

By Senator Jones

40-1668-99

See HB

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

1 for nonpartisan elections and for matters
2 relative thereto; providing for recall;
3 providing for initiatives and referenda;
4 providing the village a transitional schedule
5 and procedures for first election; providing
6 for first-year expenses; providing for adoption
7 of transitional ordinances, resolutions,
8 comprehensive plan, and local development
9 regulations; providing for accelerated
10 entitlement to state-shared revenues; providing
11 for gas tax revenue; providing for a transition
12 agreement between Monroe County and the Village
13 of Key Largo; providing land descriptions of
14 the village; providing for future amendments of
15 the charter; providing for standards of conduct
16 in office; providing for severability;
17 providing for a referendum; providing effective
18 dates.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. The Legislature finds and declares that the
23 Key Largo area in Monroe County includes a compact and
24 contiguous community of approximately 13,189 residents
25 susceptible to urban services and constitutes a community
26 amenable to separate municipal government and that it is in
27 the best interests of the public health, safety, and welfare
28 of the residents of the Key Largo area to form a separate
29 municipality for the Key Largo area with all the powers and
30 authority necessary to provide adequate and efficient
31 municipal services to its residents.

1 Section 2.01 Purpose and rights.--This government has
2 been created to protect the governed, not the governing. In
3 order to provide the public with full and accurate
4 information, to promote efficient administration management,
5 to make government more accountable, and to ensure to all
6 persons fair and equitable treatment, the following rights are
7 guaranteed:

8 (1) Convenient access.--Every person has the right to
9 transact village business with a minimum of personal
10 inconvenience. It is the duty of the mayor, the village
11 council, and the village manager to provide, within budget
12 limitations, reasonably convenient times and places for
13 registration and voting, for required inspections, and for
14 transacting business with the village.

15 (2) Truth in government.--No municipal official or
16 employee shall knowingly furnish false information on any
17 public matter, or knowingly omit significant facts when giving
18 requested information to members of the public.

19 (3) Public records.--All audits, reports, minutes,
20 documents, and other public records of the village and its
21 boards, agencies, departments, and authorities shall be open
22 for inspection at reasonable times and places convenient to
23 the public.

24 (4) Minutes and ordinance register.--The village clerk
25 shall maintain and make available for public inspection an
26 ordinance register separate from the minutes showing the votes
27 of each member on all ordinances and resolutions listed by
28 descriptive title. Written minutes of all meetings and the
29 ordinance register shall be available for public inspection
30 not later than 30 days after the conclusion of the meeting.

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1 (5) Right to be heard.--Insofar as the orderly conduct
2 of public business permits, any interested person has the
3 right to appear before the village council or any village
4 agency, board, or department for the presentation, adjustment,
5 or determination of an issue, request, or controversy within
6 the jurisdiction of the village. Matters shall be scheduled
7 for the convenience of the public. The village council shall
8 adopt agenda procedure and schedule hearings in a manner that
9 will enhance the opportunity for public participation. Nothing
10 herein shall prohibit any governmental entity or agency from
11 imposing reasonable time limits and procedures for the
12 presentation of a matter.

13 (6) Right to notice.--Persons entitled to notice of a
14 village hearing shall be timely informed as to the time,
15 place, and nature of the hearing and the legal authority
16 pursuant to which the hearing is to be held. Failure by an
17 individual to receive such notice shall not constitute
18 mandatory grounds for canceling the hearing or rendering
19 invalid any determination made at such hearing. Copies of
20 proposed ordinances or resolutions shall be made available at
21 a reasonable time prior to the hearing, unless the matter
22 involves an emergency ordinance or resolution.

23 (7) No unreasonable postponements.--No matter, once
24 having been placed on a formal agenda by the village, shall be
25 postponed to another day except for good cause shown in the
26 opinion of the mayor, village council, board, or agency
27 conducting such meeting, and then only on condition that the
28 affected person shall, upon written request, receive mailed
29 notice of the new date of any postponed meeting. Failure by an
30 individual to receive such notice shall not constitute

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1 mandatory grounds for canceling the hearing or rendering
2 invalid any determination made at such hearing.
3 (8) Right to public hearing.--Upon a timely written
4 request from any interested party, and after presentation of
5 the facts to and approval by the council, a public hearing
6 shall be held by any village agency, board, department, or
7 authority upon any significant policy decision to be issued by
8 it which is not subject to subsequent administrative or
9 legislative review and hearing. This provision shall not apply
10 to the law department of the village or to any body whose
11 duties and responsibilities are solely advisory. At any zoning
12 or other hearing in which review is exclusively by certiorari,
13 a party or his or her counsel shall be entitled to present his
14 or her case or defense by oral or documentary evidence, to
15 submit rebuttal evidence, and to conduct such
16 cross-examination as may be required for a full and true
17 disclosure of the facts. The decision of such agency, board,
18 department, or authority must be based upon the facts in the
19 record. Procedural rules establishing reasonable time and
20 other limitations may be promulgated and amended from time to
21 time.
22 (9) Notice of action and reasons.--Prompt notice shall
23 be given of the denial in whole or in part of a request of an
24 interested person made in connection with any village
25 administrative decision or proceeding when the decision is
26 reserved at the conclusion of the hearing. The notice shall be
27 accompanied by a statement of the grounds for denial.
28 (10) Manager's and attorney's reports.--The village
29 manager and the village attorney shall periodically make a
30 public status report on all major matters pending or concluded
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1 within the manager's or attorney's respective areas of
2 concern.

