

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Saunders

316-2009-99

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 for a
15 referendum; providing an 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. Incorporation of municipality; corporate
10 limits.--There is hereby created, effective December 31, 2000,
11 in Lee County, a new municipality to be known as the City of
12 Bonita Springs, which shall have a city-manager form of
13 government. The corporate boundaries of the City of Bonita
14 Springs, hereinafter referred to as the "city," shall be as
15 described in section 6.

16 Section 4. Preamble.--The preamble to the charter
17 shall read:

18
19 We, the people of the Bonita Springs Community, by the grace
20 of God and pursuant to the authority granted by the
21 Constitution and the laws of the United States and of the
22 State of Florida, in order to secure the benefits of local
23 self-government, and otherwise to promote the common welfare
24 of all citizens, do hereby ordain and establish this charter
25 for the City of Bonita Springs.

26 Section 5. Purpose.--The purpose clause of the
27 charter:

28
29 We, the people of the City of Bonita Springs, desiring to
30 avail ourselves of the right to establish a home-rule charter,
31 in accordance with the Constitution and the laws of the State

1 of Florida, do ordain and establish this charter and form of
2 government for the City of Bonita Springs.

3 Section 6. Boundaries.--The territorial boundaries of
4 the City of Bonita Springs, upon the date of incorporation,
5 shall include the following areas situated in the County of
6 Lee, State of Florida:

7
8 Beginning at a point at the northeast corner of
9 Section 18, Township 47 South, Range 26 East,
10 proceed southward along the easterly section
11 line of Sections 18 and 19 thence along the
12 westerly right-of-way line of Bonita Grande
13 Drive to the southern right-of-way line of
14 Bonita Beach Road on the line separating
15 Sections 5 and 6 in Township 48 South, Range 26
16 East. From thence proceed eastward for two
17 miles to the section line separating Sections 4
18 and 3 of Range 26 East, Township 48 South.
19 From there proceed south along the section line
20 for one mile to the Lee/Collier County line.
21 The southern boundary shall then proceed west
22 along the Lee/Collier boundary until it reaches
23 Vanderbilt Drive, at which point it will follow
24 the Lee/Collier boundary north for one mile
25 along Vanderbilt Drive. The boundary shall
26 then proceed west along the section line
27 separating Section 5 of Township 48 South,
28 Range 25 East, and Section 32 of Township 47
29 South, Range 25 East, being the Lee/Collier
30 boundary, until it reaches a point 500 feet
31 west of the high tide mark of the Gulf of

1 Mexico. The western boundary of the City of
2 Bonita Springs shall be a line drawn 500 feet
3 westward of the mean high tide line and
4 extending from the section line separating
5 Section 6 of Township 48 South, Range 25 East,
6 in Collier County from Section 31, Township 47
7 South, Range 25 East, in Lee County northwest
8 to the section line separating Sections 10 and
9 3 in Township 47 South, Range 24 East, in Lee
10 County. From there the boundary shall extend
11 east, northeast, north, east and south
12 following a line drawn 500 feet from the mean
13 high tide of Lovers Key and Black Island,
14 returning to the section line separating
15 Sections 2 and 11, thence proceeding eastward
16 to the westerly section line of Section 7,
17 Township 47 South, Range 25 East. From there
18 proceed southward along the westerly boundary
19 of Section 7, to the southwest corner of
20 Section 7, Township 47 South, Range 25 East,
21 Lee County, Florida. From there proceed east
22 along the section line for approximately seven
23 miles to the point of beginning.

24
25 The territorial boundaries of the City of Bonita
26 Springs includes coastal areas and/or islands which are
27 located within 2 miles of the territorial boundaries of Fort
28 Myers Beach, because of such extraordinary natural boundaries,
29 it requires the presence of a separate municipal government
30 for these coastal and/or island areas.

31

1 Section 7. Extension of the corporate limits;
2 annexation.--For a period of 5 years from the date the city is
3 created, no area currently within the Estero Fire and Rescue
4 District shall be annexed into the corporate limits of Bonita
5 Springs. With this exception, the corporate limits of the
6 city may be revised and expanded as provided by general law.

7 Section 8. Form of government.--The form of government
8 established under this charter shall be a city-manager form as
9 herein provided, with the city council to consist of a mayor
10 and six city council members who will be elected in the manner
11 hereinafter provided. The city council will constitute the
12 governing body of the city, with the duties and
13 responsibilities hereinafter provided. The city council shall
14 appoint a city manager to be the chief administrative officer
15 of the city and who shall serve at the pleasure of the city
16 council.

17 Section 9. Powers of the city.--The city shall be a
18 body corporate and politic and shall have all the powers of a
19 municipality under the Florida Constitution and laws of the
20 State of Florida, as fully and completely as though such
21 powers were specifically enumerated in the charter. In
22 accordance with the Florida Constitution and statutes of the
23 State of Florida, the City of Bonita Springs shall have all
24 governmental, corporate, and proprietary powers to enable it
25 to conduct municipal government, perform municipal functions
26 and render municipal services, and may exercise any of its
27 powers for municipal purposes, except when expressly
28 prohibited by law.

29 Section 10. Construction.--The powers of the city
30 under this charter shall be construed liberally in favor of
31 the city, and the specific mention of particular powers in the

1 charter shall not be construed as limiting in any way the
2 general power granted by this charter.

3 Section 11. Intergovernmental relations.--The city may
4 exercise any of its powers or perform any of its functions and
5 may participate in the financing thereof, jointly or in
6 cooperation, by contract or otherwise, with any one or more
7 states, counties, municipalities, special districts, or any
8 agencies thereof, or the United States or any agencies
9 thereof.

10 Section 12. Powers vested in city council.--All powers
11 of the city shall be vested in the city council, except as
12 otherwise provided by law or this charter, and the council
13 shall provide for the exercise thereof and for the performance
14 of all duties and obligations imposed on the city by law.

