

By Senator Jones

40-973-00

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

1 vacancies; providing for bond for village
2 manager and village clerk; providing
3 qualifications, powers, and duties; providing
4 for nonpartisan elections and for matters
5 relative thereto; providing for recall;
6 providing for initiative and referenda;
7 providing the village a transitional schedule
8 and procedures for first election; providing
9 for first-year expenses; providing for adoption
10 of transitional ordinances, resolutions,
11 comprehensive plan, and local development
12 regulations; providing for a solid waste
13 collection plan; providing for accelerated
14 entitlement to state shared revenues; providing
15 for gas tax revenue; providing for
16 infrastructure surtax revenues; providing for
17 the assessment and collection of ad valorem
18 taxes; providing for future amendments of the
19 charter; providing for standards of conduct in
20 office; providing for severability; providing
21 for a referendum approval; providing effective
22 dates.

23

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

25

26 Section 1. LEGISLATIVE INTENT.--The Legislature hereby
27 finds and declares that:

28

29 (1) The "Village of Paradise Islands" area in Monroe
30 County includes a compact and contiguous community of
31 approximately 5,520 residents susceptible to urban services,

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1 and constitutes a community amenable to separate municipal
2 government.

3 (2) It is in the best interests of the public health,
4 safety, and welfare of the residents of the Village of
5 Paradise Islands area to form a separate municipality for the
6 area with all the powers and authority necessary to provide
7 adequate and efficient municipal services to its residents.

8 (3) It is intended that this charter and the
9 incorporation of the Village of Paradise Islands area will
10 serve to preserve and protect the distinctive characteristics
11 of the individual communities within the boundaries of the
12 Village of Paradise Islands.

13 Section 2. INCORPORATION OF MUNICIPALITY; CORPORATE
14 LIMITS.--There is hereby created, effective November 15, 2000,
15 in Monroe County, a new municipality to be known as the
16 Village of Paradise Islands, which shall have a
17 mayor-council-manager form of government. The corporate
18 boundaries of the Village of Paradise Islands, hereinafter
19 referred to as "village," shall be as described in section 2
20 of the charter.

21 Section 3. SHORT TITLE.--This act, together with any
22 future amendments thereto, shall be known and may be cited as
23 the "Village of Paradise Islands Charter," hereinafter
24 referred to as "the charter." The charter of the Village of
25 Paradise Island is created to read:

26 Section 1. MUNICIPAL POWERS.--The village shall be a
27 body corporate and politic and shall have all the powers of a
28 municipality under the State Constitution and laws of this
29 state, as fully and completely as though such powers were
30 specifically enumerated in this charter, unless otherwise
31 prohibited by or contrary to the provisions of this charter.

1 The village shall have all governmental, corporate, and
2 proprietary powers necessary to enable it to conduct municipal
3 government, perform municipal functions, and render municipal
4 services, and may exercise any power for municipal services
5 unless expressly prohibited by law. The powers of the village
6 shall be liberally construed in favor of the village. The
7 quality of rights under the laws of the Village of Paradise
8 Islands shall not be denied or abridged because of sex, sexual
9 orientation, age, disability, race, creed, color, or national
10 origin.

11 Section 2. VILLAGE BOUNDARIES.--The corporate
12 boundaries of the village shall be as follows:

13
14 All the Florida Keys and Islands north and east
15 of a line projected at a magnetic compass
16 heading of 325 degrees to the northwest and 215
17 degrees to the southwest from a point at the
18 centerline at the east end of the North Pine
19 Channel Bridge up to a line projected north and
20 south at the west end of the Seven Mile Bridge,
21 including but not limited to Big Pine Key, No
22 Name Key, The Spanish Harbor Keys, Bahia Honda
23 Key, Ohio Key, Missouri Key, Little Duck Key,
24 The Newfound Harbor Keys, including Cook,
25 Coconut, Big Munson and Little Palm Islands,
26 and all land filled in between the islands, all
27 of the above within Monroe County, Florida.

28 Section 3. VILLAGE COUNCIL.--

29 (1) VILLAGE COUNCIL; COMPOSITION; QUALIFICATIONS OF
30 COUNCIL MEMBERS.--

31

1 (a) There shall be a five-member village council,
2 hereinafter referred to as "council," consisting of a mayor,
3 also considered a council member, elected from and
4 representing the village at large and two council members,
5 hereinafter referred to as "councilors," elected from precinct
6 16, as defined by Resolution No. 044-1996 by the Board of
7 County Commissioners of Monroe County, or as defined in the
8 future by a Resolution by the Village Council, and two council
9 members, hereinafter referred to as "councilors," elected from
10 precinct 17, as defined by Resolution No. 044-1996 by the
11 Board of County Commissioners of Monroe County, or as defined
12 in the future by a Resolution by the Village Council.