3 (11) Budgeting.--In addition to any budget required by
4 state statute, the village manager at the direction of the
5 mayor shall prepare a budget showing the cost of each
6 department for each budget year. Prior to the village
7 council's first public hearing on the proposed budget as
8 required by state law, the village manager shall make public a
9 budget summary setting forth the proposed cost of each
10 individual department and reflecting the personnel for each
11 department, the purposes therefor, the estimated millage cost
12 of each department, and the amount of any contingency and
13 carryover funds for each department.

14 (12) Quarterly budget comparisons.--The village
15 manager shall make public a quarterly report showing the
16 actual expenditures during the quarter just ended against
17 one-quarter of the proposed annual expenditures set forth in
18 the budget. Such report shall also reflect the same cumulative
19 information for any portion of the fiscal year that has
20 elapsed.

21 (13) Representation of public.--The mayor shall
22 endeavor to designate one or more individuals to represent the
23 village at all proceedings before county, state, and federal
24 regulatory bodies which significantly affect the village and
25 its residents.

26 Section 2.02 Enumeration of citizens' rights.--The
27 citizens' rights enumerated in section 2.01 vest large and
28 pervasive powers in the citizenry of the Village of Key Largo.
29 Such power necessarily carries with it responsibility of equal
30 magnitude for the successful operation of government in the
31 village. The orderly, efficient, and fair operation of

1 government requires the intelligent participation of
2 individual citizens exercising their rights with dignity and
3 restraint so as to avoid any sweeping acceleration in the cost
4 of government because of the exercise of individual
5 prerogatives, and further requires that individual citizens
6 grant respect for the dignity of public office.

7 Section 2.03 Remedies for violations.--In any suit by
8 a citizen alleging a violation of this bill of rights filed in
9 a state court of competent jurisdiction, the plaintiff, if
10 successful, shall be entitled to recover costs as fixed by the
11 court. Any public official or employee who is found by the
12 court to have willfully violated this bill of rights shall
13 forthwith forfeit his or her office or employment.

14 Section 2.04 Construction.--All provisions of this
15 bill of rights shall be construed to be supplementary to and
16 not in conflict with the general laws of Florida. If any part
17 of this bill of rights is declared invalid, it shall not
18 affect the validity of the remaining provisions.

19 ARTICLE III

20 VILLAGE COUNCIL; MAYOR

21 Section 3.01 Council structure.--There shall be a
22 five-member village council consisting of council members,
23 hereafter referred to as "councilors," each elected from and
24 representing the village at large. There shall be five
25 separate council seats to be designated as Seat 1, Seat 2,
26 Seat 3, Seat 4, and Seat 5. Candidates must qualify for
27 council elections by seat, and the council members elected to
28 those seats shall hold Seats 1 through 5, respectively. At the
29 time of qualification, each candidate for a council seat shall
30 reside within the boundaries of the village and, if elected,
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1 shall maintain such residency throughout his or her term of
2 office.

3 Section 3.02 Term of office.--The term of office for
4 council members shall be 2 years. Each council member shall
5 remain in office until a successor is elected and assumes the
6 duties of the position, except as otherwise provided herein.

7 Section 3.03 Mayor.--

8 (1) The village council, at the first meeting after
9 the election of council members and the swearing into office
10 of said council members, shall elect, by recorded vote, a
11 mayor and a vice mayor from council members. The mayor and
12 vice mayor shall be elected on an annual term thereafter.

13 (2) The mayor shall preside at meetings of the
14 council, shall be a voting member of the council, and may
15 create and appoint subcommittees of the council. The mayor
16 shall be recognized as head of village government for all
17 ceremonial purposes and purposes of military law, for service
18 of process, and for execution of duly authorized contracts,
19 deeds, and other documents, and as the village official
20 designated to represent the village in all dealings with other
21 governmental entities. The mayor shall annually present a
22 state-of-the-village message.

23 Section 3.04 Vice mayor.--The vice mayor shall serve
24 as acting mayor during the absence or disability of the mayor
25 and shall have all the powers, authority, duties, and
26 responsibilities of the mayor during such absence or
27 disability. In the absence of the mayor and the vice mayor,
28 the remaining council members shall select a council member to
29 serve as acting mayor.

30 Section 3.05 General powers and duties of the
31 council.--Except as otherwise prescribed herein or provided by

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

5 Section 3.06 Vacancies.--A vacancy in the office of a
6 council member shall occur upon the death of the incumbent,
7 removal from office as authorized by law, resignation,
8 appointment to other public office which creates dual office
9 holding, judicially determined incompetence, or forfeiture of
10 office as described in herein.