15 Section 13. Composition of city council, eligibility,
16 elections, terms, term limits.--

17 (A) There shall be a city council composed of the
18 mayor and six council members. One council member shall be
19 nominated and elected by the voters in each of the six council
20 districts. Each council member, excluding the mayor, must
21 reside in the district they represent. The mayor shall be
22 elected at-large within the city in the manner provided for in
23 this charter and must reside within the city.

24 (B) Only registered voters of the city shall be
25 eligible to hold the office of council member or mayor.
26 Candidates qualifying for any seat on the council shall have
27 been residents and registered voters of the particular
28 district for a minimum of 2 years immediately preceding the
29 commencement of the term of office and must be a resident of
30 the district they represent during their incumbency.

31

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

18 (D) Any elector of the city who wishes to become a
19 candidate for a city elective office shall qualify with the
20 supervisor of elections for the initial election; thereafter,
21 candidates shall qualify with the city clerk. Candidates must
22 submit their names and proof of qualification, as described in
23 this charter and in the applicable provisions of chapter 99,
24 Florida Statutes, to the office of the Lee County Supervisor
25 of Elections between noon of the 50th day and noon of the 46th
26 day prior to the city election. Proof of qualification
27 includes proof of current address and 2 year residency
28 requirement. Each candidate shall pay a qualifying fee as set
29 forth under the Florida elections laws.

30 Section 14. Nonpartisan election.--All elections to
31 the office of mayor or city council shall be conducted on a

1 nonpartisan basis without designation of any political
2 affiliation for any candidate on any ballot.

3 Section 15. Referendum spending limits; campaign
4 spending limits.--

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

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

12 Section 16. Adoption of election procedure.--The
13 council, by ordinance, may adopt such election procedures as
14 are necessary and as provided by Florida law.

15 Section 17. Multiple candidates.--In the event that
16 multiple candidates qualify for election to a single office,
17 the candidate receiving a majority of votes cast shall be
18 elected. If no candidate receives a majority, then the two
19 candidates receiving the most votes shall have a run-off
20 election to decide the winner of the election for that office.
21 If required, and except for the initial election, the run-off
22 election shall be held on the Tuesday 5 weeks prior to the
23 date of the general election, which general election is on the
24 first Tuesday after the first Monday in November of each
25 even-numbered year.

26 Section 18. Mayor.--At the initial election under this
27 charter, a mayor shall be elected, at-large, and shall serve
28 for a term of 4 years. The mayor shall be a voting member of
29 the city council and shall preside at meetings of the council,
30 represent the city in intergovernmental relationships, appoint
31 with the advice and consent of the council the members of

1 citizen advisory boards and commissions, present an annual
2 "State of the City Message," and perform other duties as
3 specified by the council. The mayor shall be recognized as
4 head of the city government for all ceremonial purposes and by
5 the Governor for purposes of military law, but shall have no
6 administrative duties. In addition to any other duties, the
7 mayor shall have a voice and a vote in all council
8 proceedings, but shall have no veto power. The council shall
9 elect, from among its members, a deputy mayor who shall act as
10 mayor during the absence or disability of the mayor and, if a
11 vacancy occurs, shall become mayor for the remainder of the
12 unexpired term.

13 Section 19. Compensation; expenses.--The mayor and
14 city council shall not receive compensation for their
15 services. The council may provide for reimbursement of actual
16 expenses incurred by its members, including the mayor, while
17 performing their official duties.

18 Section 20. Prohibitions.--

19 (A) Except where authorized by law, no council member
20 including the mayor shall hold any other elected public
21 office during the term for which the member was elected.
22 Neither the mayor nor any council member shall hold any other
23 city office or city employment during the terms for which the
24 member was elected to the council. Neither the mayor nor any
25 council member shall hold any office or employment with the
26 city prior to 2 years after the expiration of the term for
27 which the member was elected. Nothing in this section shall be
28 construed to prohibit the council from appointing any current
29 or former mayor or council member to represent the city on the
30 governing board of any regional or other intergovernmental
31 agency.

1 (B) Neither the city council nor any of its members
2 shall in any manner control or demand the appointment or
3 removal of any city administrative officer or employee whom
4 the city manager, or any subordinate of the city manager, is
5 empowered to appoint, but the council may express its views
6 and freely discuss with the city manager anything pertaining
7 to appointment and/or removal of such officers and employees.

8 (C) Except for the purpose of inquiries and
9 investigations as provided for in this charter, the council or
10 its members shall deal with city officers and employees who
11 are subject to the direction and supervision of the city
12 manager solely through the city manager, and neither the
13 council nor its members shall give orders to any such officer
14 or employee, either publicly or privately.

15 Section 21. Vacancies; forfeitures of office; filling
16 vacancies.--

17 (A) The office of a council member shall become vacant
18 upon the member's death, resignation, inability to fulfill the
19 duties of the office, movement of residence outside the
20 district, or removal from office as authorized by law or this
21 charter.

22 (B) A council member shall forfeit the office if the
23 council member: lacks at any time during the term of office
24 any qualification for the office prescribed by this charter or
25 as provided by law; violates any express prohibition of this
26 charter; is convicted of a crime involving a felony or moral
27 turpitude; or fails to attend three consecutive regular
28 meetings of the council without being excused by the council.

29 (C) A vacancy on the city council, except for the
30 position of mayor, shall be filled for the remainder of the
31 unexpired term by a representative from the incumbent's

1 district who shall be appointed by the city council to serve
2 until the next general election. The first choice for this
3 replacement council member shall be the candidate from that
4 district who received the second highest number of votes in
5 the last election. If the council fails to appoint a
6 replacement council member within 45 days from the occurrence
7 of the vacancy, the council shall call a special election to
8 fill that vacancy, to be held no sooner than 90 days and no
9 later than 120 days following the occurrence of the vacancy,
10 and as otherwise governed by law. In the event the mayor
11 becomes unable to fulfill the duties of office, ceases to be
12 qualified, or is removed from office as provided by law or
13 this charter, the deputy mayor of the council shall assume the
14 full powers and duties of the mayor. The deputy mayor of the
15 council shall temporarily relinquish his or her office as
16 council member and shall assume the office of mayor for the
17 remainder of the unexpired term. The council vacancy shall be
18 filled as provided for in this subsection.

