

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

316-2027-99

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:

21  
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.



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

13 Section 8.03 Petitions.--

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

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

24 (3) Affidavit of circulator.--Each paper of a petition  
25 shall have attached to it when filed an affidavit executed by  
26 the circulator thereof stating that he or she personally  
27 circulated the paper, the number of signatures thereon, that  
28 all the signatures were affixed in his or her presence, that  
29 he or she believes them to be the genuine signatures of the  
30 persons whose names they purport to be, and that each signer

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1 had an opportunity before signing to read the full text of the  
2 ordinance proposed or sought to be reconsidered.

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

7 Section 8.04 Procedure for filing.--

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

1 petition or amended petition is certified insufficient and the  
2 petitioners' committee does not elect to amend or request  
3 council review under subsection (2) within the time required,  
4 the clerk or other official designated by the council shall  
5 promptly present the certificate to the council and such  
6 certificate shall then be a final determination as to the  
7 sufficiency of the petition.

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

18 Section 8.05 Action on petitions.--

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

1 the last day that the council was authorized to act on such  
2 matter.

3 (2) Submission to electors.--The vote of the village on  
4 a proposed or referred ordinance shall be held not less than  
5 30 days or more than 60 days from the date the council acted  
6 or was deemed to have acted pursuant to subsection (1). If no  
7 regular election is to be held within the period prescribed in  
8 this subsection, the council shall provide for a special  
9 election, except that the council may, in its discretion,  
10 provide for a special election at an earlier date within the  
11 prescribed time period. Copies of the proposed or referred  
12 ordinance shall be made available at the polls.

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

22 Section 8.06 Results of election.--

23 (1) Initiative.--If a majority of the qualified  
24 electors voting on a proposed initiative ordinance vote in its  
25 favor, it shall be considered adopted upon certification of  
26 the election results. If conflicting ordinances are approved  
27 at the same election, the one receiving the greatest number of  
28 affirmative votes shall prevail to the extent of such  
29 conflict.

30 (2) Referendum.--If a majority of the qualified  
31 electors voting on a referred ordinance vote for repeal, it

1 shall be considered repealed upon certification of the  
2 election results.

3 ARTICLE IX

4 CHARTER AMENDMENTS

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

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

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

25 Section 9.04 Results of election.--If a majority of  
26 the qualified electors voting on a proposed amendment vote for  
27 its adoption, the amendment shall be considered adopted upon  
28 certification of the election results. If conflicting  
29 amendments are adopted at the same election, the one receiving  
30 the greatest number of affirmative votes shall prevail to the  
31 extent of such conflict.

1                                   ARTICLE X

2                                   GENERAL PROVISIONS

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

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

20           Section 10.03 Village personnel system.--All new  
21 employments, appointments, and promotions of village officers  
22 and employees shall be made pursuant to personnel procedures  
23 to be established by the manager from time to time.

24           Section 10.04 Charitable contributions.--The village  
25 shall not make any charitable contribution to any person or  
26 entity, except such contributions as have been approved by all  
27 councilors.

28           Section 10.05 Charter revision.--At its first regular  
29 meeting in December of every 5th year after the adoption of  
30 this charter, commencing with December 2005, the council shall  
31 appoint a charter revision council consisting of five persons,

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

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

27 Section 10.07 No discrimination.--The village shall  
28 not adopt any measure or policy or otherwise discriminate  
29 against any person due to race, religion, color, national  
30 origin, physical or mental disability, creed, sexual  
31 preference, or sex.

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

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

9                           ARTICLE XI

10                           TRANSITION PROVISIONS

11           Section 11.01 Referendum election.--The referendum  
12 election called for by this act shall be held November 2,  
13 1999, at which time the following question shall be placed  
14 upon the ballot:

15                   SHALL CHAPTER           , LAWS OF FLORIDA, CREATING  
16                   THE VILLAGE OF KEY LARGO AND PROVIDING ITS  
17                   CHARTER BE APPROVED?