11 Section 3.07 Forfeiture of office.--A council member
12 shall forfeit his or her office upon determination by the
13 council, acting as a body, at a duly noticed public meeting
14 that he or she:

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

18 (2) Is convicted of a felony, or enters a plea of
19 guilty or nolo contendere to a crime punishable as a felony,
20 even if adjudication is withheld;

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

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

29 (a) During the period of suspension, the council
30 member shall not perform any official act, duty, or function,
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1 or receive any pay, allowance, emolument, or privilege of
2 office.

3 (b) If the council member is subsequently found not
4 guilty of the charge, or if the charge is otherwise dismissed,
5 reduced, or altered in such a manner that suspension would no
6 longer be required as provided herein, the suspension shall be
7 lifted and the council member shall be entitled to receive
8 full back pay and such other emoluments or allowances to which
9 he or she would have been entitled had the suspension not
10 occurred.

11 Section 3.08 Filling of vacancies.--

12 (1) If a vacancy occurs in the office of mayor, the
13 vice mayor shall serve as mayor until a new mayor is elected
14 as provided herein and assumes all the duties of the mayor's
15 office.

16 (2) If a vacancy occurs in the office of any council
17 member and the remainder of the unexpired term is less than 1
18 year, the remaining council members shall, within 30 days
19 following the occurrence of such vacancy, appoint a person to
20 fill the vacancy for the remainder of the unexpired term. If,
21 however, the remainder of the unexpired term exceeds 1 year
22 and 1 day, the remaining council members shall, within 30 days
23 following the occurrence of such vacancy, call for an
24 election.

25 (3) Any person appointed to fill a vacant seat on the
26 council shall be required to meet the qualifications of the
27 seat to which he or she is appointed.

28 Section 3.09 Council meetings.--

29 (1) The council shall conduct regular meetings at such
30 times and places as the council shall prescribe by resolution.
31 Such meetings shall be public meetings within the meaning of

1 section 286.011, Florida Statutes, and shall be subject to
2 notice and other requirements of law applicable to public
3 meetings.

4 (2) Elected or reelected council members shall be
5 inducted into office at the first regularly scheduled meeting
6 following certification of their election.

7 (3) A majority of the council shall constitute a
8 quorum. No action of the council shall be valid unless adopted
9 by an affirmative vote of the majority of the council members
10 in attendance, unless otherwise provided by law.

11 (4) All actions of the village council shall be by
12 ordinance, resolution, or motion.

13 Section 3.10 Compensation for councilors.--Councilors
14 shall receive compensation in the amount of \$3,600 per fiscal
15 year. The councilors shall also receive reimbursement in
16 accordance with applicable law, or as may be otherwise
17 provided by ordinance, for authorized travel and per diem
18 expenses incurred in the performance of their official duties.

19 Section 3.11 Prohibitions.--

20 (1) Appointments and removals;
21 noninterference.--Except for the purposes of inquiry and
22 information, the council and its members, including committees
23 thereof, are expressly prohibited from interfering with the
24 performance of the duties of any employee of the city
25 government who is under the direct or indirect supervision of
26 the city manager; nor shall the council or any of its members
27 in any manner dictate the appointment or removal of any
28 village administrative officer or employee whom the manager or
29 any of his or her subordinates are empowered to appoint. Such
30 action shall be malfeasance within the meaning of section
31 112.51, Florida Statutes, and shall be punishable as provided

1 in section 112.317, Florida Statutes. However, the council may
2 express its views and fully and freely discuss with the
3 manager anything pertaining to appointment and removal of such
4 officer or employee.

5 (2) Interference with administration.--Except for the
6 purpose of inquiries and investigations made in good faith,
7 the council or its members shall deal with village officers
8 and employees who are subject to the direction and supervision
9 of the manager solely through the manager, and neither the
10 council nor its members shall give orders to any such officer
11 or employee, either publicly or privately. It is the express
12 intent of this charter that recommendations for improvement in
13 village government operations by individual councilors be made
14 solely to and through the manager. Councilors may discuss with
15 the manager any matter of village business; however, no
16 individual councilor shall give orders to the manager.

17 (3) Holding other office.--No elected village official
18 shall hold any appointive village office or employment while
19 in office. No former elected village official shall hold any
20 compensated, appointive village office or employment until 1
21 year after the expiration of his or her term, or until 1 year
22 after ceasing to be a village official.

23 ARTICLE IV

24 ADMINISTRATIVE DUTIES

25 Section 4.01 Authentication.--The mayor or the clerk
26 shall authenticate by his or her signature all ordinances and
27 resolutions adopted by the council. In addition, when charter
28 amendments have been approved by the electors, the mayor and
29 the clerk shall authenticate by their signatures the charter
30 amendment, such authentication to reflect the approval of the
31 charter amendment by the electorate.

1 (2) Direct and supervise the administration of all
2 departments and offices, but not village boards or agencies,
3 unless so directed by the council from time to time.