19 Section 22. Judge of qualifications.--The council
20 shall be the judge of the election and qualifications of its
21 members and of the grounds for forfeiture of their office. The
22 council shall have the power to set additional written
23 standards of conduct for its members beyond those specified in
24 this charter and may provide for such penalties as it deems
25 appropriate, including forfeiture of office. In order to
26 exercise these powers, the council shall have power to
27 subpoena witnesses, administer oaths, and require the
28 production of evidence. A member charged with conduct
29 constituting grounds for forfeiture of office shall be
30 entitled to a public hearing on demand, and notice of such
31 hearing shall be published in one or more newspapers of

1 general circulation in the city at least 7 days in advance of
2 the hearing. Decisions made by the council under this section
3 shall be subject to judicial review.

4 Section 23. Investigations.--The city council may make
5 investigations into the affairs of the city and the conduct of
6 any city department, office, or agency and for this purpose
7 may subpoena witnesses, administer oaths, take testimony, and
8 require the production of evidence. Failure or refusal to obey
9 a lawful order issued in the exercise of these powers by the
10 council shall be a misdemeanor punishable by a fine of not
11 more than \$500, or by imprisonment for not more than 60 days;
12 or both such fine and imprisonment.

13 Section 24. Meetings.--The council shall meet
14 regularly at least once every month at such time and place as
15 the council may prescribe. Special meetings may be held on the
16 call of the mayor or of four or more members and, whenever
17 practical, upon no less than 12 hours' notice to each member
18 and the public. Action taken at a special meeting shall be
19 limited to the purpose for which the special meeting is
20 called. Except as authorized by law, all meetings shall be
21 open to the public.

22 Section 25. Rules and journal.--The council shall
23 determine its own rules and order of business and shall
24 provide for keeping a journal of its proceedings. Except as
25 authorized by state law, the journal and minutes shall be
26 public record.

27 Section 26. Voting by city council.--Voting, except on
28 procedural motions, shall be by roll call with the ayes and
29 nays recorded in the journal. Four council members shall
30 constitute a quorum, but a smaller number may adjourn from
31 time to time and may compel the attendance of absent members

1 in the manner and subject to the penalties prescribed by the
2 rules of the council. No action of the council, except as
3 otherwise provided for in this charter, shall be valid or
4 binding unless adopted by the affirmative vote of four or more
5 council members.

6 Section 27. Actions requiring an ordinance.--In
7 addition to other acts required by law or by specific
8 provision of this charter to be done by ordinance, those acts
9 of the city council shall be by ordinance which:

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

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

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

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

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

22 (F) Authorize the borrowing of money;

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

25 (H) Regulate land use and development; and

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

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

30 Section 28. Ordinances and resolutions;
31 definitions.--As used in this charter, the following words and

1 terms shall have the following meanings unless some other
2 meaning is plainly indicated:

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

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

11 Section 29. Ordinances in general.--

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

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

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

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

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

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

30 Section 30. Emergency ordinances.--To meet a public
31 emergency affecting life, health, property, or the public

1 peace, the city council may, except where prohibited by
2 general law, adopt one or more emergency ordinances, but such
3 ordinances may not: levy taxes; grant, renew, or extend a
4 franchise; regulate the rate charged by any utility for its
5 services; or authorize the borrowing of money except as
6 provided in this charter. No emergency ordinance shall be
7 adopted that establishes or amends the zoning map designation
8 of a parcel or parcels of land or that changes the list of
9 permitted, conditional, or prohibited uses within a zoning
10 category. An emergency ordinance shall be plainly designated
11 as an emergency ordinance and shall contain, after the
12 enacting clause, a declaration stating that an emergency
13 exists and describing it in clear and specific terms. An
14 emergency ordinance may be adopted with or without amendments
15 or rejected at the meeting at which it is introduced, but the
16 affirmative vote of two-thirds of the members voting shall be
17 required for adoption. After its adoption the ordinance shall
18 be published and printed as prescribed for other adopted
19 ordinances. It shall become effective upon adoption or at such
20 later time as may be specified. Every emergency ordinance
21 except one made pursuant to section 48(B) of this charter
22 shall automatically stand repealed as of the 61st day
23 following the date on which it was adopted, but this shall not
24 prevent reenactment of the ordinance in the manner specified
25 in this section if the emergency still exists. An emergency
26 ordinance may also be repealed by adoption of a repealing
27 ordinance in the same manner specified in this section for
28 adoption of ordinances.

29 Section 31. Codes of technical regulations.--The city
30 council may adopt any standard code of technical regulation by
31 reference thereto in an adopting ordinance. The procedure and

1 requirements governing such an adopting ordinance shall be as
2 prescribed for ordinances generally except that:

3 (A) The requirements in this charter for distribution
4 and filing of copies of the ordinance shall be construed to
5 include copies of the code of technical regulations as well as
6 of the adopting ordinance; and

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

10
11 Copies of any adopted code of technical regulations shall be
12 made available by the city clerk/treasurer for distribution or
13 purchase at a reasonable price.

14 Section 32. Authentication and recording;
15 codification; printing.--

16 (A) An ordinance shall, upon its final passage, be
17 recorded in a book kept for that purpose and shall be signed
18 by the mayor and the city clerk/treasurer. Copies of the
19 ordinance shall be available to the public at a reasonable
20 price.

