

By Representative Melvin

1 A bill to be entitled
2 An act relating to Escambia County; creating
3 the Village of Pensacola Beach Charter
4 hereinafter referred to as the Village of
5 Pensacola Beach; providing for the corporate
6 name and purpose of the Charter; establishing
7 territorial boundaries of the municipality and
8 authorizing annexations; providing powers of
9 the municipality and of certain officers;
10 providing for election of a Village Council, a
11 mayor and vice mayor, and providing for
12 qualifications, powers, and duties of its
13 membership; providing a procedure for
14 establishing their compensation and expense
15 reimbursement; establishing circumstances which
16 create vacancies in office and providing for
17 filling vacancies and for forfeiture and
18 recall; requiring independent financial audit;
19 providing for Council meetings, rules,
20 recordkeeping, and voting at meetings;
21 providing for nominations, elections, and terms
22 of office of the Council; providing for a
23 Village Manager, Village Clerk, and Village
24 Attorney and powers and duties of each;
25 authorizing establishment of administrative
26 departments; providing definitions; providing
27 procedures for adoption of ordinances and
28 resolutions, and for handling finances;
29 establishing a fiscal year and annual budgets;
30 providing procedures for initiative and
31 referendum; providing for Charter amendments

1 and review; providing for severability;
2 providing for transition, including initial
3 election and terms, date, creation, and
4 establishment of the municipality, payment of
5 certain revenues, and transitional
6 comprehensive plan and land development
7 regulations; entitling the Village to state and
8 county shared and local option gas tax
9 revenues; providing for contractual services
10 and facilities; eliminating transition
11 elements; providing for services of independent
12 special districts; providing for credit for
13 special district taxes in qualifying for state
14 revenue sharing; providing for a referendum;
15 providing for transfer or assignment of real
16 property and public lands; providing for the
17 abolishment of the Santa Rosa Island Authority
18 and the appointment of a trustee team to
19 oversee the transition to the Village of
20 Pensacola Beach; providing a referendum;
21 providing effective dates.

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

24
25 Section 1. The "Village of Pensacola Beach, Charter"
26 is created to read:

27
28 ARTICLE I: CORPORATE NAME; PURPOSE OF THE CHARTER
29
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31

1 Section 1.01 Village of Pensacola Beach.--The
2 municipality hereby established shall be known as the Village
3 of Pensacola Beach, Florida.

4
5 Section 1.02 Purpose of the Charter.--This Charter is
6 ordained and established by the people of the Village of
7 Pensacola Beach, Florida, to promote the general welfare and
8 common good of the community by providing the framework for a
9 municipal corporation to exercise municipal home rule powers
10 under the Constitution and laws of the State of Florida.

11
12 ARTICLE II: TERRITORIAL BOUNDARIES

13
14 Section 2.01 Boundaries of the Village of Pensacola
15 Beach.--The territorial boundaries of the Village of Pensacola
16 Beach upon the date of incorporation shall include the
17 following areas situated in the County of Escambia, State of
18 Florida:

19
20 "A corporate limit lying offshore from Santa
21 Rosa Island, which line is described as
22 follows: all that part of Escambia County that
23 is located and situated within Santa Rosa
24 Island, beginning at the South end of the Bob
25 Sikes Bridge, running East and West to the Gulf
26 Islands National Seashore, including a
27 corporate limit line offshore 1,000 feet in the
28 Gulf of Mexico and 1,000 feet in the inland
29 bays, and parallel with the shore line of said
30 Santa Rosa Island, excluding all of the Gulf
31

1 Islands National Seashore and, structures
2 exclusively attached thereto."

3
4 Section 2.02 Extension of the corporate limits;
5 annexation.--The corporate limits of the Village of Pensacola
6 Beach may be revised as provided by general law.

7
8 ARTICLE III: GENERAL POWERS OF THE MUNICIPALITY

9
10 Section 3.01 All powers possible.--The Village of
11 Pensacola Beach shall have all governmental, corporate, and
12 proprietary powers to enable it to conduct municipal
13 government, perform municipal functions, and render municipal
14 services, and may exercise any power for municipal purposes
15 except as otherwise provided by law. The powers of the Village
16 of Pensacola Beach shall be construed liberally in favor of
17 the municipality, limited only by the Constitution, general
18 law, and specific limitations contained herein.

19
20 Section 3.02 Joint exercise of powers.--The Village
21 may exercise any of its powers or perform any of its functions
22 and may participate in the financing thereof, jointly or in
23 cooperation by contract or otherwise, with any one or more
24 states, counties, municipalities, or any agencies thereof, or
25 the United States or any agency thereof.

26
27 ARTICLE IV: ORGANIZATION OF THE VILLAGE GOVERNMENT

28
29 Section 4.01 Form of Government.--The Village of
30 Pensacola Beach shall operate under an appointed Village
31 Manager form of government with separation of legislative and

1 executive functions. The legislative responsibilities and
2 powers of the Village shall be assigned to, and vested in, the
3 Village Council. The executive responsibilities and power of
4 the Village shall be assigned to and vested in the Village
5 Manager, who shall carry out the directives and policies of
6 the Village Council and enforce all orders, resolutions,
7 ordinances, and regulations of the Village Council, the
8 Village Charter, and all applicable general law, to assure
9 that they are faithfully executed.

10
11 Section 4.02 Legislative Branch.--

12 (a) The Village Council: The governing body of the
13 Village shall be a Village Council composed of five (5)
14 members serving staggered terms of four (4) years. They shall
15 be elected at-large on a Villagewide basis by the electors of
16 the Village. Each candidate for the office of Village Council
17 shall have resided in the Village for the year prior to
18 qualifying for office and will reside within the Village at
19 the time of qualifying to run for that office, and during the
20 term of office.

21 (b) Authority: The Village Council shall exercise all
22 legislative authority provided by this Home Rule Charter in
23 addition to any other powers and duties authorized by general
24 law or special law.

25 (c) Administrative Code:

26 (1) The Village Council shall adopt an Administrative
27 Code in accordance with general law within twelve (12) months
28 of the effective date of this Charter.

29 (2) The Administrative Code shall organize the
30 administration of Village government and set forth the duties
31

1 and responsibilities and powers of all Village officials and
2 departments.

3 (3) The Code shall provide for keeping a journal and
4 minutes of its proceedings which shall be available to the
5 public.

