as chairperson. At the close of the polls of any city

1 election, or as soon thereafter as practicable, the canvassing  
2 board shall meet at a time and place designated by the  
3 chairperson and shall proceed to publicly canvass the vote as  
4 shown by the returns then on file in the office of the city  
5 clerk, and then shall publicly canvass the absentee elector  
6 ballots. The canvassing board shall prepare and sign a  
7 certificate containing the total number of votes cast for each  
8 candidate or other measure voted upon. The certificate shall  
9 be placed on file with the city clerk.

10 (8) RECALL OF CITY COUNCIL MEMBERS.--Any member of the  
11 city council may be removed from office by the electors of the  
12 city following the procedures for recall established by  
13 general law.

14 (9) INITIATIVE AND REFERENDUM.--

15 (a) Power to initiate and reconsider ordinances.--

16 1. Initiative.--The electors of the city shall have  
17 the power to propose ordinances to the city council and, if  
18 the city council fails to adopt an ordinance so proposed  
19 without any change in substance, to adopt or reject it at a  
20 city election, provided that such power shall not extend to  
21 the annual budget or capital program or any ordinance  
22 appropriating money, levying taxes, or setting salaries of  
23 city officers or employees.

24 2. Referendum.--

25 a. The city council shall have the power, by  
26 resolution, to call for a referendum vote by the electors of  
27 the city at any time, provided that the purpose of such  
28 referendum is presented to the city at a public hearing at  
29 least 60 days prior to the adoption of said resolution. Any  
30 resolution call for a referendum vote of the electors of the  
31



1 city must be passed by an affirmative vote of not less than  
2 four members of the council.

3 b. The electors of the city shall have the power to  
4 require reconsideration by the city council of any adopted  
5 ordinance and, if the city council fails to repeal an  
6 ordinance so reconsidered, to approve or reject it at a city  
7 election, provided that such power shall not extend to the  
8 annual budget or capital program or any ordinance  
9 appropriating money, levying taxes, or setting salaries of  
10 city officers or employees.

11 (b) Commencement of proceedings.--Any 10 electors may  
12 commence initiative or referendum proceedings by filing with  
13 the city clerk an affidavit stating that they shall constitute  
14 the petitioner's committee and be responsible for circulating  
15 the petition and filing it in proper form, stating their names  
16 and addresses and specifying the address to which all notices  
17 to the committee are to be sent, and setting out in full the  
18 proposed initiative ordinance or citing the ordinance sought  
19 to be reconsidered. Promptly after the affidavit of the  
20 petitioner's committee is filed, the city clerk may, at the  
21 committee's request, issue the appropriate petition blanks to  
22 the petitioner's committee at the committee's expense.

23 (c) Petitions.--

24 1. Initiative and referendum petitions must be signed  
25 by electors of the city equal in number to at least 10 percent  
26 of the total number of electors registered to vote in the last  
27 regular city election.

28 2. All papers of a petition shall be assembled as one  
29 instrument of filing. Each signature shall be executed in ink  
30 and shall be followed by the printed name and address of the  
31 person signing. Petitions shall contain or have attached

1 thereto throughout their circulation the full test of the  
2 ordinance proposed or sought to be reconsidered.

3 3. Each paper of a petition shall have attached to it,  
4 when filed, an affidavit executed by the circulator thereof  
5 stating that he or she personally circulated the paper, the  
6 number of signatures thereon, that all signatures were affixed  
7 in his or her presence, that he or she believes them to be the  
8 genuine signatures of the persons whose names they purport to  
9 be, and that each signer had an opportunity before signing to  
10 read the full text of the ordinance proposed or sought to be  
11 reconsidered.

12 4. Except as otherwise provided in sub-subparagraph  
13 (a)2.b., all initiative and referendum petitions must be filed  
14 within 60 days after the date on which proceedings with  
15 respect to such initiative or referendum are commenced, and  
16 all requirements of the process, including, but not limited  
17 to, the submission of the signatures required, must be  
18 completed no later than 90 days following the date of filing  
19 said initiative or referendum petition.