4 (3) Attend all council meetings and have the right to
5 take part in discussion, but not the right to vote.

6 (4) Ensure that all laws, provisions of this charter,
7 and acts of the council, subject to enforcement and
8 administration by him or her or by officers subject to his or
9 her direction and supervision, are faithfully executed.

10 (5) Prepare and submit to the council a proposed
11 annual budget and capital program.

12 (6) Submit to the council and make available to the
13 public an annual report on the finances and administrative
14 activities of the village as of the end of each fiscal year.

15 (7) Prepare such other reports as the council may
16 require concerning the operations of village departments,
17 offices, boards, and agencies.

18 (8) Keep the council fully advised as to the financial
19 condition and future needs of the village and make such
20 recommendations to the council concerning the affairs of the
21 village as he or she deems to be in the best interests of the
22 village.

23 (9) Execute contracts, deeds, and other documents on
24 behalf of the village as authorized by the council.

25 (10) Perform such other duties as are specified in
26 this charter or as may be required by the council.

27 Section 5.05 Absence or disability of village
28 manager.--The manager may designate, by letter filed with the
29 village clerk, a qualified administrative officer of the
30 village to perform his or her duties during his or her
31 temporary absence or disability. In the event of failure of

1 the manager to make such designation, or should the person so
2 designated by the village manager be unsatisfactory to the
3 council, the council may by resolution appoint an officer of
4 the village to perform the duties of the manager until he or
5 she returns or his or her disability ceases.

6 Section 5.06 Bond of village manager.--The village
7 council may provide by ordinance for the village manager to
8 furnish a fidelity bond to be approved by the council and in
9 such amount as the council may fix. The premium of the bond
10 shall be paid by the village.

11 Section 5.07 Village clerk.--The village manager shall
12 appoint a village clerk, referred to as the "clerk." The clerk
13 shall give notice of council meetings to its members and the
14 public, shall keep minutes of its proceedings, and shall
15 perform such other duties as the council or manager may
16 prescribe from time to time. The clerk shall report to the
17 village manager.

18 Section 5.08 Removal procedures.--The village manager,
19 as a council appointee, may be suspended with pay pending
20 removal by a resolution approved by the majority of the total
21 membership of the village council which shall set forth the
22 reasons for suspension and proposed removal. A copy of such
23 resolution shall be served immediately upon the village
24 manager. The village manager shall have 15 days in which to
25 reply thereto in writing and, upon request, shall be afforded
26 a public hearing, which shall occur not earlier than 10 days
27 or later than 15 days after such hearing is requested. After
28 the public hearing, if one is requested, and after full
29 consideration, the village council by a majority vote of its
30 total membership may adopt a final resolution of removal. The
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1 village manager shall continue to receive full compensation
2 until the effective date of a final resolution of removal.

3 Section 5.09 Village attorney.--The council may from
4 time to time appoint an individual attorney or a law firm to
5 act as the village attorney under such terms, conditions, and
6 compensation as are consistent with this charter and as may be
7 established by the council from time to time. The village
8 attorney shall report to the council. The village attorney may
9 be removed by the council at any time.

10 ARTICLE VI

11 FINANCIAL PROCEDURES

12 Section 6.01 Tax levy and assessments.--The village
13 shall have the right to levy, assess, and collect all such
14 taxes and assessments as are permitted by law, including,
15 without limitation, ad valorem, excise, franchise, or
16 privilege taxes and taxes on services and utilities.

17 Section 6.02 Borrowing.--The village shall incur no
18 debt unless approved by four councilors and provided the
19 council has first received and reviewed a feasibility study
20 from the manager and chief financial officer of the village
21 concluding that sufficient revenues are available to repay the
22 indebtedness and that the funds are being borrowed for a valid
23 public purpose and subject to part II of chapter 166, Florida
24 Statutes.

25 Section 6.03 Fiscal year.--The village shall have a
26 fiscal year which shall begin on October 1 of each year and
27 end on September 30 of the succeeding year.

28 Section 6.04 Balanced budget.--Each annual budget
29 adopted by the council shall be a balanced budget.

30 (1) Budget adoption.--The council shall by ordinance
31 adopt the annual budget on or before the last day of September

1 of each year. If the council fails to adopt the annual budget
2 by this date, the council may by resolution direct that the
3 amounts appropriated for current operations for the
4 then-ending fiscal year be deemed appropriate for the ensuing
5 fiscal year for a period of 15 days, renewable by resolution
6 every 15 days, with all items in it prorated accordingly,
7 until such time as the council adopts an annual budget for the
8 ensuing fiscal year. An ordinance adopting an annual budget
9 shall constitute appropriations of the amounts specified
10 therein.

11 (2) Specific appropriation.--The budget shall be
12 specific as to the nature of each category of appropriations.
13 Reasonable appropriations may be made for contingencies, but
14 only within defined spending categories.