6 (d) Vacancies: A vacancy on the Village Council shall
7 be defined and filled as provided by general law.

8 (e) Recall: The members of the Village Council shall
9 be subject to recall as provided by general law.

10 (f) Salaries and Other Compensation:

11 (1) An ordinance establishing, increasing, or
12 decreasing compensation of the Council may be adopted at any
13 time; however, in no event shall any establishment of
14 compensation or any increase in compensation become effective
15 prior to the first day of the first month following the first
16 regular election of the Village subsequent to the adoption of
17 such ordinance.

18 (2) The Council may provide for reimbursement of
19 verifiable expenses incurred by its members while performing
20 their official duties.

21 (g) No present or former elected Village official shall
22 hold any compensated appointive office or employment with the
23 Village until 1 year after the expiration of the official's
24 elected term.

25
26 Section 4.03 Council members; elections.--

27 (a) There shall be a Village Council, hereinafter
28 referred to as the Council, with all legislative powers of the
29 Village vested therein, consisting of five Council members,
30 all of whom shall be elected from the Village at-large.

31

1 (b) Council seats shall be designated as seats #1, #2,
2 #3, #4, and #5. Candidates shall be required to seek election
3 to a specific seat on the Council.

4 (c) The Council shall be comprised of officials who
5 are elected at regularly held elections and are accountable to
6 the citizens at all times. The citizens, through these
7 processes, have the opportunity to elect, reelect, or dismiss
8 their elected officials whose promise of performance or actual
9 performance in office best reflects the policies which the
10 citizens desire to implement in the government of the Village.

11 (d) Except as otherwise prescribed herein or provided
12 by law, legislative and police powers of the Village shall be
13 vested in the Council, including the establishment of boards,
14 commissions, and committees. The Council shall provide for the
15 exercise of its powers and for the performance of all duties
16 and obligations imposed on the municipality by law.

17
18 Section 4.04 Mayor.--At the first regularly scheduled
19 meeting following the Village's regular election, the Council,
20 by majority vote, shall elect from its membership a mayor to
21 serve for a term of 2 years. The mayor shall serve as
22 chairperson during meetings of the Council and shall serve as
23 the head of municipal government for the purpose of execution
24 of official documents with the Village Manager or Village
25 Clerk attesting. The mayor shall also serve as the ceremonial
26 head of the Village.

27
28 Section 4.05 Vice mayor.--At the first regularly
29 scheduled meeting following the Village's regular election,
30 the Council by a majority vote shall elect from among its
31 membership for a term of two (2) years a vice mayor who shall

1 serve as mayor during the absence or disability of the mayor
2 and, if a vacancy occurs, shall become interim mayor pursuant
3 to section 4.08 of this Charter. His or her term will be for
4 two years.

5
6 Section 4.06 Non Interference.--

7 (a) Neither the Council, nor any individual member of
8 the Council, shall in any manner dictate the employment or
9 removal of any employee other than the Village Manager, the
10 Village Attorney, or any outside accountant or auditor hired
11 by the Council.

12 (b) Village Council members may communicate, directly
13 or indirectly, with employees, officers, or agents under the
14 direct or indirect supervision of the Villager Manager or
15 Village Attorney only for the purpose of inquiry or
16 information.

17 (c) Except for the purpose of inquiry or information,
18 a Village Council member shall not, directly or indirectly,
19 give directions to or interfere with the performance of the
20 duties of any employee, officer, or agent under the direct or
21 indirect supervision of the Village Manager or Village
22 Attorney.

23 (d) Violations of this section of the Charter shall be
24 malfeasance within the meaning of section 100.361(1)(b),
25 Florida Statutes.

26 (e) Nothing contained herein shall prevent a Village
27 Council member from referring a citizen complaint or request
28 to the Village Manager or Village Attorney.

29
30 Section 4.07 Vacancies.--The office of a member of the
31 Council shall become vacant upon the member's inability to

1 fulfill the duties of the office, resignation, or removal from
2 office as authorized by law or this Charter.

3
4 Section 4.08 Forfeiture of office.--A member of the
5 Council may forfeit the office, if the member:

6 (a) Lacks at any time during the term of office any
7 qualification for the office prescribed by this Charter or by
8 law;

9 (b) Violates any expressed prohibition of this
10 Charter;

11 (c) Is convicted of a felony or criminal misdemeanor
12 which misdemeanor involves the office of Village Council; or

13 (d) Misses three consecutive regularly scheduled
14 Council meetings.

15
16 If any of these events should occur, a hearing shall
17 automatically be conducted at the next regularly scheduled
18 Council meeting after the member has been officially notified
19 and public notices have been placed in the local newspaper for
20 1 week in advance of the hearing. The member may be declared
21 to have forfeited office by majority vote of the Council.

22
23 Section 4.09 Filling of vacancies.--A vacancy on the
24 Council, except for the position of mayor, shall be filled by
25 appointment by majority vote of the Council members remaining
26 and said appointment shall be effective until a successor is
27 chosen at the next regular election. In the event that a
28 majority of the members of the Council are removed by death,
29 disability, law, or forfeiture of office, the Governor of
30 Florida shall appoint an interim Council that will serve the
31 remainder of the previously elected terms (if necessary the

1 newly appointed Council will elect a mayor or a vice mayor).
2 In the event that the mayor becomes unable to fulfill the
3 duties of his or her office, ceases to be qualified, or is
4 removed from office as provided by law or this Charter, the
5 vice mayor of the Council shall assume the full powers and
6 duties of the mayor. The Council vacancy thus created by the
7 mayor's departure shall be filled by an interim appointment
8 under the provisions of this Charter, to be effective until
9 the expiration of the term of the office.

10
11 Section 4.10 Judge of qualifications.--The Council
12 shall be the judge of the election and qualifications of its
13 members and of the grounds for forfeiture of their office and
14 for that purpose shall have power to subpoena witnesses,
15 administer oaths, and require the production of evidence. A
16 Council member charged with conduct constituting grounds for
17 forfeiture of this office shall be notified by the Village
18 Clerk by certified mail and shall be entitled to a public
19 hearing at the next regularly scheduled meeting of the Council
20 as outlined in section 4.12 of this Charter. Notice of such
21 hearing shall be published in one or more newspapers of
22 general circulation in the Village at least 1 week in advance
23 of the hearing.