13 (b) To qualify for office:

14 1. Each candidate for an office on the council shall
15 be a registered voter in Florida and a resident of the village
16 for at least 1 year prior to the last date the candidate is
17 allowed to qualify.

18 2. At the time of qualification, each candidate for a
19 councilor seat shall reside within the boundaries of the
20 precinct for which the candidate is qualifying and, if
21 elected, shall maintain such residency throughout his or her
22 term of office. For the initial election, following the
23 referendum approving the creation of the village, candidates
24 for office shall qualify as provided in section 7(2) of this
25 charter. Thereafter, candidates shall qualify as provided in
26 section 6(3)of this charter.

27 (2) TERM OF OFFICE.--The term of office for all
28 council members shall be 2 years, except that the first term
29 for all shall be from their initial election as provided in
30 section 7(2) of this charter until the first general election
31 in November of the year 2002. Each council member shall

1 remain in office until a successor is elected and assumes the
2 duties of the position, except as otherwise provided herein.
3 No council member shall serve as either councilor or mayor for
4 more than three consecutive terms of office. A term of office
5 of less than 365 days to fill a vacancy shall not be applied
6 to the maximum tenure of three consecutive terms of office.

7 (3) THE MAYOR; POWERS AND DUTIES.--

8 (a) The mayor shall be elected from and represent the
9 village at large and shall have been an elector of the village
10 and shall have resided in the village for at least 1 year
11 prior to the last date the candidate is allowed to qualify to
12 run for the office of mayor. Failure to possess any such
13 qualification during a term of office shall be cause for
14 forfeiture of the office, and the council shall remove the
15 mayor from office. The mayor shall maintain residency in the
16 village throughout his or her term of office.

17 (b) The mayor shall have the same legislative powers
18 and duties as any other council member.

19 (c) The mayor shall preside at the meetings of the
20 council and shall be recognized as the head of village
21 government for service of process, ceremonial matters, and the
22 signature or execution of ordinances, contracts, deeds, bonds,
23 and other instruments and documents. The mayor shall have no
24 administrative duties other than those necessary to accomplish
25 these actions, or such other actions as may be authorized by
26 the council, consistent with general or special law.

27 (4) THE VICE MAYOR.--The council, at its first regular
28 meeting in December of each year, shall elect from its
29 membership a vice mayor who shall serve at the pleasure of the
30 council and as acting mayor during the absence or disability
31 of the mayor. In the absence of the mayor and the vice mayor,

1 the council members shall select a council member to serve as
2 acting mayor.

3 (5) COMPENSATION AND EXPENSES.--Councilors shall
4 receive compensation in the amount of \$350 per month and the
5 mayor shall receive compensation in the amount of \$500 per
6 month. In addition, all council members shall be entitled to
7 receive reimbursement in accordance with Florida Statutes for
8 authorized travel and per diem expenses incurred in the
9 performance of their official duties. The council, by not less
10 than four-fifths affirmative votes of all council members in
11 office, may elect to increase or decrease compensation by
12 ordinance. However, no such ordinance increasing or
13 decreasing compensation shall take effect until the date of
14 commencement of the terms of council members selected at the
15 next regular election which follows the adoption of said
16 ordinance.

17 (6) GENERAL POWERS AND DUTIES OF THE VILLAGE
18 COUNCIL.--

19 (a) Except as otherwise prescribed herein or provided
20 by law, legislative and police powers of the village shall be
21 vested in the council. The council shall provide for the
22 exercise of its powers and for the performance of all duties
23 and obligations imposed on the village by law.

24 (b) Neither the council nor any of its members shall
25 in any manner dictate the appointment or removal of any
26 village employees whom the manager or any of his or her
27 subordinates are empowered to appoint, except as provided in
28 this charter, but the council may express its views and fully
29 and freely discuss with the manager anything pertaining to
30 appointment and removal of such employees.

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1 (c) Except for the purpose of inquiries and
2 investigations, the council or its members shall deal with
3 village employees who are subject to the direction and
4 supervision of the manager solely through the manager, and
5 neither the council nor its members shall give orders to any
6 such employee, either publicly or privately.

7 (d) Nothing in the foregoing is to be construed to
8 prohibit individual members of the council from closely
9 scrutinizing, by questions and personal observation, all
10 aspects of village government operations so as to obtain
11 independent information to assist the members in the
12 formulation of sound policies to be considered by the council.
13 It is the express intent of this charter, however, that
14 recommendations for improvement in village government
15 operations by individual council members be made to and
16 through the village manager, so that the manager may
17 coordinate efforts of all village departments to achieve the
18 greatest possible savings through the most efficient and sound
19 means available.