15 Section 6.05 Budget amendments.--

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

21 (2) Reduction of appropriations.--If, at any time
22 during the fiscal year, it appears probable to the village
23 manager that the revenues available will be insufficient to
24 meet the amount appropriated, the village manager shall so
25 report to the council without delay, indicating the estimated
26 amount of the deficit, any remedial action taken, and
27 recommendations as to any other steps that should be taken.
28 The council shall then take such further action as it deems
29 necessary to prevent or minimize any deficit and, for that
30 purpose, the council may by resolution reduce one or more
31 appropriations accordingly.

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ARTICLE VII

ELECTIONS

Section 7.01 Village electors.--Any person who is a resident of the village, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the village.

Section 7.02 Nonpartisan elections.--All elections for the village council members shall be conducted on a nonpartisan basis without any designation of political party affiliation.

Section 7.03 Qualifying for office.--Any resident of the village who wishes to become a candidate for a village elective office shall qualify with the village clerk no sooner than noon on the last Tuesday in January or later than noon on the second Tuesday in February of the year in which the election is to be held.

Section 7.04 Limitations on lengths of service.--No person shall serve as mayor for more than two consecutive annual terms. No person may serve on the council for more than two consecutive terms.

Section 7.05 Election schedule.--The regular village election shall be the second Tuesday in March of each election year. Such village elections shall be general village elections.

Section 7.06 Special elections.--Special village elections shall be held in the same manner as regular elections, except that the village council, by ordinance, shall fix the time for holding of such elections.

Section 7.07 Determination of election to office.--If only one candidate qualifies for an office, said candidate shall be deemed to be elected. If two or more candidates

1 qualify for an office, the names of those candidates shall be
2 placed on the ballot at the general election. The candidate
3 receiving the highest number of votes cast for the office in
4 the runoff election shall be elected to such office. If the
5 vote at the runoff election results in a tie, the outcome
6 shall be determined by lot.

7 Section 7.08 Village canvassing board.--The village
8 canvassing board shall be composed of those members of the
9 village council who are not candidates for reelection and the
10 village clerk, who shall act as chairperson. If all council
11 members are seeking reelection, the village council shall
12 appoint three village electors, who with the village clerk
13 shall constitute the canvassing board. At the close of the
14 polls of any village election, or as soon thereafter as
15 practicable, the canvassing board shall meet at a time and
16 place designated by the chairperson and shall proceed to
17 publicly canvass the vote as shown by the returns then on file
18 in the office of the village clerk and then shall publicly
19 canvass the absentee elector ballots. The canvassing board
20 shall prepare and sign a certificate containing the total
21 number of votes cast for each candidate or other measure voted
22 upon. The certificate shall be placed on file with the village
23 clerk.

24 Section 7.09 Recall.--Any member of the village
25 council can be removed from office by the electors of the
26 village, following the procedures for recall established by
27 general law.

28 Section 7.10 Commencement of terms.--The term of
29 office of any elected official shall commence following the
30 election for such elected office as provided by ordinance of
31 the village.

1 appropriating money, levying taxes, or setting salaries of
2 village officers or employees.

3 (3) Commencement of proceedings.--A minimum of 10
4 electors may commence initiative or referendum proceedings by
5 filing with the clerk or other official designated by the
6 council an affidavit stating they will constitute the
7 petitioners' committee and be responsible for circulating the
8 petition and filing it in proper form, stating their names and
9 addresses and specifying the address to which all notices to
10 the committee are to be sent, and setting out in full the
11 proposed initiative ordinance or citing the ordinance sought
12 to be reconsidered. Promptly after the affidavit of the
13 petitioners' committee is filed, the clerk may, at the
14 committee's request, issue the appropriate petition blanks to
15 the petitioners' committee at the committee's expense.
16 Petitioners' proposed ordinance shall be approved as to legal
17 sufficiency by the village attorney prior to circulation.

18 Section 8.03 Petitions.--

19 (1) Number of signatures.--Initiative and referendum
20 petitions must be signed by electors of the village equal in
21 number to at least 10 percent of the total number of electors
22 registered to vote at the last regular village election.

23 (2) Form and content.--All papers of a petition shall
24 be assembled as one instrument of filing. Each signature shall
25 be executed in ink and shall be followed by the printed name
26 and address of the person signing. Petitions shall contain or
27 have attached thereto throughout their circulation the full
28 text of the ordinance proposed or sought to be reconsidered.

29 (3) Affidavit of circulator.--Each paper of a petition
30 shall have attached to it when filed an affidavit executed by
31 the circulator thereof stating that he or she personally

1 circulated the paper, the number of signatures thereon, that
2 all the signatures were affixed in his or her presence, that
3 he or she believes them to be the genuine signatures of the
4 persons whose names they purport to be, and that each signer
5 had an opportunity before signing to read the full text of the
6 ordinance proposed or sought to be reconsidered.

7 (4) Filing deadline.--All initiative and referendum
8 petitions must be filed within 60 days after the date on which
9 proceedings with respect to such initiative or referendum are
10 commenced.