24
25 Section 4.11 Independent financial audit.--The Council
26 shall provide for an independent annual financial audit of all
27 Village accounts and may provide for more frequent audits as
28 it deems necessary.

29
30 Section 4.12 Meetings.--Regular meetings of the
31 Council shall be held on an as-needed basis at such times and

1 locations within the boundaries of the Village as the Council
2 may prescribe. Special meetings may be held on the call of the
3 mayor or the Village Manager and upon not less than 24-hour
4 notice to each member and the public. Action taken at a
5 special meeting shall be limited to the purpose for which the
6 special meeting is called. A special meeting may be held
7 outside the Village with proper notice. All meetings shall be
8 public and shall be scheduled to commence no earlier than 7
9 a.m. nor later than 10 p.m.

10
11 Section 4.13 Voting; quorum.--Roll call voting shall
12 be required for ordinances and amendments to existing
13 ordinances or upon the specific request of a Council member
14 and shall be recorded in the minutes; otherwise, voting shall
15 be by ayes and nays. Three members of the Council shall
16 constitute a quorum. No action of the Council shall be valid
17 or binding unless adopted by a majority vote of the quorum
18 present. The adoption of an ordinance shall require the
19 affirmative vote of three (3) Council members. All Council
20 members in attendance shall vote on all Council actions except
21 when, with respect to any such member, there is an actual or
22 apparent conflict of interest as defined under general law.

23
24 Section 4.14 Executive Branch.--

25 (a) The Village Manager shall be appointed by an
26 affirmative vote of four (4) members of the Village Council.
27 The Village Manager may be terminated with or without cause by
28 an affirmative vote of four (4) members of the Village
29 Council. The Village Manager shall be the chief executive
30 officer of the Village and all executive responsibilities and

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1 power shall be assigned to and vested in the Village Manager,
2 and shall consist of at least the following powers and duties:

3 (1) Report annually to the Village Council and to the
4 citizens on the state of the Village, the work of the previous
5 year, recommendations for action or programs for improvement
6 of the Village, and the well-being of its residents.

7 (2) Prepare and submit the annual budget and capital
8 programs to the Village Council and execute the budget and
9 capital programs in accordance with appropriations and
10 ordinances enacted by the Council.

11 (3) Ensure that all ordinances, resolutions, and
12 orders of the Village Council and all laws of the state which
13 are subject to enforcement by the Village Manager, or by
14 officers who are subject under this Charter to the Village
15 Manager's direction and supervision, are faithfully executed.

16 (4) Carry into execution such other powers or duties,
17 as are required by this Charter or may be prescribed by the
18 Village Council.

19 (5) The Village Manager shall exercise all executive
20 authority provided by this Home Rule Charter in addition to
21 all other powers and duties authorized by general or special
22 law.

23 (6) To make such other reports as the Council may
24 require concerning the operation of Village departments,
25 offices, and agencies subject to the Village Manager's
26 direction and supervision.

27 (7) To keep the Council fully advised as to the
28 condition and future needs of the Village and to make written
29 recommendations to the Council concerning the affairs of the
30 Village.

31

1 (8) In consultation with the Village Council, provide
2 for a Village meeting of all residents and leaseholders
3 annually.

4 (9) Except as otherwise provided in this Charter,
5 appoint and terminate, with or without cause, all employees of
6 the Village.

7 (b) The Village Manager shall be qualified by
8 administrative and executive experience and ability to serve
9 as the chief executive of the Village. Minimum qualifications
10 for the Village Manager shall be established by Village
11 ordinance. The Village Manager need not be a resident of the
12 Village.

13 (c) The compensation of the Village Manager shall be
14 fixed by the Village Council.

15 (d) The office of Village Manager shall be deemed
16 vacant if the incumbent, by death, illness, or other casualty,
17 is unable to continue in office. A vacancy in the office shall
18 be filled in the same manner as the original appointment. The
19 Village Council may appoint an acting Village Manager in the
20 case of vacancy, temporary absence, or disability until a
21 successor has been appointed and qualified or the Village
22 Manager returns.

23 Section 4.15 Recall.--The qualified electors of the
24 municipality shall have the power to recall and to remove any
25 elected official of the Village as prescribed by general law.

26
27 ARTICLE V: NOMINATIONS AND ELECTIONS; TERMS OF OFFICE

28
29 Section 5.01 Elections.--The regular election of the
30 members of the Council shall be held on the first Tuesday
31 after the first Monday in November.

1
2 Section 5.02 Commencement of term.--The terms of
3 members of the Council shall begin on January 1st of the year
4 following the election.

5
6 Section 5.03 Terms of office.--The terms for all
7 Council seats, #1, #2, #3, #4, and #5, shall be for four (4)
8 years, except during the transition period as outlined in
9 section 14.02(e) of this Charter. No member of the Council
10 shall serve for more than two consecutive 4-year terms. Those
11 initially elected to seats #1 and #2 will be allowed to serve
12 for two consecutive terms after their initial terms. After 1
13 year out of office, a candidate may requalify for any vacant
14 seat.

15
16 Section 5.04 Qualified electors.--Any person who is a
17 resident of the Village, who has qualified as an elector of
18 the state, and who registers in the manner prescribed by law,
19 shall be an elector of this Village.

20
21 Section 5.05 Adoption of election procedures.--The
22 Council, by ordinance, shall adopt such election procedures as
23 are necessary.

24
25 Section 5.06 Nonpartisan elections.--All elections for
26 officers of the Village shall be conducted on a nonpartisan
27 basis without any designation of political party affiliation.

28
29 Section 5.07 Multiple candidates.--In the event that
30 multiple candidates qualify for election to a single office,
31 that candidate receiving a majority of votes cast shall be

1 elected. If no candidate receives a majority, then the two
2 candidates receiving the most votes shall have a runoff
3 election to decide the winner of the election for that office.
4 If required, the runoff election shall be held on the first
5 Tuesday in December.

6
7 ARTICLE VI: VILLAGE CLERK
8

9 Section 6.01 There may be a Village Clerk who shall be
10 appointed by the Village Manager. The Village Clerk shall:

11 (a) Give notice of Council meetings to its members and
12 the public.

13 (b) Keep the journal and minutes of the proceedings of
14 the Council and its committees, which shall be public records.

