

By Senator Saunders

25-980-99

See HB 1635

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 agencies responsible for enforcing the law, the  
12 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 include coastal areas and islands that are located  
6 within 2 miles of the territorial boundaries of Fort Myers  
7 Beach, because of such extraordinary natural boundaries, it  
8 requires the presence of a separate municipal government for  
9 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 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 prohibited  
6 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 he or she represents. The mayor shall  
31

1 be elected at-large within the city in the manner provided for  
2 in 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 each must be a resident  
9 of the district he or she represents during his or her  
10 incumbency.

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

28 (D) Any elector of the city who wishes to become a  
29 candidate for a city elective office shall qualify with the  
30 supervisor of elections for the initial election; thereafter,  
31 candidates shall qualify with the city clerk. Candidates must



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

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

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

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

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

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

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

1 election shall be held on the Tuesday 5 weeks prior to the  
2 date of the general election, which general election is on the  
3 first Tuesday after the first Monday in November of each  
4 even-numbered year.

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

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

28 Section 21. Prohibitions.--

29 (A) Except where authorized by law, no council member  
30 including the mayor shall hold any other elected public  
31 office during the term for which the member was elected.

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

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

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

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

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

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 as provided in  
26 section 775.082, Florida Statutes, and section 775.083,  
27 Florida Statutes.

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 matter 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 fewer than two public meetings of the city  
4 council, the first of which will be for permission to  
5 advertise the public hearing. The public hearing shall follow  
6 the publication by at least 10 days and may be held separately  
7 or in connection with a regular or special council meeting  
8 that may be adjourned from time to time, and all persons  
9 interested shall have an opportunity to be heard. After the  
10 hearing the council may adopt the ordinance with or without  
11 amendments or reject it. If it is amended as to any matter of  
12 substance, the council may not adopt it until the ordinance or  
13 its amended sections have been subjected to all the procedures  
14 required in the case of a newly introduced ordinance. As soon  
15 as 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 the 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,  
20 and recommendations as to any other steps that should be  
21 taken. The council shall then take such further action as it  
22 deems necessary to prevent or minimize any deficit and, for  
23 that 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 that 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 an  
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 shall be for a 4-year term. The mayor's term of office  
10 shall be for 4 years. Thereafter, all terms shall be 4 years,  
11 on a 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 Lee County existing when this  
9 charter is adopted may, at the discretion of the Lee County  
10 Commission, be transferred to the department, office, or  
11 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 that  
20 are in force when this charter becomes effective are repealed  
21 to the extent that 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 that the transitional ordinances shall be effective for  
2 no 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 exist 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  
13 revenue-sharing programs of the State of Florida effective as  
14 of the date the charter is approved by a majority vote of  
15 those qualified electors residing within the proposed  
16 corporate limits of the city. The provisions of section  
17 218.23(1), Florida Statutes, shall be waived for the purpose  
18 of eligibility to receive revenue-sharing funds from the date  
19 of 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 year 2000 taxable values  
3 of real estate as certified by the property appraiser pursuant  
4 to section 193.122(2), Florida Statutes, or, in order to  
5 produce revenue equivalent to that which would otherwise be  
6 produced 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) on which the city becomes effective as the  
31 date the tax revenues begin belonging to the city. To the

1 extent that the city is the beneficiary of those tax revenues,  
2 it 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  
7 maximize the benefits of the districts to the fullest extent  
8 possible. In the event the city council desires to supplement  
9 or duplicate services determined to be inadequate, the council  
10 is 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 that 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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