11 Section 8.04 Procedure for filing.--

12 (1) Certificate of clerk; amendment.--Within 20 days
13 after an initiative petition is filed or within 5 days after a
14 referendum petition is filed, the clerk shall complete a
15 certificate as to its sufficiency, hereafter referred to as
16 the "certificate." If the petition is insufficient, the
17 certificate shall specify the particulars of the deficiency. A
18 copy of the certificate shall be promptly sent to the
19 petitioners' committee by registered mail. Grounds for
20 insufficiency are only those specified in section 8.03. A
21 petition certified insufficient for lack of the required
22 number of valid signatures may be amended once if the
23 petitioners' committee files a notice of intention to amend it
24 with the clerk or other official designated by the council
25 within 2 business days after receiving the copy of the
26 certificate and files a supplementary petition upon additional
27 papers within 10 days after receiving the copy of the
28 certificate. Such supplementary petition shall comply with the
29 requirements of section 8.03. Within 5 days after a
30 supplementary petition is filed, the clerk or other official
31 designated by the council shall complete a certificate as to

1 the sufficiency of the petition as amended and promptly send a
2 copy of such certificate to the petitioners' committee by
3 registered mail as in the case of an original petition. If a
4 petition or amended petition is certified sufficient, or if a
5 petition or amended petition is certified insufficient and the
6 petitioners' committee does not elect to amend or request
7 council review under subsection (2) within the time required,
8 the clerk or other official designated by the council shall
9 promptly present the certificate to the council and such
10 certificate shall then be a final determination as to the
11 sufficiency of the petition.

12 (2) Council review.--If a petition has been certified
13 insufficient and the petitioners' committee does not file
14 notice of intention to amend it or if an amended petition has
15 been certified insufficient, the committee may, within two
16 business days after receiving the copy of such certificate,
17 file a request that it be reviewed by the council. The council
18 shall review the certificate at its next meeting following the
19 filing of such request and approve or disapprove it, and the
20 council's determination shall then be a final determination as
21 to the sufficiency of the petition.

22 Section 8.05 Action on petitions.--

23 (1) Action by council.--When an initiative or
24 referendum petition has been finally determined sufficient,
25 the council shall promptly consider the proposed initiative
26 ordinance or reconsider the referred ordinance by voting its
27 repeal, all in the manner provided in this article. If the
28 council fails to adopt a proposed initiative ordinance without
29 any change in substance within 45 days or fails to repeal the
30 referred ordinance within 30 days, it shall submit the
31 proposed or referred ordinance to the electors of the village.

1 If the council fails to act on a proposed initiative ordinance
2 or a referred ordinance within the specified time period, the
3 council shall be deemed to have failed to adopt the proposed
4 initiative ordinance or to repeal the referred ordinance on
5 the last day that the council was authorized to act on such
6 matter.

7 (2) Submission to electors.--The vote of the village on
8 a proposed or referred ordinance shall be held not less than
9 30 days or more than 60 days from the date the council acted
10 or was deemed to have acted pursuant to subsection (1). If no
11 regular election is to be held within the period prescribed in
12 this subsection, the council shall provide for a special
13 election, except that the council may, in its discretion,
14 provide for a special election at an earlier date within the
15 prescribed time period. Copies of the proposed or referred
16 ordinance shall be made available at the polls.

17 (3) Withdrawal of petitions.--An initiative or
18 referendum petition may be withdrawn at any time prior to the
19 15th day preceding the day scheduled for a vote of the village
20 by filing with the clerk or other official designated by the
21 council a request for withdrawal signed by at least
22 eight-tenths of the members of the petitioners' committee.
23 Upon the filing of such request, the petition shall have no
24 further force or effect and all proceedings thereon shall be
25 terminated.

26 Section 8.06 Results of election.--

27 (1) Initiative.--If a majority of the qualified
28 electors voting on a proposed initiative ordinance vote in its
29 favor, it shall be considered adopted upon certification of
30 the election results. If conflicting ordinances are approved
31 at the same election, the one receiving the greatest number of

1 affirmative votes shall prevail to the extent of such
2 conflict.

3 (2) Referendum.--If a majority of the qualified
4 electors voting on a referred ordinance vote for repeal, it
5 shall be considered repealed upon certification of the
6 election results.

7 ARTICLE IX

8 CHARTER AMENDMENTS

9 Section 9.01 By ordinance.--The council may, by
10 ordinance, propose amendments to this charter and, upon
11 passage of the initiating ordinance, shall submit the proposed
12 amendment to a vote of the electors at the next general
13 election held within the village or at a special election
14 called for such purpose.

15 Section 9.02 By petition.--The electors of the village
16 may propose amendments to this charter by petition. Each
17 petition proposing amendments to this charter shall be
18 commenced, filed, certified as to its sufficiency, and
19 withdrawn in the same manner, in the same form, and with the
20 same number of petitioning electors as an ordinance proposed
21 by initiative.

22 Section 9.03 Submission to electors.--Upon
23 certification of the sufficiency of a petition, the council
24 shall submit the proposed amendment to a vote of the electors
25 at a general election or special election to be held not less
26 than 60 days or more than 120 days from the date on which the
27 petition was certified or at a special election called for
28 such purpose.