15 (c) Authenticate by signature and record in full in
16 books kept for that purpose all ordinances and resolutions
17 passed by the Council.

18 (d) Be a notary and the custodian of the Village seal.

19 (e) Have the power to administer oaths.

20 (f) Perform such other duties as may be assigned by
21 the Village Manager.

22
23 ARTICLE VII: VILLAGE ATTORNEY
24

25 Section 7.01 The Village Attorney shall be appointed
26 by an affirmative vote of four (4) members of the Village
27 Council, who may represent the Village as needed in all legal
28 proceedings and shall perform all other duties assigned by the
29 Council. Terms and conditions of employment will be specified
30 at the time of appointment and the Village Attorney will be a
31 member in good standing with The Florida Bar during the term

1 of his or her appointment. The Council may remove the Village
2 Attorney for any reason by motion requiring three (3)
3 affirmative votes.

4
5 ARTICLE VIII: ADMINISTRATIVE DEPARTMENTS

6
7 Section 8.01 Establishment of additional
8 departments.--The Council will establish departments as it
9 determines necessary for the efficient administration and
10 operation of the Village; such departments, offices, or
11 agencies shall be established by resolution and report to the
12 Village Manager.

13
14 ARTICLE IX: ORDINANCES AND RESOLUTIONS

15
16 Section 9.01 Definition of ordinances and
17 resolutions.--As used in this Charter, the following words and
18 terms shall have the following meanings unless some other
19 meaning is plainly indicated:

20 (a) "Ordinance" means an official legislative action
21 of the Council, which action is a regulation of a general and
22 permanent nature and enforceable as a local law.

23 (b) "Resolution" means an expression of the Council
24 concerning matters of administration, an expression of a
25 temporary character, or a provision for the disposition of a
26 particular item of the administrative business of the Village.

27
28 Section 9.02 Adoption of ordinances.--Every proposed
29 ordinance shall be introduced in writing and in the form
30 required for final adoption. No ordinance shall contain more
31 than one subject and matters properly connected therewith,

1 which shall be clearly expressed in its title. The enacting
2 clause for an ordinance shall be: "IT IS HEREBY ORDAINED BY
3 THE VILLAGE OF PENSACOLA BEACH AS FOLLOWS..."

4 (a) An ordinance may be introduced by any Council
5 member at any regular or special meeting of the Council. A
6 proposed ordinance may be read by title, or in full, on at
7 least two separate Council meeting days and shall, at least 10
8 days prior to adoption, be noticed once in a newspaper of
9 general circulation in the Village. The notice of proposed
10 enactment shall state the date, time, and place of the
11 meeting; the title of a proposed ordinance; and the place or
12 places within the Village where such proposed ordinance may be
13 inspected by the public.

14 (b) To meet a public emergency affecting life, health,
15 property, or the public peace, the Council, by a two-thirds
16 vote of those present as required by general law, may adopt an
17 emergency ordinance without complying with the requirements of
18 notice expressed in the foregoing paragraph. An emergency
19 ordinance may not levy taxes; grant, renew, or extend a
20 franchise; set service or user charges for any municipal
21 services; alter existing established zoning or permissible
22 land use regulations and ordinances; or authorize the
23 borrowing of money. An emergency ordinance shall become
24 effective upon adoption and automatically stand repealed as of
25 the 61st day following the date on which it was adopted. This
26 shall not prevent reenactment of such an ordinance under
27 regular procedures.

28 (c) Ordinances which rezone specific parcels of
29 private real property or which substantially change permitted
30 use categories shall be enacted pursuant to general law and
31

1 must be approved by an extraordinary majority (4 of 5 Council
2 members voting in the affirmative).

3 (d) An ordinance shall, upon its final passage, be
4 recorded in a book kept for that purpose and shall be signed
5 by the mayor and the Village Clerk. A copy of the ordinance
6 shall be available in the Village hall.

7
8 Section 9.03 Adoption of resolutions.--Every proposed
9 resolution shall be introduced in writing and in the form
10 required for final adoption. No resolution shall contain more
11 than one subject which shall be clearly expressed in its
12 title. The clause which shall be used for all resolutions
13 approved by the Council shall be: "IT IS HEREBY RESOLVED BY
14 THE VILLAGE OF PENSACOLA BEACH AS FOLLOWS..." A resolution
15 may be introduced by any member at any regular or special
16 meeting of the Council. A resolution shall, upon its final
17 passage, be recorded in a book kept for that purpose and shall
18 be signed by the mayor and the Village Clerk. A copy of the
19 resolution shall be available in the Village hall.

20
21 ARTICLE X: FINANCIAL PROCEDURES
22

23 Section 10.01 Fiscal year.--The fiscal year of the
24 Village shall begin on the first day of October and end on the
25 last day of September.

26
27 Section 10.02 Submission of budget and budget
28 message.--On or before the 15th day of July of each year, the
29 Village Manager shall submit to the Council a budget in
30 accordance with state law. It shall outline the financial
31 policies of the Village for the ensuing fiscal year; describe

1 the important features of the budget; indicate any major
2 changes from the current year in financial policy, including
3 any changes in budgetary accounting methods from the current
4 year expenditures and revenues together with the reasons for
5 such changes; summarize the Village's debt position; and
6 include such other material as the Village Manager deems
7 necessary.

8
9 Section 10.03 Council action on the budget:

10 (a) The Council shall adopt the budget by resolution
11 on or before the 30th day of September of each year.

12 (b) Unless authorized by the electors of the Village
13 at a duly held referendum election, the Council shall not
14 authorize or allow to be authorized the issuance of revenue
15 bonds or enter into lease-purchase contracts or any other
16 unfunded multiyear contracts all for the purchase of real
17 property or the construction of any capital improvement in
18 excess of ten (10) million dollars.

19
20 Section 10.04 Public records.--Copies of the budget
21 and the capital program as adopted shall be public records and
22 shall be made available to the public at suitable locations in
23 the Village.

24
25 Section 10.05 Budget amendments.--

26 (a) Supplemental Appropriations.--If, during the
27 fiscal year, the Village Manager certifies that there are
28 available for appropriation, revenues in excess of those
29 estimated in the budget, the Council, by resolution, may make
30 supplemental appropriations for the year up to the amount of
31

1 such excess, so long as a fiscal reserve equal to five percent
2 (5%) of revenues is maintained yearly.