20 (e) Any council member who shall violate the
21 provisions of paragraphs (b) and (c) set forth above is guilty
22 of a misdemeanor of the first degree, to be tried by a court
23 of competent jurisdiction and punishable as provided by state
24 law. Conviction under this part shall be grounds for censure,
25 suspension, or removal of the council member by a majority
26 vote of the remaining members of the council.

27 (7) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;
28 FILLING OF VACANCIES.--

29 (a) Vacancies.--A vacancy in the office of a council
30 member shall occur upon the death of the incumbent, removal
31 from office as authorized by law, resignation, appointment to

1 other public office which creates dual office holding,
2 judicially determined incompetency, or forfeiture of office as
3 described in paragraph (b).

4 (b) Forfeiture of office.--A council member shall
5 forfeit his or her office upon determination by the council,
6 acting as a body, at a duly noticed public meeting that he or
7 she:

8 1. Lacks at any time, or fails to maintain during his
9 or her term of office, any qualification for the office
10 prescribed by this charter or otherwise required by law;

11 2. Is, while holding office, found guilty of a felony,
12 or enters a plea of guilty or nolo contendere to a crime
13 punishable as a felony, even if adjudication is withheld;

14 3. Is found guilty of a first degree misdemeanor
15 arising directly out of his or her official conduct or duties
16 as a member of the Village Council, or enters a plea of guilty
17 or nolo contendere thereto, even if adjudication of guilt has
18 been withheld;

19 4. Is found to have violated any standard of conduct
20 or code of ethics established by State of Florida or local law
21 for public officials and/or has been suspended from office by
22 the Governor, unless subsequently reinstated as provided by
23 law; or

24 5. Is absent from three consecutive regular council
25 meetings without justifiable reason as determined by a
26 four-fifths vote of the other members of the council, or for
27 any other reason established in this charter.

28 (c) Suspension from office.--A council member shall be
29 automatically suspended from office upon return of an
30 indictment or issuance of an information charging the council
31 member with any crime which is punishable as a felony or with

1 any crime arising out of his or her official council duties
2 which is punishable as a first degree misdemeanor. Pursuant
3 thereto:

4 1. During the period of suspension, the council member
5 shall not perform any official act, duty, or function, or
6 receive any pay, allowance, emolument, or privilege of office.

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

15 (d) Filling of vacancies.--

16 1. If any vacancy occurs in the office of mayor or any
17 other council member, the remaining council members shall,
18 within 30 days following the occurrence of such vacancy, by
19 majority vote, appoint a person to fill the vacancy for the
20 remainder of the unexpired term.

21 2. Any person appointed to fill a vacant seat on the
22 council shall be required to meet the qualifications of the
23 seat to which he or she is appointed.

24 (8) VILLAGE COUNCIL MEETINGS.--The council shall
25 conduct regular semi-monthly meetings, which shall not begin
26 before 6:00 p.m., at such times and places as the council
27 shall prescribe by resolution. Such meetings shall be public
28 meetings within the meaning of section 286.011, Florida
29 Statutes, and shall be subject to notice and other
30 requirements of law applicable to public meetings. The council
31 shall adopt Robert's Rules of Order, determine other rules in

1 order of business, and keep a journal of its proceedings.
2 Pursuant thereto:
3 (a) Special meetings may be held at the call of the
4 mayor, or in his or her absence, at the call of the vice
5 mayor. Special meetings may also be called upon the request
6 of a majority of the councilors, consistent with section
7 286.011, Florida Statutes. Unless of an emergency nature, the
8 person or persons calling such a meeting shall provide not
9 less than 72 hours' prior notice of the meeting to the public.
10 In an emergency situation, a special meeting may be called if
11 at least 4 hours' notice is given to each council member,
12 served personally, or left at his or her usual place of
13 residence, with every effort made to contact the member by the
14 village clerk. The village clerk shall also make every effort
15 to notify the public of any special meeting.
16 (b) Elected or reelected council members shall be
17 inducted into office at the first regularly scheduled meeting
18 following certification of their election.
19 (c) A majority of the council shall constitute a
20 quorum. No action of the council shall be valid unless
21 adopted by an affirmative vote of the majority of the council
22 members in attendance, unless otherwise provided by law. All
23 actions of the council shall be by ordinance, resolution, or
24 motion.
25 (9) VILLAGE RECORDS.--The council shall, in a properly
26 indexed book kept for the purpose, provide for the
27 authentication and recording in full of all minutes of
28 meetings, and all ordinances and resolutions adopted by the
29 council, and the same shall, at all times, be a public record.
30 The council shall further maintain a current codification of
31 all ordinances. Such codification shall be printed and shall

1 be made available for distribution to the public on a
2 continuing basis. All ordinances or resolutions of the
3 council shall be signed by the mayor, or vice mayor in the
4 absence or disability of the mayor, or by the acting mayor in
5 the absence or disability of both the mayor and the vice
6 mayor, and attested to by the village clerk. All meetings of
7 the council and of the committees thereof shall be public
8 meetings within the meaning of Section 286, Florida Statutes,
9 and the public shall have access to the minutes and records
10 thereof at all reasonable times.