20 (d) Procedure for filing.--

21 1. Within 20 days after an initiative petition or a  
22 referendum petition is filed, the city clerk shall complete a  
23 certificate as to its sufficiency, specifying, if it is  
24 insufficient, the particulars wherein it is defective, and  
25 shall promptly send a copy of the certificate to the  
26 petitioner's committee by registered mail. Grounds for  
27 insufficiency are only those specifics in subparagraph (c)3.  
28 that are not met. A petition certified insufficient for lack  
29 of the required number of valid signatures may be amended once  
30 if the petitioner's committee files a notice of intent to  
31 amend it with the designated official within 2 business days

1 after receiving the copy of the certificate and files a  
2 supplementary petition upon additional papers within 10 days  
3 after receiving the copy of such certificate. Such  
4 supplementary petition shall comply with original petition  
5 requirements and, within 5 days after it is filed, the city  
6 clerk shall complete a certificate as to the sufficiency of  
7 the petition as amended and promptly send a copy of such  
8 certificate to the petitioner's committee by registered mail.  
9 If a petition or an amended petition is certified sufficient,  
10 or if a petition or amended petition is certified insufficient  
11 and the petitioner's committee does not elect to amend or  
12 request the city council review under subparagraph 2. within  
13 the time required, the city clerk shall promptly present a  
14 certificate to the city council and such certificate shall  
15 then be a final determination as to the sufficiency of the  
16 petition.

17 2. The city council review.--If a petition has been  
18 certified insufficient and the petitioner's committee does not  
19 file notice of intent to amend it or if an amended petition  
20 has been certified insufficient, the committee may, within 2  
21 business days after receiving the copy of such certificate,  
22 file a request that it be reviewed by the city council. The  
23 city council shall review the certificate at its next meeting  
24 following the city council's filing of such request and  
25 approve or disapprove it, and determination shall then be  
26 final as to the sufficiency of the petition.

27 (e) Action on petitions.--

28 1. Action by city council.--When an initiative or  
29 referendum petition has been determined sufficient, the city  
30 council shall promptly consider the proposed initiative  
31 ordinance, or reconsider the referendum ordinance by voting

1 its repeal. The repeal of an ordinance relating to the levy of  
2 ad valorem taxes shall be by ordinance. If the city council  
3 fails to adopt a proposed initiative ordinance without any  
4 change in substance within 45 days or fails to repeal the  
5 referendum ordinance within 30 days or, in the case of a  
6 referendum authorized pursuant to sub-subparagraph (a)2.c.,  
7 within 5 days after the date on which the petition is  
8 determined to be sufficient, it shall submit the proposed  
9 initiative or referendum ordinance to the electors of the  
10 city. If the city council fails to act on a proposed  
11 initiative ordinance or a referendum ordinance within the time  
12 period specified, the city council shall be deemed to have  
13 failed to adopt the proposed initiative ordinance, or failed  
14 to repeal the referendum ordinance on the last day that the  
15 city council was authorized to act on such matter.

16 2. Submission to electors.--The vote of the city on a  
17 proposed initiative or referendum ordinance shall be held not  
18 less than 30 or more than 60 days from the date the city  
19 council acted or was deemed to have acted pursuant to  
20 subparagraph 1., that the petition was determined sufficient.  
21 If no regular election is to be held within the period  
22 described in this paragraph, the city council shall provide  
23 for a special election, except that the city council may, in  
24 its discretion, provide for a special election at an earlier  
25 date within the described period. Copies of the proposed  
26 initiative or referendum ordinance shall be made available at  
27 the polls.

28 3. Withdrawal of petitions.--An initiative or  
29 referendum petition may be withdrawn at any time prior to the  
30 15th day preceding the day scheduled for a vote of the city by  
31 filing with the city clerk a request for withdrawal signed by

1 at least eight members of the petitioner's committee. Upon the  
2 filing of such request, the petition shall have no further  
3 force or effect and all proceedings thereon shall be  
4 terminated.

5 (f) Results of election.--

6 1. If a majority of the qualified electors voting on a  
7 proposed initiative ordinance vote in its favor, it shall be  
8 considered adopted upon certification of the election results.  
9 If conflicting ordinances are approved at the same election,  
10 the one receiving the greatest number of affirmative votes  
11 shall prevail to the extent of such conflict.

12 2. If a majority of the qualified electors voting on a  
13 referendum ordinance vote against it, it shall be considered  
14 repealed upon certification of the election results.

15 Section 9. Transition schedule.--

16 (1) REFERENDUM.--The referendum election called for by  
17 this act shall be held on November 2, 1999, at which time the  
18 following question shall be placed upon the ballot: "SHALL  
19 CHAPTER 99-\_\_\_, LAWS OF FLORIDA, CREATING THE CITY OF MARATHON  
20 AND PROVIDING ITS CHARTER BE APPROVED? YES/NO." In the event  
21 this question is answered affirmatively by a majority of  
22 voters voting in the referendum, the provisions of this  
23 charter shall take effect as provided in section 13.