3 (b) Emergency Appropriations.--To meet a public
4 emergency affecting life, health, property, or the public
5 peace, the Council, by resolution, may make emergency
6 appropriations to the extent consistent with state law.

7 (c) Reduction of Appropriations.--If, during the
8 fiscal year, it appears probable to the Village Manager that
9 the revenues available will be insufficient to meet the amount
10 appropriated, the Village Manager shall report to the Council
11 without delay, indicating the estimated amount of the deficit,
12 any remedial action taken, and recommendations as to any other
13 steps to be taken. The Council shall then take such further
14 action as it deems necessary to prevent or minimize any
15 deficit and for that purpose may, by resolution, reduce one or
16 more appropriations.

17
18 ARTICLE XI: INITIATIVE AND REFERENDUM
19

20 Section 11.01 Initiative.--

21 (a) The electors of the Village of Pensacola Beach
22 shall have the right to initiate Village ordinances in order
23 to establish new ordinances and to amend or repeal existing
24 ordinances upon petition of the qualified electors in the
25 Village. The number of qualified elector signatures for a
26 valid petition must equal at least twenty-five percent (25%)
27 of the electors qualified to vote in the last preceding
28 Village election.

29 (b) The sponsor of an initiative ordinance shall,
30 prior to obtaining any signatures, submit the text of the
31 proposed ordinance to the Supervisor of Elections (Supervisor

1 of Elections shall refer to the Escambia County Supervisor of
2 Elections unless the Village Council votes to establish the
3 position of a Village Supervisor of Elections), with the form
4 on which signatures will be affixed, and shall obtain the
5 approval of the Supervisor of Elections of such form. The
6 style and requirements of such form shall be specified by
7 Village ordinance. The beginning date of any petition drive
8 shall commence upon the date of approval by the Supervisor of
9 Elections of the form on which signatures will be affixed, and
10 said drive shall terminate one hundred and eighty (180)-days
11 after that date. In the event sufficient signatures are not
12 acquired during that one hundred eighty day period, the
13 petition initiative shall be rendered null and void and none
14 of the signatures may be carried over into another identical
15 or similar petition. The sponsor shall submit signed and dated
16 forms to the Supervisor of Elections and upon submission shall
17 pay all fees as required by general law. The Supervisor of
18 Elections shall, within forty-five (45) days, verify the
19 signatures thereon.

20 (c) Within forty-five days after the requisite number
21 of names have been verified by the Supervisor of Elections and
22 reported to the Village Council, the Village Council shall
23 notice and hold according to general law a public hearing on
24 the proposed ordinance and vote on it.

25
26 Section 11.02 Referendum.--

27 (a) If the Village Council fails to enact the proposed
28 ordinance at the public hearing, it shall at the public
29 hearing, by resolution, call a referendum on the question of
30 the adoption of the proposed ordinance to be held at the next
31 general election occurring at least ninety (90) days after the

1 adoption of such resolution. If the question of the adoption
2 of the proposed ordinance is approved by a majority of those
3 registered electors voting on the question, the proposed
4 ordinance shall be declared by resolution of the Village
5 Council to be enacted and shall become effective on the date
6 specified in the ordinance, or, if not so specified, on
7 January 1 of the succeeding year. The Village Council shall
8 not amend or repeal an ordinance adopted by this initiative
9 procedure for a period of 1 year after the effective date of
10 such ordinance. Any such amendment or repeal shall require an
11 affirmative vote of four members of the Village Council.

12 (b) The consideration of adoption by the electors of a
13 proposed ordinance under this section 11.02 shall only be
14 scheduled at a general election as provided under general law
15 if the petition signatures as required in section 11.01(a)
16 above equal twenty-five percent (25%) or more of the electors
17 qualified to vote in the last preceding Village of Pensacola
18 Beach election. A special election as provided by general law
19 shall be held if the petition signatures as required by
20 section 11.01(a) above equal thirty-five percent (35%) or more
21 of the electors qualified to vote in the last preceding
22 Village of Pensacola Beach election.

23
24 Section 11.03 Restrictions.--The power to enact,
25 amend, or repeal an ordinance by initiative shall not include
26 ordinances relating to administrative or judicial functions of
27 Village government, including, but not limited to, the Village
28 budget, debt obligations, capital improvement programs,
29 salaries of Village officers and employees, the levy and
30 collection of taxes, and the rezoning of an individual parcel
31 of land.

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ARTICLE XII: CHARTER AMENDMENTS

Section 12.01 Amendments Proposed by Petition.--

(a) The electors of the Village of Pensacola Beach shall have the right to initiate proposed amendments to this Home Rule Charter upon petition of the qualified electors in the Village. The number of qualified elector signatures for a valid petition must equal at least twenty-five percent (25%) of the electors qualified to vote in the last Village election.

(b) Each such proposed amendment shall embrace but one subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Village of Pensacola Beach for the next general election occurring in excess of ninety (90) days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified.

(c) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which the signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by Village ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate three hundred and sixty-five (365) days after that date. In the event sufficient signatures are not acquired during that three hundred and sixty-five (365) day period, the petition initiative shall be rendered null and

1 void and none of the signatures may be carried over onto
2 another identical or similar petition. The sponsor shall
3 submit signed and dated forms to the Supervisor of Elections
4 and upon submission pay all fees as required by general law.
5 The Supervisor of Elections shall, within forty-five (45)
6 days, verify the signatures thereon.

7 (d) If approved by a majority of those electors voting
8 on the amendment at the general election, the amendment shall
9 become effective on the date specified in the amendment, or,
10 if not so specified, on January 1 of the succeeding year.

11
12 Section 12.02 Amendments and Revisions by Charter
13 Review Commission.--

14 (a) A Charter Review Commission consisting of five (5)
15 electors of the Village shall be appointed by a majority vote
16 of the Village Council at least six (6) months before the
17 general election occurring in 2004 and 2008 and at least six
18 (6) months before the general election of every ten (10) years
19 thereafter. The Charter Review Commission shall review the
20 Home Rule Charter and propose any amendments or revisions
21 which may be advisable for placement on the general election
22 ballot. No member of the State Legislature or the Village
23 Council, shall be a member of the Charter Review Commission.
24 Vacancies shall be filled within thirty (30) days in the same
25 manner as the original appointments.

