

1
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 solid waste
10 disposal; providing for accelerated entitlement
11 to state-shared revenues; providing for gas tax
12 revenue; providing for a transition agreement
13 between Monroe County and the Village of Key
14 Largo; providing land descriptions of the
15 village; providing for future amendments of the
16 charter; providing for standards of conduct in
17 office; providing for the Village of Key Largo
18 to receive infrastructure surtax revenues;
19 providing for severability; providing for a
20 referendum; providing effective dates.

21

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

23

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

1 authority necessary to provide adequate and efficient
2 municipal services to its residents.

3 ARTICLE I

4 CORPORATE EXISTENCE; FORM OF
5 GOVERNMENT; BOUNDARIES; POWERS

6 Section 1.01 Corporate existence.--Pursuant to the
7 State Constitution, there is hereby created in Monroe County,
8 hereafter referred to as the "county," a municipal corporation
9 known as the Village of Key Largo, hereafter referred to as
10 the "village." The corporate existence of the village shall
11 commence upon the adoption of this charter.

12 Section 1.02 Form of government.--The village shall
13 have a council-manager form of government.

14 Section 1.03 Corporate boundaries.--The corporate
15 boundaries of the village are as follows:

16
17 Northern boundary

18
19 The center line of Loquat Drive will be the
20 northern boundary of the proposed Village of
21 Key Largo, Loquat Drive starting at the eastern
22 shoreline, and running westward to the Lake
23 Surprise shoreline, just east of highway U.S.
24 1, from there the eastern boundary will follow
25 the shoreline, which more or less parallels
26 highway U.S. 1, to the Miami-Dade-Monroe County
27 line. The Miami-Dade-Monroe County line at this
28 point is referred to as Manatee Creek. The
29 Manatee Creek Miami-Dade-Monroe County line
30 will be the northern boundary of the proposed
31 Village Of Key Largo, at approximately mile

1 marker 112.5 U.S. 1. From there the westerly
2 boundary will follow the shoreline on the
3 southwest side U.S. 1 southward. These
4 boundaries will include the properties on
5 either side of the Jewfish Bridge. It will also
6 include those properties at mile marker 112.5,
7 U.S. 1. It will include all properties on
8 Morris Avenue and Hazel Street located in the
9 Cross Key area at mile marker 112.5 U.S. 1.
10 Mainland Monroe County is not in the village
11 boundaries.

12
13 Southern boundary

14
15 North side of Dove Ave on the Oceanside of US 1
16 and the north side of Sunset Gardens Rd on the
17 bayside of US 1. Located near the Red Cross
18 Building and Mile Marker 94, on US 1 highway.
19 See Maps for detail.

20
21 East and west boundaries

22
23 The east (southeast) boundary shall be bound by
24 the shoreline of the Atlantic Ocean. The west
25 (northwest) boundary shall be bound by the
26 shoreline of Florida Bay.

27
28 Section 1.04 Village powers.--The village shall be a
29 body corporate and politic and shall have all the powers of a
30 municipality under the State Constitution and laws of Florida,
31 as fully and completely as though such powers were

1 specifically enumerated in this charter, unless otherwise
2 prohibited by or contrary to the provisions of this charter.
3 The village shall have all governmental, corporate, and
4 proprietary powers necessary to enable it to conduct municipal
5 government, perform municipal functions, and render municipal
6 services, and may exercise any power for municipal services
7 unless expressly prohibited by law. Through the adoption of
8 this charter, it is the intent of the electors of the village
9 that the municipal government established herein have the
10 broadest exercise of home rule powers permitted under the
11 State Constitution and laws of the state.

12 ARTICLE II

13 CITIZENS' BILL OF RIGHTS

14 Section 2.01 Purpose and rights.--This government has
15 been created to protect the governed, not the governing. In
16 order to provide the public with full and accurate
17 information, to promote efficient administration management,
18 to make government more accountable, and to ensure to all
19 persons fair and equitable treatment, the following rights are
20 guaranteed:

21 (1) Convenient access.--Every person has the right to
22 transact village business with a minimum of personal
23 inconvenience. It is the duty of the mayor, the village
24 council, and the village manager to provide, within budget
25 limitations, reasonably convenient times and places for
26 registration and voting, for required inspections, and for
27 transacting business with the village.