- 18                   - NO  
19                   - YES

20  
21 In the event this question is answered affirmatively by a  
22 majority of voters voting in the referendum, the provisions of  
23 this charter shall take effect as provided in section 1.01.

24           Section 11.02 Initial election of village council.--

25           (1) Dates.--Following the adoption of this charter in  
26 accordance with section 11.01, the Monroe County Commission  
27 shall call a special election for the election of the five  
28 village council members to be held January 4, 1999.

29           (2) Qualifying period.--Between noon on November 10,  
30 1999, and noon on November 24, 1999, any individual who wishes  
31 to run for one of the five initial seats on the council shall

1 qualify as a candidate with the Monroe County Supervisor of  
2 Elections in accordance with the provisions of this charter  
3 and general law.

4 (3) Certification of election results.--For the  
5 initial election, the Monroe County Commission shall appoint a  
6 canvassing board which shall certify the results of the  
7 election.

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

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

21 (6) Creation and establishment of the Village of Key  
22 Largo.--For the purpose of compliance with section 200.066,  
23 Florida Statutes, relating to assessment and collection of ad  
24 valorem taxes, the village is hereby created and established  
25 effective November 2, 1999. However, notwithstanding anything  
26 to the contrary contained herein, the village, although  
27 created and established as of November 2, 1999, shall not be  
28 operational until January 4, 2000.

29 Section 11.03 First-year expenses.--The village  
30 council, in order to provide moneys for the expenses and  
31 support of the village, shall have the power to borrow money

1 necessary for the operation of village government until such  
2 time as a budget is adopted and revenues are raised in  
3 accordance with the provisions of this charter.

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

13 Section 11.05 Transitional comprehensive plan and land  
14 development regulations.--

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

31

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

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

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

14 ARTICLE XII

15 SHARED REVENUES

16 Section 12.01 State-shared revenues.--The Village of  
17 Key Largo shall be entitled to participate in all shared  
18 revenue programs of the State of Florida effective immediately  
19 on the date of incorporation. The provisions of section  
20 218.23(1), Florida Statutes, shall be waived for the purpose  
21 of eligibility to receive revenue sharing funds from the date  
22 of incorporation through the state fiscal year 2001-2002. The  
23 millage levied by the Monroe County Mosquito Control District,  
24 independent special district as that term is defined in  
25 chapter 189, Florida Statutes, which includes the area within  
26 the corporate limits of the village, may be used for the  
27 purposes of satisfying the provisions of section 218.23(1),  
28 Florida Statutes. Section 218.26(3), Florida Statutes, shall  
29 be waived for the state fiscal year 1999-2000, and the  
30 apportionment factors for the municipalities and counties  
31 shall be recalculated pursuant to section 218.245, Florida

1 Statutes. Initial population estimates for calculating  
2 eligibility for shared revenues shall be determined by the  
3 University of Florida Bureau of Economic and Business  
4 Research. Should the bureau be unable to provide an  
5 appropriate population estimate, the Monroe County Planning  
6 Division estimate shall be utilized.

7 Section 12.02 Gas tax revenues.--Notwithstanding the  
8 requirements of section 336.025, Florida Statutes, to the  
9 contrary, the Village of Key Largo shall be entitled to  
10 receive local option gas tax revenues beginning on the  
11 effective date of incorporation.

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

20  
21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
22 COMMITTEE SUBSTITUTE FOR  
23 Senate Bill 2640

24 Deletes a provision of the proposed Village of Key Largo  
25 Charter that requires a referendum before the village council  
can raise ad valorem millage beyond 5 mills.

26 Exempts the Village of Key Largo from certain revenue sharing  
27 eligibility criteria until the fiscal year 2001-2002.

28 Provides that the Village of Key Largo is automatically  
29 eligible for certain local gas tax revenue upon the effective  
30 date of incorporation.  
31