21 (B) Within 3 years after adoption of this charter and
22 at least every 10 years thereafter, the city council shall
23 provide for the preparation of a general codification of all
24 city ordinances and resolutions having the force and effect of
25 law. The general codification shall be adopted by the council
26 by ordinance and shall be published promptly in bound or
27 loose-leaf form, together with this charter and any amendments
28 thereto, pertinent provisions of the Florida Constitution and
29 other laws of the State of Florida, and such codes of
30 technical regulations and other rules and regulations as the
31 council may specify. This compilation shall be known and cited

1 officially as the Bonita Springs City Code. Copies of the code
2 shall be furnished to city officers, placed in libraries and
3 public offices for public reference and made available for
4 purchase by the public at a reasonable price.

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

21 Section 33. Appointment; qualifications; compensation
22 of the city manager.--The city council by a majority vote of
23 its total membership shall appoint a city manager for an
24 indefinite term and fix the manager's compensation, and
25 approve the reimbursement of city-related expenses. The city
26 manager shall be appointed on the strength of executive,
27 administrative, and municipal experience and qualifications.
28 At the time of appointment, the manager does not need to be a
29 resident of the city or state, but may not reside outside the
30 city while in office without approval of the council. The
31 council shall put its goals in writing to the city manager

1 annually, and the council shall have an annual written
2 evaluation of the performance of the city manager.

3 Section 34. Removal of city manager.--The city manager
4 may be suspended by a resolution approved by majority vote of
5 the city council, which shall set forth the reasons for
6 suspension and proposed removal. A copy of such resolution
7 shall immediately be served upon the city manager. The city
8 manager shall have 15 days to reply thereto in writing, and
9 upon request, shall be afforded a public hearing, which shall
10 occur not earlier than 15 days or later than 30 days after
11 such hearing is requested. After the public hearing, if one is
12 requested, and after full consideration, the city council, by
13 a majority vote of its total membership, may adopt a final
14 resolution of removal. The city manager will continue to
15 receive full salary until the effective date of a final
16 resolution of removal.

17 Section 35. Acting city manager.--By letter filed with
18 the city clerk/treasurer, the city manager shall designate a
19 city officer or employee to exercise the powers and perform
20 the duties of city manager during the manager's temporary
21 absence or disability. The city council may revoke such
22 designation at any time and appoint another officer of the
23 city to serve until the city manager returns.

24 Section 36. Powers and duties of the city
25 manager.--The city manager shall be the chief administrative
26 officer of the city, responsible to the council for the
27 administration of all city affairs placed in the manager's
28 charge by or under this charter or as directed by the council.
29 The city manager shall:

30 (A) Appoint and, when necessary for the good of the
31 city, suspend or remove any city employees and appointive

1 administrative officers, except as otherwise provided by law,
2 this charter, or personnel rules adopted pursuant to this
3 charter. The city manager may authorize any administrative
4 officer, subject to the manager's direction and supervision,
5 to exercise these powers with respect to subordinates in that
6 officer's department, office, or agency;

7 (B) Direct and supervise the administration of all
8 departments, offices, and agencies of the city, except as
9 otherwise provided by this charter or by law;

10 (C) Attend the city council meetings; the city manager
11 shall have the right to take part in discussion but shall not
12 vote;

13 (D) Ensure that all state and federal laws, provisions
14 of the charter, and acts of the city council are faithfully
15 executed;

16 (E) Prepare and submit the annual budget and capital
17 expenditures program to the city council;

18 (F) Submit to the city council and make available to
19 the public a complete report on the finances and
20 administrative activities of the city as of the end of each
21 fiscal year;

22 (G) Make such other reports as the city council may
23 require concerning the operations of city departments,
24 offices, and agencies subject to the city manager's direction
25 and supervision;

26 (H) Keep the city council fully advised as to the
27 financial condition and future needs of the city;

28 (I) Make recommendations to the city council
29 concerning the affairs of the city;

30 (J) Provide staff support services for the mayor and
31 council members;

1 (K) Perform such other duties as are specified in this
2 charter or as may be required in writing by the city council;

3 (L) Contract for services where authorized by law and
4 approved by the council; and

5 (M) Have written goals for all city employees and
6 written performance reviews of all city personnel.

7 Section 37. City clerk/treasurer.--There shall be a
8 city clerk/treasurer who shall be appointed by the city
9 manager with the consent of the council. At the time of
10 appointment, the city clerk/treasurer need not be a resident
11 of the city or state, but may not reside outside the city
12 while employed without approval of the council. The city
13 clerk/treasurer shall serve at the pleasure of the city
14 manager and shall:

15 (A) Give notice of council meetings to its members and
16 the public;

17 (B) Keep the journal and minutes of the proceedings of
18 the council;

19 (C) Authenticate by signature and record, in books
20 kept for that purpose, all ordinances and resolutions passed
21 by the council;

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

23 (E) Have the power to administer oaths;

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

31

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

3 Section 38. General provisions.--

4 (A) The city council may establish city departments,
5 offices, or agencies in addition to those created by this
6 charter and may prescribe the functions of all departments,
7 offices, and agencies.

8 (B) All departments, offices, and agencies under the
9 direction and supervision of the city manager may be
10 administered by an officer appointed by, and subject to, the
11 direction and supervision of the city manager. With the
12 consent of council, the city manager may serve as the head of
13 one or more such departments, offices, or agencies or may
14 appoint one person as the head of two or more of them.

15 Section 39. Personnel.--

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

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

31

1 Section 40. Planning.--Consistent with all applicable
2 federal and state laws with respect to land use, development
3 and environmental protection, the city council shall:

4 (A) Designate an agency or agencies to carry out the
5 planning function with such decisionmaking responsibilities as
6 may be specified by ordinance or by Florida Statutes;

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

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

12 Section 41. City attorney.--There shall be a city
13 attorney, who shall be a member of The Florida Bar in good
14 standing, appointed by the council, who may represent the city
15 in all legal proceedings and shall perform all other duties as
16 assigned by the council. The council may remove the city
17 attorney for any reason by a majority vote of its total
18 membership. The city attorney shall serve as chief legal
19 advisor to the council and all city departments, offices, and
20 agencies. The city attorney shall attend council meetings
21 unless excused by the council and shall perform such
22 professional duties as may be required by law or by the
23 council in furtherance of the law.