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

1 (3) Public records.--All audits, reports, minutes,
2 documents, and other public records of the village and its
3 boards, agencies, departments, and authorities shall be open
4 for inspection at reasonable times and places convenient to
5 the public.

6 (4) Minutes and ordinance register.--The village clerk
7 shall maintain and make available for public inspection an
8 ordinance register separate from the minutes showing the votes
9 of each member on all ordinances and resolutions listed by
10 descriptive title. Written minutes of all meetings and the
11 ordinance register shall be available for public inspection
12 not later than 30 days after the conclusion of the meeting.

13 (5) Right to be heard.--Insofar as the orderly conduct
14 of public business permits, any interested person has the
15 right to appear before the village council or any village
16 agency, board, or department for the presentation, adjustment,
17 or determination of an issue, request, or controversy within
18 the jurisdiction of the village. Matters shall be scheduled
19 for the convenience of the public. The village council shall
20 adopt agenda procedure and schedule hearings in a manner that
21 will enhance the opportunity for public participation. Nothing
22 herein shall prohibit any governmental entity or agency from
23 imposing reasonable time limits and procedures for the
24 presentation of a matter.

25 (6) Right to notice.--Persons entitled to notice of a
26 village hearing shall be timely informed as to the time,
27 place, and nature of the hearing and the legal authority
28 pursuant to which the hearing is to be held. Failure by an
29 individual to receive such notice shall not constitute
30 mandatory grounds for canceling the hearing or rendering
31 invalid any determination made at such hearing. Copies of

1 proposed ordinances or resolutions shall be made available at
2 a reasonable time prior to the hearing, unless the matter
3 involves an emergency ordinance or resolution.

4 (7) No unreasonable postponements.--No matter, once
5 having been placed on a formal agenda by the village, shall be
6 postponed to another day except for good cause shown in the
7 opinion of the mayor, village council, board, or agency
8 conducting such meeting, and then only on condition that the
9 affected person shall, upon written request, receive mailed
10 notice of the new date of any postponed meeting. Failure by an
11 individual to receive such notice shall not constitute
12 mandatory grounds for canceling the hearing or rendering
13 invalid any determination made at such hearing.

14 (8) Right to public hearing.--Upon a timely written
15 request from any interested party, and after presentation of
16 the facts to and approval by the council, a public hearing
17 shall be held by any village agency, board, department, or
18 authority upon any significant policy decision to be issued by
19 it which is not subject to subsequent administrative or
20 legislative review and hearing. This provision shall not apply
21 to the law department of the village or to any body whose
22 duties and responsibilities are solely advisory. At any zoning
23 or other hearing in which review is exclusively by certiorari,
24 a party or his or her counsel shall be entitled to present his
25 or her case or defense by oral or documentary evidence, to
26 submit rebuttal evidence, and to conduct such
27 cross-examination as may be required for a full and true
28 disclosure of the facts. The decision of such agency, board,
29 department, or authority must be based upon the facts in the
30 record. Procedural rules establishing reasonable time and
31

1 other limitations may be promulgated and amended from time to
2 time.

3 (9) Notice of action and reasons.--Prompt notice shall
4 be given of the denial in whole or in part of a request of an
5 interested person made in connection with any village
6 administrative decision or proceeding when the decision is
7 reserved at the conclusion of the hearing. The notice shall be
8 accompanied by a statement of the grounds for denial.

9 (10) Manager's and attorney's reports.--The village
10 manager and the village attorney shall periodically make a
11 public status report on all major matters pending or concluded
12 within the manager's or attorney's respective areas of
13 concern.

14 (11) Budgeting.--In addition to any budget required by
15 state statute, the village manager at the direction of the
16 mayor shall prepare a budget showing the cost of each
17 department for each budget year. Prior to the village
18 council's first public hearing on the proposed budget as
19 required by state law, the village manager shall make public a
20 budget summary setting forth the proposed cost of each
21 individual department and reflecting the personnel for each
22 department, the purposes therefor, the estimated millage cost
23 of each department, and the amount of any contingency and
24 carryover funds for each department.