29 Section 9.04 Results of election.--If a majority of
30 the qualified electors voting on a proposed amendment vote for
31 its adoption, the amendment shall be considered adopted upon

1 certification of the election results. If conflicting
2 amendments are adopted at the same election, the one receiving
3 the greatest number of affirmative votes shall prevail to the
4 extent of such conflict.

5 ARTICLE X

6 GENERAL PROVISIONS

7 Section 10.01 Severability.--If any section or part of
8 this section of the charter shall be held invalid by a court
9 of competent jurisdiction, such holding shall not affect the
10 remainder of this charter or the context in which such section
11 or part of section so held invalid may appear, except to the
12 extent that an entire section or a part of a section may be
13 inseparably connected in meaning and effect with the section
14 or part of the section to which such holding shall directly
15 apply.

16 Section 10.02 Conflicts of interest; ethical
17 standards.--All councilors, officials, and employees of the
18 village shall be subject to the standards of conduct for
19 public officers and employees set by federal, state, county,
20 or other applicable law. The village council may adopt
21 additional standards of conduct and code of ethics
22 requirements that are not inconsistent with federal, state,
23 county, or other applicable law.

24 Section 10.03 Village personnel system.--All new
25 employments, appointments, and promotions of village officers
26 and employees shall be made pursuant to personnel procedures
27 to be established by the manager from time to time.

28 Section 10.04 Charitable contributions.--The village
29 shall not make any charitable contribution to any person or
30 entity, except such contributions as have been approved by all
31 councilors.

1 Section 10.05 Charter revision.--At its first regular
2 meeting in December of every 5th year after the adoption of
3 this charter, commencing with December 2005, the council shall
4 appoint a charter revision council consisting of five persons,
5 one of whom shall be a member of the council serving a second
6 consecutive term as councilor, one of whom shall have served
7 as a member of the previous charter council, and three of whom
8 shall be electors of the village. If there are no councilors
9 serving a second consecutive term, the council shall appoint
10 one councilor to the revision council. If a former charter
11 council member is not available to serve, four electors of the
12 village, rather than three, shall be appointed. The mayor
13 shall not be eligible for appointment to the revision council.
14 The revision council shall commence its proceedings within 45
15 days after appointment by the council. If the revision council
16 determines that a revision is needed, including, but not
17 limited to, a change in the boundaries or numbers of
18 residential areas, it shall draft such amendments to this
19 charter as it deems appropriate and submit the same to the
20 council not later than the 90th day after its appointment by
21 the council. The council shall, not less than 30 days or more
22 than 60 days after submission of the proposed amendments to
23 the council, submit them to the electors of the village in
24 accordance with the provisions of Articles VII and VIII.

25 Section 10.06 Variation of pronouns.--All pronouns and
26 any variation thereof used in this charter shall refer to
27 masculine, feminine, neutral, singular, or plural as the
28 identity of the person or persons shall require and are not
29 intended to describe, interpret, define, or limit the scope,
30 extent, or intent of this charter.

31

1 Section 10.07 No discrimination.--The village shall
2 not adopt any measure or policy or otherwise discriminate
3 against any person due to race, religion, color, national
4 origin, physical or mental disability, creed, sexual
5 preference, or sex.

6 Section 10.08 Deferred compensation;
7 pensions.--Contributions to pension and other deferred
8 compensation plans or arrangements for village employees may
9 be made under such terms and conditions as the council may
10 establish from time to time in accordance with sound actuarial
11 principles.

12 Section 10.09 Calendar day.--For the purposes of this
13 charter, a day shall mean a calendar day.

14 ARTICLE XI

15 TRANSITION PROVISIONS

16 Section 11.01 Referendum election.--The referendum
17 election called for by this act shall be held November 2,
18 1999, at which time the following question shall be placed
19 upon the ballot:

20 SHALL CHAPTER _____, LAWS OF FLORIDA, CREATING
21 THE VILLAGE OF KEY LARGO AND PROVIDING ITS
22 CHARTER BE APPROVED?

- 23 - NO
24 - YES

25
26 In the event this question is answered affirmatively by a
27 majority of voters voting in the referendum, the provisions of
28 this charter shall take effect as provided in section 1.01.

29 Section 11.02 Initial election of village council.--
30 (1) Dates.--Following the adoption of this charter in
31 accordance with section 11.01, the Monroe County Commission

1 shall call a special election for the election of the five
2 village council members to be held January 4, 1999.

3 (2) Qualifying period.--Between noon on November 10,
4 1999, and noon on November 24, 1999, any individual who wishes
5 to run for one of the five initial seats on the council shall
6 qualify as a candidate with the Monroe County Supervisor of
7 Elections in accordance with the provisions of this charter
8 and general law.

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

13 (4) Induction into office.--Those candidates who are
14 elected on January 4, 2000, shall take office at the initial
15 village council meeting, which shall be held at 7 p.m., on
16 January 6, 1999, at the Key Largo Public Library.