26 (b) The Charter Review Commission shall meet for the
27 purpose of organization within thirty (30) days after the
28 appointments have been made. The Charter Review Commission
29 shall elect a chairman and vice chairman from among its
30 membership. Further meetings of the Charter Review Commission
31 shall be held upon the call of the chairman or a majority of

1 the members of the Charter Review Commission. All meetings
2 shall be open to the public. A majority of the members of the
3 Charter Review Commission shall constitute a quorum. The
4 Charter Review Commission may adopt such other rules for its
5 operations and proceedings as it deems desirable. Members of
6 the Charter Review Commission shall receive no compensation
7 but shall be reimbursed for necessary expenses pursuant to
8 general law.

9 (c) For the year in which the reviews are scheduled,
10 the Village Council shall establish a separate budget line for
11 the Charter Review Commission. Said budget will be sufficient
12 to allow the Commission to operate independently. Expenses of
13 the Commission shall be verified by a majority vote of the
14 Commission and forwarded to the Village Council for payment
15 from the established account. The Charter Review Commission
16 may employ a staff, consult and retain experts, and purchase,
17 lease, or otherwise provide for such supplies, materials,
18 equipment, and facilities as it deems necessary and desirable.

19 (d) The Charter Review Commission shall hold at least
20 two (2) public hearings at intervals of not less than ten (10)
21 days or more than twenty (20) days on any proposed Charter
22 amendment or revision, and no Charter amendment or revision
23 shall be submitted to the electorate for adoption unless
24 favorably voted upon by an affirmative vote of four (4)
25 members of the Charter Review Commission.

26 (e) No later than sixty (60) days prior to the general
27 election, the Charter Review Commission shall deliver to the
28 Village Council the proposed amendments or revisions, if any,
29 to the Home Rule Charter. The Village Council shall by
30 resolution place such amendments or revisions as approved by
31 the Charter Review Commission on the next general election

1 ballot. If a majority of the electors voting on the amendments
2 or revisions favor adoption, such amendments or revisions
3 shall become effective on January 1 of the succeeding year or
4 such other time as the amendment or revision shall provide.

5 (f) If the Charter Review Commission does not submit
6 any proposed Charter amendments or revisions to the Village
7 Council at least ninety (90) days prior to the general
8 election, the Charter Review Commission shall be automatically
9 dissolved. Otherwise, upon acceptance or rejection of the
10 proposed amendments or revisions by the electors, the Charter
11 Review Commission shall be automatically dissolved. Upon
12 dissolution of the Charter Review Commission, all property of
13 the Charter Review Commission shall thereupon become the
14 property of the Village Council.

15
16 Section 12.03 Amendments Proposed by the Village
17 Council.--

18 (a) Amendments to this Charter may be proposed by
19 ordinance enacted by the Village Council by an affirmative
20 vote of four (4) members of the Village Council. Each
21 proposed amendment shall embrace but one subject and matter
22 directly connected therewith. Each proposed amendment shall
23 only become effective upon approval by a majority of the
24 electors of the Village of Pensacola Beach voting in a
25 referendum at the next general election or special election,
26 if called by the Village Council. The Village Council shall
27 give public notice of such referendum election as required by
28 general law.

29 (b) If approved by a majority of those electors voting
30 on the amendment at the general or special election, the
31 amendment shall become effective on the date specified in the

1 amendment, or, if not so specified, on January 1 of the
2 succeeding year.

3
4 ARTICLE XIII: SEVERABILITY

5
6 Section 13.01 Invalidity of Charter provision or
7 application.--If any provision of this charter is held
8 invalid, the other provisions of the Charter shall not be
9 affected thereby. If the application of this Charter or any of
10 its provisions to any person or circumstance is held invalid,
11 the application of the Charter and its provisions to other
12 persons or circumstances shall not be affected thereby.

13
14 ARTICLE XIV: TRANSITION

15
16 Section 14.01 Referendum election.--The referendum
17 election called for by this act shall be conducted by the
18 Supervisor of Elections of Escambia County by a mail ballot in
19 accordance with the Mail Ballot Election Act, sections
20 101.6101-101.6107, Florida Statutes. The mail ballot shall be
21 returned to the Supervisor of Elections of Escambia County by
22 July 24, 2000. The following question shall be placed on the
23 ballot:

24
25 "SHALL CHAPTER 2000- LAWS OF FLORIDA, CREATING THE VILLAGE OF
26 PENSACOLA BEACH AND PROVIDING ITS CHARTER BE APPROVED?"

27
28 In the event this question is answered affirmatively by a
29 majority of voters casting ballots in the referendum, the
30 provisions of this Charter shall take effect as provided
31 herein.

1
2 Section 14.02 Initial Election of Council.--
3 (a) Dates.--Following the adoption of this Charter,
4 the Escambia County Commission shall call a special election
5 to be held on the first Tuesday in December, 2000, for the
6 election of five (5) Council members. Any necessary runoff
7 election shall be held in accordance with section 5.07 of this
8 Charter.

9 (b) Qualifying Period.--Between noon on September 18,
10 2000, and noon on September 27, 2000, any individual who
11 wishes to run for one of the five initial seats on the Council
12 shall qualify as a candidate with the Escambia County
13 Supervisor of Elections in accordance with the provisions of
14 this Charter and general law.

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

19 (d) Induction into Office.--Those candidates who are
20 elected shall take office at the initial Council meeting,
21 which shall be held at 6 p.m. on January 2, 2001, at the Santa
22 Rosa Island Authority Building, Pensacola Beach, Florida.

23 (e) Transitional Terms of Office.--Seats #1 and #2
24 shall initially be for a 1-year term. Seats #3, #4, and #5 for
25 three years. Thereafter, all terms shall be for 4 years, on a
26 staggered basis.

27
28 Section 14.03 Creation and establishment of the
29 Village of Pensacola Beach.--To comply with chapters 196, 199,
30 and 200, Florida Statutes, (1997), and unilateral promises
31 made by Escambia County and the State of Florida under the

1 authority of chapter 25810, Laws of Florida, (1949), relating
2 to exemption from assessment and collection of certain ad
3 valorem taxes, the collection of lease fees by the Village is
4 authorized in lieu of ad valorem taxes. The Village of
5 Pensacola Beach is hereby created and established effective
6 December 31, 2000.