25 (12) Quarterly budget comparisons.--The village
26 manager shall make public a quarterly report showing the
27 actual expenditures during the quarter just ended against
28 one-quarter of the proposed annual expenditures set forth in
29 the budget. Such report shall also reflect the same cumulative
30 information for any portion of the fiscal year that has
31 elapsed.

1 (13) Representation of public.--The mayor shall
2 endeavor to designate one or more individuals to represent the
3 village at all proceedings before county, state, and federal
4 regulatory bodies which significantly affect the village and
5 its residents.

6 Section 2.02 Enumeration of citizens' rights.--The
7 citizens' rights enumerated in section 2.01 vest large and
8 pervasive powers in the citizenry of the Village of Key Largo.
9 Such power necessarily carries with it responsibility of equal
10 magnitude for the successful operation of government in the
11 village. The orderly, efficient, and fair operation of
12 government requires the intelligent participation of
13 individual citizens exercising their rights with dignity and
14 restraint so as to avoid any sweeping acceleration in the cost
15 of government because of the exercise of individual
16 prerogatives, and further requires that individual citizens
17 grant respect for the dignity of public office.

18 Section 2.03 Remedies for violations.--In any suit by
19 a citizen alleging a violation of this bill of rights filed in
20 a state court of competent jurisdiction, the plaintiff, if
21 successful, shall be entitled to recover costs as fixed by the
22 court. Any public official or employee who is found by the
23 court to have willfully violated this bill of rights shall
24 forthwith forfeit his or her office or employment.

25 Section 2.04 Construction.--All provisions of this
26 bill of rights shall be construed to be supplementary to and
27 not in conflict with the general laws of Florida. If any part
28 of this bill of rights is declared invalid, it shall not
29 affect the validity of the remaining provisions.

30 ARTICLE III

31 VILLAGE COUNCIL; MAYOR

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

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

17 Section 3.03 Mayor.--

18 (1) The village council, at the first meeting after
19 the election of council members and the swearing into office
20 of said council members, shall elect, by recorded vote, a
21 mayor and a vice mayor from council members. The mayor and
22 vice mayor shall be elected on an annual term thereafter.

23 (2) The mayor shall preside at meetings of the
24 council, shall be a voting member of the council, and may
25 create and appoint subcommittees of the council. The mayor
26 shall be recognized as head of village government for all
27 ceremonial purposes and purposes of military law, for service
28 of process, and for execution of duly authorized contracts,
29 deeds, and other documents, and as the village official
30 designated to represent the village in all dealings with other
31

1 governmental entities. The mayor shall annually present a
2 state-of-the-village message.

3 Section 3.04 Vice mayor.--The vice mayor shall serve
4 as acting mayor during the absence or disability of the mayor
5 and shall have all the powers, authority, duties, and
6 responsibilities of the mayor during such absence or
7 disability. In the absence of the mayor and the vice mayor,
8 the remaining council members shall select a council member to
9 serve as acting mayor.

10 Section 3.05 General powers and duties of the
11 council.--Except as otherwise prescribed herein or provided by
12 law, legislative and police powers of the village shall be
13 vested in the council. The council shall provide for the
14 exercise of its powers and for the performance of all duties
15 and obligations imposed on the village by law.

16 Section 3.06 Vacancies.--A vacancy in the office of a
17 council member shall occur upon the death of the incumbent,
18 removal from office as authorized by law, resignation,
19 appointment to other public office which creates dual office
20 holding, judicially determined incompetence, or forfeiture of
21 office as described in herein.

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

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

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

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

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

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

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

21 Section 3.08 Filling of vacancies.--

22 (1) If a vacancy occurs in the office of mayor, the
23 vice mayor shall serve as mayor until a new mayor is elected
24 as provided herein and assumes all the duties of the mayor's
25 office.

26 (2) If a vacancy occurs in the office of any council
27 member and the remainder of the unexpired term is less than 1
28 year, the remaining council members shall, within 30 days
29 following the occurrence of such vacancy, appoint a person to
30 fill the vacancy for the remainder of the unexpired term. If,
31 however, the remainder of the unexpired term exceeds 1 year,

1 the remaining council members shall, within 30 days following
2 the occurrence of such vacancy, call for an election.