24 (2) INITIAL ELECTION OF COUNCIL MEMBERS.--

25 (a) Dates.--Following the adoption of this charter in  
26 accordance with subsection (1), the Monroe County Commission  
27 shall call a special election for the election of the five  
28 city council members to be held on February 8, 2000. In the  
29 event no candidate for an office receives a majority of the  
30 votes cast for said office, then a runoff election shall be  
31 held on February 22, 2000.

1           (b) Qualifying period.--Between noon on December 20,  
2 1999, and noon on January 11, 2000, any individual who wishes  
3 to run for one of the five initial seats on the council shall  
4 qualify as a candidate with the Monroe County Supervisor of  
5 Elections in accordance with the provisions of this charter  
6 and general law.

7           (c) Certification of election results.--For the  
8 initial election, the Monroe County Commission shall appoint a  
9 canvassing board which shall certify the results of the  
10 election.

11           (d) Induction into office.--Those candidates who are  
12 elected on February 8, 2000, and February 22, 2000, shall take  
13 office at the initial city council meeting, which shall be  
14 held at 7 p.m., on February 24, 2000, at the Marathon Public  
15 Library.

16           (e) Initial terms of office.--In order to provide for  
17 staggering terms of office, the initial term of office for  
18 those three council candidates receiving the highest number of  
19 votes in the initial election shall be 2 years, and for the  
20 remaining elected candidates, the initial term of office shall  
21 be 1 year.

22           (3) CREATION AND ESTABLISHMENT OF CITY.--For the  
23 purpose of compliance with s. 200.066, Florida Statutes,  
24 relating to assessment and collection of ad valorem taxes, the  
25 city is hereby created and established effective November 30,  
26 1999. Notwithstanding anything to the contrary contained  
27 herein, the city, although created and established as of  
28 November 30, 1999, shall not be operational until February 24,  
29 2000.

30           (4) FIRST-YEAR EXPENSES.--The city council, in order  
31 to provide moneys for the expenses and support of the city,

1 shall have the power to borrow money necessary for the  
2 operation of city government until such time as a budget is  
3 adopted and revenues are raised in accordance with the  
4 provisions of this charter.

5 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The city  
6 council shall adopt ordinances and resolutions required to  
7 effect the transition. Ordinances adopted within 60 days after  
8 the first council meeting may be passed as emergency  
9 ordinances. These transitional ordinances, passed as emergency  
10 ordinances, shall be effective for no longer than 90 days  
11 after adoption, and thereafter may be readopted, renewed, or  
12 otherwise continued only in the manner normally prescribed for  
13 ordinances.

14 (6) TRANSITIONAL COMPREHENSIVE PLAN AND LAND  
15 DEVELOPMENT REGULATIONS AND SOLID WASTE COLLECTION PLAN.--

16 (a) Until such time as the city adopts a comprehensive  
17 plan, the applicable provisions of the Comprehensive Plan of  
18 Monroe County, as the same exists on the day the city  
19 commences corporate existence, shall remain in effect as the  
20 city's transitional comprehensive plan. However, all planning  
21 functions, duties, and authority shall thereafter be vested in  
22 the City Council of Marathon which shall be deemed the local  
23 planning agency until and unless the council establishes a  
24 separate local planning agency. Prior to the adoption of a  
25 city comprehensive master plan, any amendment to any zoning as  
26 established in the current county land use plan shall only be  
27 by an ordinance adopted by the affirmative vote of not less  
28 than four members of the council. Any increase in the  
29 residential density or intensity, as established in the  
30 current county land use plan which is adopted by the city

31

1 shall only be by an ordinance adopted by the affirmative vote  
2 of not less than four members of the council.

3 (b) All powers and duties of the planning commission,  
4 zoning authority, any boards of adjustment, and the County  
5 Commission of Monroe County, as set forth in these  
6 transitional zoning and land use regulations, shall be vested  
7 in the City Council of Marathon until such time as the city  
8 council delegates all or a portion thereof to another entity.

9 (c) Subsequent to the commencement of the city's  
10 corporate existence, no amendment of the comprehensive plan or  
11 land development regulations enacted by the Monroe County  
12 Commission shall be deemed as an amendment of the city's  
13 transitional comprehensive plan or land development  
14 regulations or otherwise take effect within the city's  
15 corporate limits unless approved by the city council.