24 Section 42. Fiscal year.--The fiscal year of the city
25 shall begin on the first day of October and end on the last
26 day of September of each year.

27 Section 43. Submission of budget and budget
28 message.--On or before the 15th day of August of each year,
29 the city manager shall submit to the city council a budget for
30 the ensuing fiscal year and an accompanying message.

31

1 (A) The city manager's message shall explain the
2 budget both in fiscal terms and in terms of the work programs.
3 It shall outline the proposed financial policies of the city
4 and summarize the city's debt position.

5 (B) The budget shall provide a complete financial plan
6 of all city funds and activities for the ensuing fiscal year
7 and, except as required by law or this charter, shall be in
8 such form as the city manager deems desirable or the city
9 council may require. It will include estimated income and
10 expenditures for the ensuing fiscal year compared with actual
11 income and expenditure figures for the past fiscal year.

12 Section 44. City council action on budget.--The
13 council shall publish in one or more newspapers of general
14 circulation in the city a general summary of the budget and
15 notice of where copies of the budget are available for
16 inspection by the public and the time and place for public
17 hearings on the budget. There will be a minimum of two public
18 hearings prior to the city council adopting the budget by
19 resolution. A resolution adopting the annual budget shall
20 constitute appropriation of the amounts specified therein as
21 expenditures from funds indicated.

22 Section 45. Appropriation; revenue; surety bond
23 ordinances.--To implement the adopted budget, the city council
24 shall adopt, prior to the beginning of the ensuing fiscal
25 year:

26 (A) An appropriation ordinance making appropriations
27 by department or major organizational unit and authorizing a
28 single appropriation for each department or unit;

29 (B) A tax levy ordinance authorizing the property tax
30 levy and setting the tax rate; and

31

1 (C) Any other ordinances, if necessary, to authorize
2 new revenues or amend the rates of existing taxes or other
3 revenue sources.

4
5 The city council shall determine, by ordinance, which city
6 officers and employees shall be required to furnish a surety
7 bond to the city, the amount of such bonds, and the amount of
8 penalty thereof.

9 Section 46. Amendments after adoption.--

10 (A) If during the fiscal year, revenues in excess of
11 those estimated in the budget are available for appropriation,
12 the city council may, by ordinance, make supplemental
13 appropriations for the year in an amount not to exceed such
14 excess, or carryover excess revenues into the next fiscal
15 year.

16 (B) To meet a public emergency the city council may
17 make emergency appropriations by ordinance in accordance with
18 state and federal laws. If sufficient funds are not available
19 to meet such emergencies the city council may authorize
20 emergency notes to be paid not later than the last day of the
21 fiscal year next succeeding that in which the emergency
22 appropriation was made.

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

31

1 purpose, the council may by resolution reduce one or more
2 appropriations accordingly.

3 (D) Where authorized by general law, the city council,
4 at any time during the fiscal year, may by resolution provide
5 for the transfer of all or part of any unrestricted
6 appropriations balance from one department to another
7 department within the city.

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

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

19 Section 47. Lapse of appropriations.--Every
20 appropriation, except an appropriation for a capital
21 expenditure, shall lapse at the close of the fiscal year to
22 the extent that it has not been expended or encumbered. An
23 appropriation for a capital expenditure shall continue in
24 force until expended, revised, or repealed, the purpose of any
25 such appropriation shall be deemed abandoned if 3 years pass
26 without any disbursement from or encumbrance of the
27 appropriation.

28 Section 48. Administration of the budget.--The city
29 council shall provide, by ordinance, the procedures for
30 administering the budget.

31

1 Section 49. Overspending of appropriations
2 prohibited.--No payment against any allotment or appropriation
3 shall be made unless the city manager certifies that such
4 funds are available to cover the obligation when it becomes
5 due and payable. Except where prohibited by law, nothing in
6 this charter shall be construed to prevent the making or
7 authorizing of payments or making of contracts for capital
8 improvements to be financed wholly or partly by the issuance
9 of bonds or to prevent the making of any contract or lease
10 providing for payments beyond the end of the fiscal year, but
11 only if such action is made or approved by ordinance.

12 Section 50. Capital program.--In conjunction with the
13 submission of the budget, the city manager shall prepare and
14 submit to the city council a 5-year capital program to include
15 cost estimates, time schedules, methods of financing, and
16 estimated annual costs of operation and maintenance for such
17 capital improvements. This shall be revised and extended each
18 year depending on which capital improvements are still pending
19 or in process of construction or acquisition.

20 Section 51. City council action on capital
21 program.--The city council shall publish in one or more
22 newspapers of general circulation within the city a summary of
23 the capital program and a notice of not less than two public
24 hearings on the capital program. The city council, by
25 resolution, shall adopt the capital program with or without
26 amendments after the public hearings and on or before the 15th
27 day of August of the then current fiscal year.

28 Section 52. Public records.--Copies of the budget,
29 capital program, and appropriation and revenue ordinances
30 shall be public records and shall be made available to the
31

1 public at suitable and published places in the city, and shall
2 be available for purchase at a reasonable price.

3 Section 53. Council districts; redistricting.--

4 (A) There will be six city council districts. The
5 districts shall be as roughly equal in permanent population as
6 is practical (along precinct lines) according to the
7 population figures available from the most recent Lee County
8 population estimates. Where practical no city block shall be
9 divided in the formation of districts.