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

6 Section 3.09 Council meetings.--

7 (1) The council shall conduct regular meetings at such
8 times and places as the council shall prescribe by resolution.
9 Such meetings shall be public meetings within the meaning of
10 section 286.011, Florida Statutes, and shall be subject to
11 notice and other requirements of law applicable to public
12 meetings.

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

16 (3) A majority of the council shall constitute a
17 quorum. No action of the council shall be valid unless adopted
18 by an affirmative vote of the majority of the council members
19 in attendance, unless otherwise provided by law.

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

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

28 Section 3.11 Prohibitions.--

29 (1) Appointments and removals;
30 noninterference.--Except for the purposes of inquiry and
31 information, the council and its members, including committees

1 thereof, are expressly prohibited from interfering with the
2 performance of the duties of any employee of the city
3 government who is under the direct or indirect supervision of
4 the city manager; nor shall the council or any of its members
5 in any manner dictate the appointment or removal of any
6 village administrative officer or employee whom the manager or
7 any of his or her subordinates are empowered to appoint. Such
8 action shall be malfeasance within the meaning of section
9 112.51, Florida Statutes, and shall be punishable as provided
10 in section 112.317, Florida Statutes. However, the council may
11 express its views and fully and freely discuss with the
12 manager anything pertaining to appointment and removal of such
13 officer or employee.

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

26 (3) Holding other office.--No elected village official
27 shall hold any appointive village office or employment while
28 in office. No former elected village official shall hold any
29 compensated, appointive village office or employment until 1
30 year after the expiration of his or her term, or until 1 year
31 after ceasing to be a village official.

1 Section 5.02 Removal.--The council may remove the
2 manager at any time, as provided for herein, or as per
3 contract.

4 Section 5.03 Compensation.--The compensation and
5 benefits of the manager shall be fixed by the council.

6 Section 5.04 Powers and duties.--The village manager
7 shall:

8 (1) Be responsible for the hiring, supervision, and
9 removal of all village employees.

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

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

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

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

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

24 (7) Prepare such other reports as the council may
25 require concerning the operations of village departments,
26 offices, boards, and agencies.

27 (8) Keep the council fully advised as to the financial
28 condition and future needs of the village and make such
29 recommendations to the council concerning the affairs of the
30 village as he or she deems to be in the best interests of the
31 village.

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

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

5 Section 5.05 Absence or disability of village
6 manager.--The manager may designate, by letter filed with the
7 village clerk, a qualified administrative officer of the
8 village to perform his or her duties during his or her
9 temporary absence or disability. In the event of failure of
10 the manager to make such designation, or should the person so
11 designated by the village manager be unsatisfactory to the
12 council, the council may by resolution appoint an officer of
13 the village to perform the duties of the manager until he or
14 she returns or his or her disability ceases.

15 Section 5.06 Bond of village manager/village
16 clerk.--The village council may provide by ordinance for the
17 village manager/village clerk to furnish a fidelity bond to be
18 approved by the council and in such amount as the council may
19 fix. The premium of the bond shall be paid by the village.

20 Section 5.07 Village clerk.--The village manager shall
21 appoint a village clerk, referred to as the "clerk." The clerk
22 shall give notice of council meetings to its members and the
23 public, shall keep minutes of its proceedings, and shall
24 perform such other duties as the council or manager may
25 prescribe from time to time. The clerk shall report to the
26 village manager.

27 Section 5.08 Removal procedures.--The village manager,
28 as a council appointee, may be suspended with pay pending
29 removal by a resolution approved by the majority of the total
30 membership of the village council which shall set forth the
31 reasons for suspension and proposed removal. A copy of such

1 resolution shall be served immediately upon the village
2 manager. The village manager shall have 15 days in which to
3 reply thereto in writing and, upon request, shall be afforded
4 a public hearing, which shall occur not earlier than 10 days
5 or later than 15 days after such hearing is requested. After
6 the public hearing, if one is requested, and after full
7 consideration, the village council by a majority vote of its
8 total membership may adopt a final resolution of removal. The
9 village manager shall continue to receive full compensation
10 until the effective date of a final resolution of removal.