7
8 Section 14.04 Early assumption of duties.--As soon as
9 a quorum has been elected, the Council shall have the
10 authority and power to enter into agreements, arrange for the
11 hiring of interim legal counsel, begin recruiting applicants
12 for the position of Village Manager, provide for necessary
13 Village offices and facilities, and do such other as deemed
14 necessary and appropriate for the Village to become
15 operational on December 31, 2000.

16
17 Section 14.05 First-year expenses.--The Council, in
18 order to provide moneys for the expenses associated with
19 transitioning from the Santa Rosa Island Authority to the
20 Village of Pensacola Beach, shall, if needed, have the power
21 to borrow money necessary for that transition and the
22 operation of municipal government until such time as the
23 Village of Pensacola Beach establishes its initial budget.

24
25 Section 14.06 Transitional ordinances and
26 resolutions.--The Council shall adopt ordinances and
27 resolutions required to effect the transition. Ordinances
28 adopted within 90 days after the first Council meeting may be
29 passed as emergency ordinances as provided in section 9.02,
30 except these transitional ordinances shall be effective for no
31 longer than 90 days after adoption and, thereafter, may be

1 readopted, renewed, amended, or otherwise continued only in
2 the manner normally prescribed for ordinances.

3
4 Section 14.07 Transitional comprehensive plan.--Until
5 such time as the Village adopts a comprehensive plan, the
6 Escambia County Comprehensive Plan and the 1988 PB Land
7 Utilization Plan and Article 13, Escambia County Land
8 Development Code (LDC), as the same exists on the day the
9 Village commences corporate existence, shall remain in effect
10 as the Village transitional comprehensive plan.

11
12 Section 14.08 Transitional land development
13 regulations.--To implement the transitional comprehensive plan
14 when adopted, the Village shall, in accordance with the
15 procedures required by Florida law, adopt ordinances providing
16 for land development regulations within the corporate limits.

17 (a) All powers and duties of the Escambia County
18 Department of Community Development, Escambia County hearing
19 examiner, and County Commission of Escambia County, Florida,
20 as set forth in these transitional land development
21 regulations, shall remain vested with the County until such
22 time through interlocal agreement the County and the Village
23 agree to a transfer of responsibility to the Village. Once
24 transferred, such powers and duties set forth in the
25 interlocal agreement shall be vested in the Village Council
26 until such time as the Village Council delegates all or a
27 portion thereof to another entity.

28 (b) The Council is fully empowered to amend,
29 supersede, enforce, or repeal the transitional land
30 development regulations, or any portion thereof, by ordinance.

31

1 (c) Subsequent to the commencement of the Village's
2 corporate existence, no amendment of the comprehensive plan or
3 land development regulations enacted by the Escambia County
4 Commission shall be deemed an amendment of the Village's
5 transitional comprehensive plan or land development regulation
6 or otherwise take effect within the Village's municipal
7 boundaries unless approved by the Village Council.

8
9 Section 14.09 State-shared revenues.--The Village of
10 Pensacola Beach shall be entitled to participate in all shared
11 revenue programs of the State of Florida effective immediately
12 on the date of incorporation. Lease fees collected in lieu of
13 ad valorem taxes within the corporate limits of the Village
14 shall meet the requirements of all Florida Statutes,
15 including, but not limited to, section 218.23, Florida
16 Statutes, (1997), for the purpose of eligibility to receive
17 revenue sharing funds from the date of incorporation through
18 the state fiscal year 2001-2002. Initial population estimates
19 for calculating eligibility for shared revenues shall be
20 determined by the University of Florida Bureau of Economic and
21 Business Research. Should the Bureau be unable to provide an
22 appropriate population estimate, the Escambia County
23 Department of Community Development shall provide an
24 appropriate estimate.

25
26 Section 14.10 Local Option Gas Taxes.--Notwithstanding
27 the requirements of section 336.025, Florida Statutes, to the
28 contrary, The Village of Pensacola Beach shall be entitled to
29 receive local option gas tax revenues concurrent with its
30 incorporation. The said revenues shall be distributed in
31

1 accordance with an interlocal agreement based upon the
2 relative population of the entities sharing the revenue.

3
4 Section 14.11 Contractual services and
5 facilities.--Services for fire, police, public works, parks
6 and recreation, planning and zoning, building inspection,
7 development reviews, animal control, and solid waste
8 collection may be supplied by contract between the Village and
9 county, special districts, municipalities, or private
10 enterprise until such time as the Village Council establishes
11 such independent services.

12
13 Section 14.12 Elimination of transition elements from
14 the Charter.--Upon completion of the transition phase as
15 contained herein, those sections of the Charter relating to
16 transition shall be eliminated from the charter.

17
18 ARTICLE XV: INDEPENDENT SPECIAL DISTRICTS

19
20 Section 15.01 It is recognized that certain services
21 within the municipal boundaries are provided by independent
22 special districts created by special acts of the Florida
23 Legislature. The municipality is empowered to merge the
24 functions of said districts with those of the municipality
25 only upon dissolution of the special district, or upon
26 affirmative vote of a majority of the Village Council and an
27 affirmative vote of the majority of the Council or board
28 governing the district after meeting all requirements for
29 merger or dissolution in the district's enabling legislation
30 and chapter 189, Florida Statutes. It is recognized that
31 certain planning and interlocal agreements may be necessary

1 between the Village and such districts and the Village Council
2 shall endeavor to maximize the benefits of the districts to
3 the fullest extent possible. In the event the Village Council
4 desires to supplement or duplicate services determined to be
5 inadequate, the Council is fully empowered to do so.

6
7 ARTICLE XVI: REVENUE-SHARING
8

9 Section 16.01 Lease fees collected in lieu of ad
10 valorem taxes within the corporate limits of the Village and
11 MSBU fees paid by leaseholders do meet, and they are hereby
12 declared commensurate with, the local revenue raising
13 requirements of Florida Statutes, including but not limited
14 to, section 218.23, Florida Statutes, (1997). The Village of
15 Pensacola Beach accordingly shall be eligible to participate
16 in revenue sharing beyond the minimum entitlement in any
17 fiscal year.