10 (B) The districts' geographical boundaries are:

11
12 District 1:

13
14 Beginning at the Gulf of Mexico including all
15 of Lovers Key, Long Key and Black Island,
16 crossing Estero Bay to the mainland following
17 the Estero Fire District/Bonita Springs Fire
18 District lines proceeding easterly along the
19 Estero Fire District/Bonita Springs Fire
20 District line along Bonita Bill Street to
21 Interstate 75 thence proceeding southerly along
22 Interstate 75 to Sand Road then proceeding
23 westerly along Sand Road to the intersection of
24 Section Lines 23, 24, 25 and 26, all in
25 Township 47 South, Range 25 East, from thence
26 proceeding northerly along the border of
27 Section Lines 23 and 24 in Township 47 South,
28 Range 25 East to Haven Lane thence westerly
29 following the northern right-of-way of Haven
30 Lane to Shangrilla Road and thence westerly
31 following the northern right-of-way of

1 Shangrilla Road to the intersection with OLD US
2 41 proceeding westerly into Bernwood Industrial
3 Park into a canal that becomes Spring Creek and
4 following Spring Creek westerly all the way
5 into Estero Bay into New Pass into the Gulf of
6 Mexico to the point of beginning. This
7 district boundary is substantially the same as
8 the present boundaries for Lee County Election
9 Precinct Numbers 148 and 137.

10

11 District 2:

12

13 Beginning at the intersection of OLD US 41 and
14 Shangrilla Road, easterly along Shangrilla Road
15 to Haven Lane where it intersects at the
16 boundaries of Section Lines 23 and 24 in
17 Township 47 South, Range 25 East and thence
18 southerly along the section line to its
19 intersection with Sand Road and thence easterly
20 along Sand Road to Interstate 75 and thence
21 northerly along Interstate 75 to the Estero
22 Fire District/Bonita Springs Fire District line
23 and thence easterly along the Estero Fire
24 District/Bonita Springs Fire District line for
25 approximately two miles to the section line
26 between Sections 18 and 17 in Township 47
27 South, Range 26 East and thence southerly along
28 the section line between Sections 18 and 17 in
29 Township 47 South, Range 26 East for two miles
30 or so until the section line becomes Bonita
31 Grande Drive and thence southerly along Bonita

1 Grande Drive approximately another one mile to
2 its intersection with East Terry Street and
3 thence westerly along East Terry Street along
4 the northern right-of-way of East Terry Street
5 along to East Terry Street's intersection with
6 OLD US 41 from thence northerly along the
7 eastern right-of-way of OLD US 41 to the point
8 of the beginning. This district boundary is
9 substantially the same as the present boundary
10 of Lee County Election Precinct Number 134.

11
12 District 3:

13
14 From New Pass just north of Big Hickory Island
15 to Estero Bay proceeding southerly until Estero
16 Bay narrows to a tributary flowing into the
17 Imperial River and from thence easterly along
18 the Imperial River until it would meet a boat
19 ramp from Windsor Road extension into the
20 Imperial River along the western boundaries of
21 the mobile home park known as Anglers Paradise
22 from thence along the eastern right-of-way of
23 Windsor Road until Windsor Road would intersect
24 with Foley Road Extension and thence along the
25 southern right-of-way of Foley Road Extension
26 to Foley Road and easterly along Foley Road
27 until its intersection with US 41 and thence
28 southerly along US 41 until the Lee/Collier
29 County line and from thence westerly along the
30 Lee/Collier County line to Woods Edge Parkway
31 until the intersection of Woods Edge Parkway

1 with Vanderbilt Drive and thence northerly
2 along Vanderbilt Drive until its intersection
3 with Bonita Beach Road and thence following the
4 Lee/Collier County line along Bonita Beach Road
5 westerly until the Gulf of Mexico and thence
6 northerly along the Gulf of Mexico to New Pass
7 to the point of beginning. This district
8 boundary is substantially the same as the
9 present boundary of Lee County Election
10 Precinct Number 135.

11
12 District 4:

13
14 Beginning at Estero Bay as Spring Creek enters
15 Estero Bay and following Spring Creek in a
16 easterly direction to US 41 and thence moving
17 southward along the western right-of-way of US
18 41 to its intersection with Bonita Beach Road
19 and thence eastwardly along the southern
20 right-of-way of Bonita Beach Road to its
21 intersection with Interstate 75 and thence
22 southwardly along Interstate 75 to its
23 intersection with the Lee/Collier County line
24 and thence westwardly along the Lee/Collier
25 County line to its intersection with US 41 and
26 thence northerly along US 41 to its
27 intersection with Foley Road and thence
28 westwardly along Foley Road and Foley Road's
29 extension intersecting with Windsor Road and
30 thence northerly along the eastern right-of-way
31 of Windsor Road until Windsor Road's extension

1 running into the Imperial River just west of
2 Angler's Paradise Mobile Home Park and thence
3 westwardly along the Imperial River to its
4 entry into a tributary going north into Estero
5 Bay to the point of beginning. This district
6 boundary is substantially the same as the
7 present boundaries of Lee County Election
8 Precinct Numbers 133 and 136.

9

10 District 5:

11

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

31

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

1
2 (C) In the year 2001, and in the odd-numbered years
3 after each decennial census thereafter, and at any time when
4 required by law, the city council may redivide the city into
5 six districts as roughly equal in permanent population (along
6 precinct lines) as practical.

7 Section 54. Initiative and referendum.--The powers of
8 initiative and referendum are hereby reserved to the qualified
9 registered voters of the city. The provisions of the election
10 laws of the state, as they currently exist or may hereafter be
11 amended or superseded, shall govern the exercise of the powers
12 of initiative and referendum under this charter.

13 Section 55. Recall.--The qualified voters of the city
14 shall have the power to remove from office any elected
15 official for unethical or illegal conduct or actions resulting
16 in the endangerment of the public health and safety,
17 malfeasance of office, or dereliction of duties. In the event
18 of recall of a city council district representative, at least
19 25 percent of the total number of electors registered to vote
20 in the last regular city election within the district shall be
21 needed to sign a petition to recall that city council member
22 from his or her district seat. In the event of recall of the
23 mayor, at least 25 percent of the total number of electors
24 registered to vote within the city limits in the last regular
25 city election shall be needed to sign a petition to recall
26 that individual from the mayor's city council seat. If said
27 number of signatures are collected and certified by the
28 supervisor of elections, then a special recall election shall
29 be held no later than 90 days after such certification. A
30 recall election shall be held as provided for by the Florida
31 Election Code.