11 Section 5.09 Village attorney.--The council may from
12 time to time appoint an individual attorney or a law firm to
13 act as the village attorney under such terms, conditions, and
14 compensation as are consistent with this charter and as may be
15 established by the council from time to time. The village
16 attorney shall report to the council. The village attorney may
17 be removed by the council at any time.

18 ARTICLE VI

19 FINANCIAL PROCEDURES

20 Section 6.01 Tax levy and assessments.--The village
21 shall have the right to levy, assess, and collect all such
22 taxes and assessments as are permitted by law, including,
23 without limitation, ad valorem, excise, franchise, or
24 privilege taxes and taxes on services and utilities.

25 Section 6.02 Borrowing.--The village shall incur no
26 debt unless approved by four councilors and provided the
27 council has first received and reviewed a feasibility study
28 from the manager and chief financial officer of the village
29 concluding that sufficient revenues are available to repay the
30 indebtedness and that the funds are being borrowed for a valid

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1 public purpose and subject to part II of chapter 166, Florida
2 Statutes.

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

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

8 (1) Budget adoption.--The council shall by ordinance
9 adopt the annual budget on or before the last day of September
10 of each year. If the council fails to adopt the annual budget
11 by this date, the council may by resolution direct that the
12 amounts appropriated for current operations for the
13 then-ending fiscal year be deemed appropriate for the ensuing
14 fiscal year for a period of 15 days, renewable by resolution
15 every 15 days, with all items in it prorated accordingly,
16 until such time as the council adopts an annual budget for the
17 ensuing fiscal year. An ordinance adopting an annual budget
18 shall constitute appropriations of the amounts specified
19 therein.

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

24 Section 6.05 Budget amendments.--

25 (1) Supplemental appropriations.--If, during the
26 fiscal year, revenues in excess of those estimated in the
27 budget are available for appropriation, the council by
28 resolution may make supplemental appropriations for the year
29 in an amount not to exceed such excess.

30 (2) Reduction of appropriations.--If, at any time
31 during the fiscal year, it appears probable to the village

1 manager that the revenues available will be insufficient to
2 meet the amount appropriated, the village manager shall so
3 report to the council without delay, indicating the estimated
4 amount of the deficit, any remedial action taken, and
5 recommendations as to any other steps that should be taken.
6 The council shall then take such further action as it deems
7 necessary to prevent or minimize any deficit and, for that
8 purpose, the council may by resolution reduce one or more
9 appropriations accordingly.

10 ARTICLE VII

11 ELECTIONS

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

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

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

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

30 Section 7.05 Election schedule.--The regular village
31 election shall be the second Tuesday in March of each election

1 year. Such village elections shall be general village
2 elections.

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

7 Section 7.07 Determination of election to office.--If
8 only one candidate qualifies for an office, said candidate
9 shall be deemed to be elected. If two or more candidates
10 qualify for an office, the names of those candidates shall be
11 placed on the ballot at the general election. The candidate
12 receiving the highest number of votes cast for the office in
13 the runoff election shall be elected to such office. If the
14 vote at the runoff election results in a tie, the outcome
15 shall be determined by lot.

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

31

1 upon. The certificate shall be placed on file with the village
2 clerk.

3 Section 7.09 Recall.--Any member of the village
4 council can be removed from office by the electors of the
5 village, following the procedures for recall established by
6 general law.

7 Section 7.10 Commencement of terms.--The term of
8 office of any elected official shall commence following the
9 election for such elected office as provided by ordinance of
10 the village.

11 ARTICLE VIII

12 INITIATIVE AND REFERENDUM

13 Section 8.01 Council initiative.--The village council
14 shall have the power, by resolution, to call for a referendum
15 vote by the electors of the village at any time, provided that
16 the purpose of such referendum is presented to the village at
17 a public hearing at least 60 days prior to the adoption of
18 said resolution. Any resolution calling for a referendum vote
19 of the electors of the village must be passed by the
20 affirmative vote of not less than four members of the council.