17 (5) Initial terms of office.--In order to provide for
18 staggering terms of office, the initial term of office for
19 those three council candidates receiving the highest number of
20 votes in the initial election shall be 2 years, 2 months,
21 commencing January 4, 2000, and ending with the general
22 election March 5, 2002, unless otherwise reelected. Each of
23 the remaining elected candidates shall serve a term of 1 year,
24 2 months, commencing January 4, 2000, and ending with the
25 general election March 6, 2001, unless otherwise reelected.

26 (6) Creation and establishment of the Village of Key
27 Largo.--For the purpose of compliance with section 200.066,
28 Florida Statutes, relating to assessment and collection of ad
29 valorem taxes, the village is hereby created and established
30 effective November 2, 1999. However, notwithstanding anything
31 to the contrary contained herein, the village, although

1 created and established as of November 2, 1999, shall not be
2 operational until January 4, 2000.

3 Section 11.03 First-year expenses.--The village
4 council, in order to provide moneys for the expenses and
5 support of the village, shall have the power to borrow money
6 necessary for the operation of village government until such
7 time as a budget is adopted and revenues are raised in
8 accordance with the provisions of this charter.

9 Section 11.04 Transitional ordinances and
10 resolutions.--The village council shall adopt ordinances and
11 resolutions required to effect the transition. Ordinances
12 adopted within 60 days after the first council meeting may be
13 passed as emergency ordinances. These transitional ordinances,
14 passed as emergency ordinances, shall be effective for no
15 longer than 90 days after adoption, and thereafter may be
16 readopted, renewed, or otherwise continued only in the manner
17 normally prescribed for ordinances.

18 Section 11.05 Transitional comprehensive plan and land
19 development regulations.--

20 (1) Until such time as the village adopts a
21 comprehensive plan, the applicable provisions of the
22 Comprehensive Plan of Monroe County, as the same exists on the
23 day the village commences corporate existence, shall remain in
24 effect as the village transitional comprehensive plan.
25 However, all planning functions, duties, and authority shall
26 thereafter be vested in the village council of the Village of
27 Key Largo which shall be deemed the local planning agency
28 until and unless the council establishes a separate local
29 planning agency. Prior to the adoption of a village
30 comprehensive master plan, any amendment to any zoning as
31 established in the current county land use plan shall only be

1 by an ordinance adopted by the affirmative vote of not less
2 than four members of the council. Any increase in the
3 residential density or intensity, as established in the
4 current county land use plan, which is adopted by the village
5 shall only be by an ordinance adopted by the affirmative vote
6 of not less than four members of the council.

7 (2) All powers and duties of the planning commission,
8 zoning authority, any boards of adjustment, and the County
9 Commission of Monroe County, as set forth in these
10 transitional zoning and land use regulations, shall be vested
11 in the village council of the Village of Key Largo until such
12 time as the village council delegates all or a portion thereof
13 to another entity.

14 (3) The village council may, by ordinance adopted by
15 the affirmative vote of not less than four members of the
16 council, enter into a transition agreement between Monroe
17 County and the Village of Key Largo.

18 ARTICLE XII

19 SHARED REVENUES

20 Section 12.01 State-shared revenues.--The Village of
21 Key Largo shall be entitled to participate in all shared
22 revenue programs of the State of Florida effective immediately
23 on the date of incorporation. The provisions of section
24 218.23(1), Florida Statutes, shall be waived for the purpose
25 of eligibility to receive revenue sharing funds from the date
26 of incorporation through the state fiscal year 2000-2001. The
27 millage levied by the Monroe County Mosquito Control District,
28 independent special district as that term is defined in
29 chapter 189, Florida Statutes, which includes the area within
30 the corporate limits of the village, may be used for the
31 purposes of satisfying the provisions of section 218.23(1),

1 Florida Statutes. Section 218.26(3), Florida Statutes, shall
2 be waived for the state fiscal year 1999-2000, and the
3 apportionment factors for the municipalities and counties
4 shall be recalculated pursuant to section 218.245, Florida
5 Statutes. Initial population estimates for calculating
6 eligibility for shared revenues shall be determined by the
7 University of Florida Bureau of Economic and Business
8 Research. Should the bureau be unable to provide an
9 appropriate population estimate, the Monroe County Planning
10 Division estimate shall be utilized.

11 Section 12.02 Gas tax revenues.--Notwithstanding the
12 requirements of section 336.025, Florida Statutes, to the
13 contrary, the Village of Key Largo shall be entitled to
14 receive local option gas tax revenues beginning November 2,
15 1999.

16 Section 2. This act shall take effect only upon its
17 approval by a majority vote of those qualified electors
18 residing within the proposed corporate limits of the proposed
19 Village of Key Largo voting in a referendum election to be
20 called by the Monroe County Commission and to be held November
21 2, 1999, in accordance with the provisions of law relating to
22 elections currently in force, except that this section shall
23 take effect upon becoming a law.

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