1 Section 56. Code of ethics.--It is essential to the
2 proper conduct and operation of the city that the officers and
3 employees of the city be independent and impartial and for
4 their office not to be used for private gain other than the
5 remuneration provided by law or by ordinances. It is declared
6 to be the policy of the city that its officers and employees
7 are agents of the people and hold their position for the
8 benefit of the public. Therefore, all city officers,
9 employees, and the city attorney shall adhere to the Standards
10 of Conduct as set forth under part III, chapter 112, Florida
11 Statutes, as amended from time to time.

12 Section 57. Amendments to city charter.--The charter
13 may be amended in accordance with the provisions for charter
14 amendments as specified in the Municipal Home Rule Powers Act,
15 chapter 166, Florida Statutes, as the same may be amended from
16 time to time, or its successor, or as may otherwise be
17 provided by general law. The city council may, by ordinance,
18 or the qualified registered voters of the city may, by
19 petition signed by 10 percent of the electors registered to
20 vote in the last regular city election, submit to the electors
21 of the city a proposed amendment to any part or all of the
22 charter. The form, content, and certification of any petition
23 to amend shall be established by ordinance.

24 Section 58. Election.--The city council shall place
25 the proposed amendment contained in the ordinance or petition
26 to a vote of the electors of the city at the next city
27 election or at a special election called for such purpose.

28 Section 59. Adoption of amendment.--If a majority of
29 the registered voters of the city vote in favor of a proposed
30 charter amendment, the amendment shall become effective at the
31

1 time fixed in the amendment or, if no time is therein fixed,
2 30 days after its adoption by the voters.

3 Section 60. Referendum election.--The referendum
4 election called for by this act shall be held on November 2,
5 1999, at which time the following question shall be placed
6 upon the ballot:

7
8 Shall Chapter....., Laws of Florida,
9 creating the City of Bonita Springs and
10 providing for its charter be approved?

11 Yes _____
12 No _____
13

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

21 Section 61. Initial election of council.--

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

30 (B) Between noon on January 17, 2000, and noon on
31 January 21, 2000, any individual who wishes to run for one of

1 the six initial seats on the council and for mayor shall
2 qualify as a candidate with the Lee County Supervisor of
3 Elections in accordance with the provisions of this charter
4 and general law.

5 (C) For the initial election, the county canvassing
6 board shall certify the results of the election in accordance
7 with general law.

8 (D) Those candidates who are elected shall take office
9 at the initial council meeting which shall be held on April
10 15, 2000.

11 (E) Council seats for districts 1, 3, and 5 shall
12 initially be for a 2-year term; seats for districts 2, 4, and
13 6 for a 4-year term. The mayor's term of office shall be for
14 4 years. Thereafter, all terms shall be 4 years, on a
15 staggered basis.

16 Section 62. Officers and employees.--

17 (A) Nothing in this charter except as otherwise
18 specifically provided shall affect or impair the rights or
19 privileges of persons who are city officers or employees at
20 the time the city is created.

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

28 (C) An employee holding a city position at the time
29 this charter takes full effect, who was serving in that same
30 or a comparable position at the time of its adoption, shall
31 not be subject to competitive tests as a condition of

1 continuance in the same position, but in all other respects
2 shall be subject to the personnel system provided for in this
3 charter.

4 Section 63. Departments, offices, and agencies.--

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

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

16 Section 64. Pending matters.--All rights, claims,
17 actions, orders, contracts, and administrative proceedings
18 affecting the area incorporated into the city shall continue
19 with the county and/or state agency having jurisdiction over
20 such matter, except as modified, pursuant to the provisions of
21 this charter.

22 Section 65. State and county laws.--In general, all
23 county ordinances, resolutions, orders, and regulations which
24 are in force when this charter becomes effective are repealed
25 to the extent they are inconsistent with this charter or with
26 ordinances or resolutions adopted pursuant thereto. To the
27 extent that the Constitution and laws of the State of Florida
28 permit, all laws relating to or affecting the City of Bonita
29 Springs or its agencies, officers, or employees which are in
30 force when this charter becomes effective are superseded to
31 the extent that they are inconsistent or interfere with the

1 effective operation of this charter or of ordinances or
2 resolutions adopted pursuant thereto.

3 Section 66. Severability.--If any provision of this
4 charter is held invalid, the other provisions of the charter
5 shall not be affected thereby. If the application of the
6 charter or any of its provisions to any person or
7 circumstances is held invalid, the application of the charter
8 and its provisions to other persons or circumstances shall not
9 be affected thereby.

10 Section 67. Creation and establishment of the City of
11 Bonita Springs.--For the purpose of compliance with section
12 200.066, Florida Statutes, relating to assessment and
13 collection of ad valorem taxes, the City of Bonita Springs is
14 hereby created and established effective December 31, 2000.

15 Section 68. Early assumption of duties by city
16 council.--The initial city council shall have the authority
17 and power to enter into contracts, arrange for the hiring of
18 interim legal counsel, begin recruiting applicants for the
19 position of city manager, provide for necessary city offices
20 and facilities, and do such other things as it deems necessary
21 and appropriate for the city to become operational on December
22 31, 2000.

23 Section 69. First year expenses.--The council, in
24 order to provide moneys for the expenses and support of the
25 city, shall have the power to borrow money necessary for the
26 operation of municipal government until such time as a budget
27 is adopted and revenues are raised in accordance with the
28 provisions of this charter.

29 Section 70. Transitional ordinances and
30 resolutions.--The council shall adopt ordinances and
31 resolutions required to effect the transition. Ordinances

1 adopted within 90 days after the first council meeting may be
2 passed as emergency ordinances as provided in this charter
3 except the transitional ordinances shall be effective for no
4 longer than 90 days after adoption and, thereafter, may be
5 readopted, renewed, or otherwise continued only in the manner
6 normally prescribed for ordinances.