21 Section 8.02 Power to initiate and reconsider
22 ordinances.--

23 (1) Initiative.--The electors of the village shall
24 have power to propose ordinances to the council and, if the
25 council fails to adopt an ordinance so proposed without any
26 change in substance, to adopt or reject it at a village
27 election, provided that such power shall not extend to the
28 annual budget or capital program or any ordinance
29 appropriating money, levying taxes, or setting salaries of
30 village officers or employees.

31

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

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

24 Section 8.03 Petitions.--

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

29 (2) Form and content.--All papers of a petition shall
30 be assembled as one instrument of filing. Each signature shall
31 be executed in ink and shall be followed by the printed name

1 and address of the person signing. Petitions shall contain or
2 have attached thereto throughout their circulation the full
3 text of the ordinance proposed or sought to be reconsidered.

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

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

17 Section 8.04 Procedure for filing.--

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

1 certificate and files a supplementary petition upon additional
2 papers within 10 days after receiving the copy of the
3 certificate. Such supplementary petition shall comply with the
4 requirements of section 8.03. Within 5 days after a
5 supplementary petition is filed, the clerk or other official
6 designated by the council shall complete a certificate as to
7 the sufficiency of the petition as amended and promptly send a
8 copy of such certificate to the petitioners' committee by
9 registered mail as in the case of an original petition. If a
10 petition or amended petition is certified sufficient, or if a
11 petition or amended petition is certified insufficient and the
12 petitioners' committee does not elect to amend or request
13 council review under subsection (2) within the time required,
14 the clerk or other official designated by the council shall
15 promptly present the certificate to the council and such
16 certificate shall then be a final determination as to the
17 sufficiency of the petition.

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

28 Section 8.05 Action on petitions.--

29 (1) Action by council.--When an initiative or
30 referendum petition has been finally determined sufficient,
31 the council shall promptly consider the proposed initiative

1 ordinance or reconsider the referred ordinance by voting its
2 repeal, all in the manner provided in this article. If the
3 council fails to adopt a proposed initiative ordinance without
4 any change in substance within 45 days or fails to repeal the
5 referred ordinance within 30 days, it shall submit the
6 proposed or referred ordinance to the electors of the village.
7 If the council fails to act on a proposed initiative ordinance
8 or a referred ordinance within the specified time period, the
9 council shall be deemed to have failed to adopt the proposed
10 initiative ordinance or to repeal the referred ordinance on
11 the last day that the council was authorized to act on such
12 matter.

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

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

1 than 60 days or more than 120 days from the date on which the
2 petition was certified or at a special election called for
3 such purpose.

4 Section 9.04 Results of election.--If a majority of
5 the qualified electors voting on a proposed amendment vote for
6 its adoption, the amendment shall be considered adopted upon
7 certification of the election results. If conflicting
8 amendments are adopted at the same election, the one receiving
9 the greatest number of affirmative votes shall prevail to the
10 extent of such conflict.

11 ARTICLE X

12 GENERAL PROVISIONS

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

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

30 Section 10.03 Village personnel system.--All new
31 employments, appointments, and promotions of village officers

1 and employees shall be made pursuant to personnel procedures
2 to be established by the manager from time to time.

3 Section 10.04 Charitable contributions.--The village
4 shall not make any charitable contribution to any person or
5 entity, except such contributions as have been approved by all
6 councilors.

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

31

1 Section 10.06 Variation of pronouns.--All pronouns and
2 any variation thereof used in this charter shall refer to
3 masculine, feminine, neutral, singular, or plural as the
4 identity of the person or persons shall require and are not
5 intended to describe, interpret, define, or limit the scope,
6 extent, or intent of this charter.

7 Section 10.07 No discrimination.--The village shall
8 not adopt any measure or policy or otherwise discriminate
9 against any person due to race, religion, color, national
10 origin, physical or mental disability, creed, sexual
11 preference, or sex.

12 Section 10.08 Deferred compensation;
13 pensions.--Contributions to pension and other deferred
14 compensation plans or arrangements for village employees may
15 be made under such terms and conditions as the council may
16 establish from time to time in accordance with sound actuarial
17 principles.