18
19 ARTICLE XVII: PUBLIC PURPOSE
20

21 Section 17.01 Beach Access.--The Village of Pensacola
22 Beach shall at all times honor, abide by, and enforce the
23 terms set forth in the Deed of Conveyance, dated February 16,
24 1947, from the United States of America to Escambia County,
25 Florida. This Charter is intended to further serve the intent
26 of the original Deed of Conveyance as it relates to the public
27 interest.

28
29 Section 17.02 Lease Fees.--All interests, rights, and
30 obligations of the Santa Rosa Island Authority in existing
31 lease or sublease agreements between leaseholders and the

1 Santa Rosa Island Authority as of December 31, 2000, shall be
2 assigned, transferred, and conveyed without modification to
3 the Village of Pensacola Beach as successor in interest to the
4 Santa Rosa Island Authority. Thereafter, the terms and intent
5 of each and every such lease or sublease shall be honored by
6 the Village and its Council.

7 (a) All lease fees collected by the Village are in
8 lieu of ad valorem taxes because of express promises and
9 inducements made to ultimate leaseholders and subleaseholders,
10 and their successors in interest, that the leasehold interests
11 would remain exempt from State, County, Municipal, and all
12 other ad valorem taxes of every kind. All title to leased and
13 subleased land and improvements within the Village is and will
14 remain vested in Escambia County.

15 (b) Consistent with the deed by which the United
16 States Department of Interior conveyed the real property
17 within the Village to Escambia County to be used in the public
18 interest, the Village of Pensacola Beach shall not sell or
19 otherwise dispose of leasehold interests for which it is
20 assignee and successor in interest of the Santa Rosa Island
21 Authority but shall at all times act to ensure that lease and
22 sublease agreements serve the public interest.

23 (c) The Village of Pensacola Beach, as assignee and
24 successor in interest of the Santa Rosa Island Authority,
25 shall collect lease fees in lieu of ad valorem taxes for use
26 in financing governmental activities in the same manner and to
27 the same extent as did the SRIA previously.

28
29 Section 17.03 Equipment, Vehicles, and Personal
30 Property Transfer.--All equipment, vehicles, and personal
31 property owned or leased by the Santa Rosa Island Authority

1 shall be transferred, assigned, and conveyed to the Village of
2 Pensacola Beach. The Village of Pensacola Beach as assignee
3 and successor in interest of the Santa Rosa Island Authority,
4 shall assume and fully discharge upon the same terms the
5 remaining indebtedness, if any, for such property formerly
6 belonging to the Santa Rosa Island Authority consistent with
7 the terms of purchase or lease for which the Santa Rosa Island
8 Authority is obligated to any third-party vendor or lender.

9
10 Section 17.04 Public easements, real property, and
11 improvements.--All easements, real property, and improvements
12 within the Village owned, leased, subleased, or used by the
13 Santa Rosa Island Authority, Escambia County, or the Escambia
14 County Sheriff for the purpose of carrying out public
15 governmental duties and responsibilities, including, but not
16 limited to, streets, parking lots, the SRIA office building,
17 Escambia County Sheriff's substation, Casino Beach Pavilion,
18 Visitor Center, parks, piers, docks, boat ramps, picnic
19 facilities, playgrounds, dune walkovers, walkways, sidewalks,
20 workshops, sheds, garages, and unimproved real estate, shall
21 be leased, transferred, and assigned to the Village of
22 Pensacola Beach for a period of 99 years with the right of
23 renewal for an additional like period upon payment of the sum
24 of one dollar (\$1) per year to Escambia County. The Village
25 shall use and exercise dominion over said easements, property,
26 and improvements exclusively for municipal purposes in the
27 public interest in carrying out its governmental duties.

28
29 Section 17.05 Beach Advisory Commission.--The Village
30 Council shall within a year of incorporation work with
31 regional governments, business, and civic leaders to establish

1 a Beach Advisory Committee. Said committee will meet
2 semiannually with the Village Council to discuss beach issues
3 having areawide implications.

4
5 Section 17.06 Continuation of Existing
6 Employees.--Existing staff and employees of the Santa Rosa
7 Island Authority shall be assured of continued employment by
8 the Village of Pensacola Beach, absent misconduct or good
9 cause for termination, subject to confirmation by the
10 governing body of the Village through the presentation of its
11 initial budget.

12
13 Section 17.07 Other Assets, Accounts, and Debt
14 Transfer.--All other existing assets, financial accounts,
15 indebtedness, contracts, and obligations of the Santa Rosa
16 Island Authority upon incorporation shall be assigned and
17 transferred to the Village of Pensacola Beach. From the date
18 of the referendum to the establishment of the Village of
19 Pensacola Beach, the SRIA will be prohibited from disposing of
20 such assets and accounts or entering into any contracts which
21 obligate the SRIA to debts other than those necessary for the
22 daily operational activities of the Island.

23
24 ARTICLE XVIII: ABOLISHMENT OF
25 THE SANTA ROSA ISLAND AUTHORITY
26

27 Section 18.01 Abolishment.--Effective upon the
28 incorporation of the Village of Pensacola Beach (December 31,
29 2000) the Santa Rosa Island Authority will be abolished and
30 any and all of its duties assumed by the Village of Pensacola
31 Beach.

1
2 Section 18.02 Trustee.--The Escambia County Commission
3 shall appoint a trustee vested with the fiduciary obligation
4 and authority to prudently oversee and direct the execution of
5 the fiscal year 2001 budget of the Santa Rosa Island Authority
6 beginning October 1, 2000, until the Village is officially
7 incorporated on December 31, 2000. The trustee may hire on a
8 temporary basis such additional assistants for a trustee team
9 as in his or her judgment is prudent, reasonable, and
10 necessary. Escambia County shall be reimbursed for the
11 trustee's salary. Such reimbursement shall be included in the
12 Santa Rosa Island Authority's fiscal year 2001 budget
13 submission to the Escambia County Commission.
14

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 Pensacola Beach as described in section 2.01,
19 voting in a referendum election to be called by the Escambia
20 County Commission and conducted by the Supervisor of Elections
21 of Escambia County by a mail ballot, in accordance with the
22 Mail Ballot Election Act, sections 101.6101-101.6107, Florida
23 Statutes, by July 24, 2000, except that sections 14.01 and
24 15.01 of section 1 of this act and section 2 shall take effect
25 upon becoming a law.
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