7 Section 71. Transitional comprehensive plan.--Until
8 such time as the city adopts a comprehensive plan, the Lee
9 County Comprehensive Plan, as the same exists on the day the
10 city commences corporate existence, shall remain in effect as
11 the city's transitional comprehensive plan. However, all
12 planning functions, duties, and authority shall thereafter be
13 vested in the council, which shall be deemed the local
14 planning agency until the council establishes a separate local
15 planning agency.

16 Section 72. Transitional land development
17 regulations.--To implement the transitional comprehensive plan
18 when adopted, the city shall, in accordance with the
19 procedures required by the laws of the State of Florida, adopt
20 ordinances providing for land development regulations within
21 the corporate limits. Until the city adopts the ordinances:

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

27 (B) All powers and duties of the Lee County Department
28 of Community Development, Lee County Hearing Examiner, and
29 County Commission of Lee County, as set forth in these
30 transitional land development regulations, shall be vested in
31 the city council until such time as the city council delegates

1 all, or a portion thereof, to another agency, department, or
2 entity.

3 (C) Subsequent to the adoption of a local
4 comprehensive plan, subject to general law, the Council is
5 fully empowered to amend, supersede, enforce, or repeal the
6 transitional land development regulations, or any portion
7 thereof, by ordinance.

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

15 Section 73. State-shared Revenues. The City of Bonita
16 Springs shall be entitled to participate in all revenue
17 sharing programs of the State of Florida effective on the date
18 of incorporation. The provisions of s. 218.23(1), Florida
19 Statutes, shall be waived for the purposes of eligibility to
20 receive revenue sharing funds from the date of incorporation
21 through the state fiscal year 2001-2002. For purposes of
22 meeting the provisions of s. 218.23(1), Florida Statutes,
23 relating to ad valorem taxation, the millage levied by special
24 districts may be used for an indefinite period of time.
25 Initial revised population estimates for calculating
26 eligibility for shared revenues shall be determined by the
27 University of Florida Bureau of Economic and Business
28 Research. Should the Bureau be unable to provide an
29 appropriate population estimate, the Lee County Department of
30 Community Development shall provide the estimate.

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1 Section 74. The City of Bonita Springs shall be
2 entitled to receive local option gas tax revenues beginning
3 October 1, 2000, in accord with an interlocal agreement if
4 executed prior to June 1, 2000. If said interlocal agreement
5 is not executed prior to June 1, 2000, the distributions shall
6 e in accord with the lane-mile formula contained in s.
7 336.025(4)(b)1., Florida States.

8 Section 75. Contractual services and
9 facilities.--Contractual services for fire, police, emergency
10 management, public works, parks and recreation, planning and
11 zoning, building inspection, development review, animal
12 control, and solid waste collection may be supplied by a
13 contract between the city and Lee County, special districts,
14 municipalities, or private enterprise until such time as the
15 city council establishes such independent services. Facilities
16 for housing the newly formed municipal operations may be
17 rented or leased until the city is in the position to obtain
18 its own facilities.

19 Section 76. Elimination of transition elements from
20 the charter.--Upon completion of the transition phase as
21 contained herein, those sections of the charter relating to
22 transition may be eliminated from the charter.

23 Section 77. Independent special districts.--It is
24 recognized that certain services within the municipal
25 boundaries are provided by independent special districts whose
26 boundaries lie wholly within the municipal boundaries of
27 Bonita Springs and are created by special acts of the Florida
28 Legislature. The municipality is empowered to merge the
29 functions of said districts with those of the municipality
30 only upon dissolution of the special district, or upon
31 affirmative vote of a majority of the city council and an

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

11 Section 2. Severability as to this act.--If any
12 provision of this act, or the application thereof to any
13 person or circumstance is held invalid, the invalidity shall
14 not affect other provisions or applications of this act which
15 can be given effect without the invalid provision or
16 application, and to this end the provisions of this act are
17 declared severable.

18 Section 3. This act shall take effect upon approval by
19 a majority vote of those qualified electors residing within
20 the proposed corporate limits of the proposed City of Bonita
21 Springs as described in section 6 voting in a referendum
22 election to be called by the Lee County Commission to be held
23 November 2, 1999, in accordance with the provisions of law
24 relating to elections currently in force, except that this
25 section shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2626

- 4 The CS made the following changes to the bill as originally
5 filed:
6 Deletes section 3 of the bill, which relates to the
7 feasibility study. This section is unnecessary.
8 Deletes unnecessary language relating to forfeiture of office
9 in section 21(B) of the charter.
10 Replaces language relating to punishment for refusal to obey a
11 lawful order in section 22 of the charter.
12 Deletes section 25 of the charter because the requirement for
13 an independent financial audit is provided for in general law.
14 Amends section 32 of the charter to clarify that the council
15 may adopt emergency ordinances, except where prohibited by
16 general law, and to clarify that no emergency ordinance shall
17 be adopted which establishes or amends the zoning map
18 designation.
19 Replaces section 44(D) of the charter, which relates to the
20 transfer of unrestricted appropriations, to delegate this
21 responsibility to the city council, not the city manager.
22 Amends section 44(E) of the charter to delete unnecessary
23 language relating to appropriations of funds.
24 Amends section 63(B) of the charter to make the election
25 qualifying provision applicable to the mayor.
26 Deletes unnecessary language from section 65 of the charter.
27 Adds clarifying language in section 74(C) of the charter.
28 Replaces section 75 of the charter and with new language
29 regarding the city's receipt of state-shared revenues.
30 Deletes section 76 of the charter, which addresses taxes and
31 fees levied by Lee County.
Replaces section 77 of the charter with new language regarding
the city's receipt of gas tax revenues.
Amends section 80 of the charter to clarify that any special
district which the city desires to dissolve must lie wholly
within the city's municipal boundaries.
Deletes section 81 of the charter.