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

20 ARTICLE XI

21 TRANSITION PROVISIONS

22 Section 11.01 Referendum election.--The referendum
23 election called for by this act shall be held November 2,
24 1999, at which time the following question shall be placed
25 upon the ballot:

26 SHALL CHAPTER , LAWS OF FLORIDA, CREATING
27 THE VILLAGE OF KEY LARGO AND PROVIDING ITS
28 CHARTER BE APPROVED?

29 - NO

30 - YES

31

1 In the event this question is answered affirmatively by a
2 majority of voters voting in the referendum, the provisions of
3 this charter shall take effect as provided in section 1.01.

4 Section 11.02 Initial election of village council.--

5 (1) Dates.--Following the adoption of this charter in
6 accordance with section 11.01, the Monroe County Commission
7 shall call a special election for the election of the five
8 village council members to be held January 4, 2000.

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

15 (3) Certification of election results.--For the
16 initial election, the Monroe County Commission shall appoint a
17 canvassing board which shall certify the results of the
18 election.

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

23 (5) Initial terms of office.--In order to provide for
24 staggering terms of office, the initial term of office for
25 those three council candidates receiving the highest number of
26 votes in the initial election shall be 2 years, 2 months,
27 commencing January 4, 2000, and ending with the general
28 election March 5, 2002, unless otherwise reelected. Each of
29 the remaining elected candidates shall serve a term of 1 year,
30 2 months, commencing January 4, 2000, and ending with the
31 general election March 6, 2001, unless otherwise reelected.

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

9 Section 11.03 First-year expenses.--The village
10 council, in order to provide moneys for the expenses and
11 support of the village, shall have the power to borrow money
12 necessary for the operation of village government until such
13 time as a budget is adopted and revenues are raised in
14 accordance with the provisions of this charter.

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

24 Section 11.05 Transitional comprehensive plan and land
25 development regulations.--

26 (1) Until such time as the village adopts a
27 comprehensive plan, the applicable provisions of the
28 Comprehensive Plan of Monroe County, as the same exists on the
29 day the village commences corporate existence, shall remain in
30 effect as the village transitional comprehensive plan.
31 However, all planning functions, duties, and authority shall

1 thereafter be vested in the village council of the Village of
2 Key Largo which shall be deemed the local planning agency
3 until and unless the council establishes a separate local
4 planning agency. Prior to the adoption of a village
5 comprehensive master plan, any amendment to any zoning as
6 established in the current county land use plan shall only be
7 by an ordinance adopted by the affirmative vote of not less
8 than four members of the council. Any increase in the
9 residential density or intensity, as established in the
10 current county land use plan, which is adopted by the village
11 shall only be by an ordinance adopted by the affirmative vote
12 of not less than four members of the council.

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

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

24 Section 11.06 Solid waste.--In accordance with section
25 403.706(1), Florida Statutes, the board of county
26 commissioners shall have the responsibility to transport
27 municipal solid waste to a solid waste disposal facility of
28 the county or to operate a solid waste facility. The
29 municipality must, through September 30, 2002, deliver the
30 solid waste collected within the municipality to either a
31 county solid waste transfer station or a county solid waste

1 disposal facility, as determined by the board. For the
2 remainder of the term of the county's solid waste haulout
3 contract, the board and the municipality shall negotiate for
4 the delivery of the solid waste collected within the
5 municipality by interlocal agreement. The parties shall
6 negotiate in good faith and with primary consideration given
7 to the minimum waste generation guarantees set forth in the
8 county's solid waste haulout contract. However, in no event
9 may the board charge the municipality a tipping fee in excess
10 of the tipping fee established annually and charged to other
11 municipalities and persons delivering solid waste to the
12 county transfer stations or county solid waste disposal
13 facility.

ARTICLE XII

SHARED REVENUES

14
15
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 through the state Fiscal Year 2001-2002, 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 July 1,
11 2000.

12 Section 12.03 Infrastructure surtax revenues.--The
13 Village of Key Largo shall be entitled to receive
14 infrastructure surtax revenues beginning on July 1, 2000.

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

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