16 (d) In accordance with section 403.706(1), Florida  
17 Statutes, the Board of County Commissioners shall have the  
18 responsibility to transport municipal solid waste to a solid  
19 waste disposal facility of the county or operate a solid waste  
20 facility. The municipality must, through September 30, 2002,  
21 deliver the solid waste collected within the municipality to  
22 either a county solid waste transfer station or a county solid  
23 waste disposal facility, as determined by the board. For the  
24 remainder of the term of the county's solid waste haulout  
25 contract, the board and the municipality shall negotiate for  
26 the delivery of the solid waste collected within the  
27 municipality by interlocal agreement. The parties shall  
28 negotiate in good faith and with primary consideration given  
29 to the minimum waste generation guarantees set forth in the  
30 county's solid waste haulout contract. However, in no event  
31 may the board charge the municipality a tipping fee in excess



1 of the tipping fee established annually and charged to other  
2 municipalities and persons delivering solid waste to the  
3 county transfer stations or county solid waste disposal  
4 facility.

5 (7) STATE SHARED REVENUES.--The City of Marathon shall  
6 be entitled to participate in all shared revenue programs of  
7 the State of Florida effective immediately on the date of  
8 incorporation. The provisions of s. 218.23(1), Florida  
9 Statutes, shall be waived for the purpose of eligibility to  
10 receive revenue sharing funds from the date of incorporation  
11 through the state Fiscal Year 2001-2002. Section 218.26(3),  
12 Florida Statutes, is waived through the state Fiscal Year  
13 2001-2002, and the apportionment factors for the  
14 municipalities and counties shall be recalculated pursuant to  
15 s. 218.245, Florida Statutes. Initial population estimates for  
16 calculating eligibility for shared revenues shall be  
17 determined by the University of Florida Bureau of Economic and  
18 Business Research. Should the bureau be unable to provide an  
19 appropriate population estimate, the Monroe County Planning  
20 Division estimate shall be utilized.

21 (8) GAS TAX REVENUES.--Notwithstanding the  
22 requirements of s. 336.025, Florida Statutes, to the contrary,  
23 the City of Marathon shall be entitled to receive local option  
24 gas tax revenues beginning on July 1, 2000.

25 Section 10. Land description.--The corporate  
26 boundaries of the city shall be as follows: from the East end  
27 of the Seven Mile Bridge (approximately Mile Marker 47) to the  
28 West end of the Tom's Harbor Bridge (approximately Mile Marker  
29 60), including, but not limited to, the entire islands of  
30 Knight Key; Hog Key; Vaca Key; Stirrup Key; Boot Key; Crawl  
31 Key; East Sister's Island; West Sister's Island; Fat Deer Key;

1 Long Point Key; Deer Key; Little Deer Key; Little Crawl Key;  
2 Grassy Key; the unincorporated areas of Monroe County commonly  
3 known as Marathon and Coco Plum; all land filled in between  
4 the islands, including all islands connected by U.S. 1,  
5 Overseas Highway and roadways connecting thereto; and all  
6 adjacent islands not connected by roadways within the  
7 boundaries of Monroe County between Mile Marker 47 and Mile  
8 Marker 60, specifically excluding all areas within the  
9 boundaries of the City of Key Colony Beach, all of the above  
10 being within the boundaries of Monroe County, Florida.

11 Section 11. General provisions.--

12 (1) CHARTER AMENDMENTS.--This charter may be amended  
13 in accordance with the provisions for charter amendments as  
14 specified in the Municipal Home Rule Powers Act, chapter 166,  
15 Florida Statutes, as the same may be amended from time to  
16 time, or its successor, or as may otherwise be provided by  
17 general law. The form, content, and certification of any  
18 petition to amend shall be established by ordinance.

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

29 (3) INFRASTRUCTURE SURTAX REVENUES.--The City of  
30 Marathon shall be entitled to receive infrastructure surtax  
31 revenues beginning on July 1, 2000.

1           Section 12. If any provision of this act, or the  
2 application thereof to any person or circumstance, is held  
3 invalid, the invalidity shall not affect other provisions or  
4 applications of this act which can be given effect within the  
5 invalid provision or application, and to this end the  
6 provisions of this act are declared severable.

7           Section 13. This act shall take effect only upon its  
8 approval by a majority vote of those qualified electors  
9 residing within the proposed corporate limits of the proposed  
10 City of Marathon, as described in section 10, voting in a  
11 referendum election to be called by the Monroe County  
12 Commission and to be held on November 2, 1999, in accordance  
13 with the provisions of law relating to elections currently in  
14 force, except this section shall take effect upon becoming a  
15 law.