11 (10) ADOPTION OF CODES.--The council may adopt any
12 standard code of technical regulations by reference thereto in
13 an adopting ordinance and may amend the code in the adopting
14 ordinance or later amendatory ordinance. The procedures and
15 requirements governing such an adoption ordinance shall be
16 those prescribed for ordinances generally, except that:

17 (a) Requirements regarding distribution and filing of
18 copies of the ordinance shall not be construed to require
19 distribution and filing of copies of the adopted code of
20 technical regulations, except as provided in paragraph (b).

21 (b) A copy of each adopted code of technical
22 regulations, as well as of the adoptive ordinance, shall be
23 authenticated and recorded by the village clerk.

24 (11) LIMITATION OF EMPLOYMENT OF COUNCILORS AND
25 MAYOR.--Neither councilors nor the mayor shall be in the
26 employment of the village while in office, nor shall any
27 former councilor or mayor be employed by the village until
28 after the expiration of 1 year from the time of leaving
29 office.

30 (12) REFERENDUM REQUIRED FOR CONVEYANCE OF
31 VILLAGE-OWNED REAL PROPERTY; EXCEPTIONS.--The village shall

1 not sell, convey, or otherwise transfer any real property, or
2 any interest therein, to any person without the transfer being
3 approved by referendum. However, the abandonment of any real
4 property shall be at the discretion of the council, but only
5 if the total real value meets the criteria in subparagraph (a)
6 stated below and there are no opposing neighbors that adjoin
7 the property. The lease of village-owned real property in
8 areas of the village, other than a redevelopment area, for a
9 term greater than 10 years shall be considered a conveyance
10 requiring referendum. This subsection does not apply to the
11 following:

12 (a) Any property valued under \$50,000 as determined by
13 the average of three appraisals of the property, with the
14 appraisals to be paid for by the recipient of the property.

15 (b) The release of a claim or interest in land to
16 settle, or aid the settlement of, record title to real
17 property.

18 (13) RIGHT OF INDIVIDUAL TO BE HEARD.--All residents
19 shall have the right to be heard at all council meetings
20 within the meaning of Section 286.011, Florida Statutes,
21 subject to rules established by the council.

22 Section 4. BUDGET AND APPROPRIATIONS.--

23 (1) FISCAL YEAR.--The village shall have a fiscal year
24 which shall begin on October 1 of each year and end on
25 September 30 of the succeeding year.

26 (2) BUDGET ADOPTION.--The council shall by resolution
27 adopt for the succeeding fiscal year a budget on or before the
28 15th day of September of each year, following a minimum of two
29 public hearings on the proposed budget. A resolution adopting
30 the annual budget shall constitute appropriation of the

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1 amounts specified therein as expenditures from funds
2 indicated.

3 (3) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.--

4 (a) Supplemental appropriations.--If, during the
5 fiscal year, revenues in excess of those estimated in the
6 budget are available for appropriation, the council by
7 resolution may make supplemental appropriations for the year
8 in an amount not to exceed such excess.

9 (b) Reduction of appropriations.--If, at any time
10 during the fiscal year, it appears probable to the village
11 manager that the revenues available will be insufficient to
12 meet the amount appropriated, the village manager shall report
13 same to the council without delay, indicating the estimated
14 amount of the deficit, any remedial action taken, and
15 recommendations as to any other steps that should be taken.
16 The council shall then take such further action as it deems
17 necessary to prevent or minimize any deficit and, for that
18 purpose, the council may by resolution reduce one or more
19 appropriations accordingly.

20 (c) Limitations; effective date.--No appropriation for
21 debt service may be reduced or transferred, and no
22 appropriation may be reduced below any amount required by law
23 to be appropriated, or by more than the unencumbered balance
24 thereof.

25 Section 5. CHARTER OFFICERS.--

26 (1) DESIGNATION.--The village manager and the village
27 attorney are designated as charter officers, except that the
28 duties of the office of village attorney may be contracted to
29 be performed by an attorney or law firm.

30 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
31 VACANCIES.--

1 (a) The charter officers shall be appointed by a
2 majority vote of the council and shall serve at the pleasure
3 of the council.

4 (b) All charter officers shall be required to file
5 with the council a disclosure statement outlining any possible
6 conflicts of interest, financial or otherwise, that they might
7 have because of their position with the village.

8 (c) The charter officers shall be removed from office
9 only by a majority vote of the council. Upon demand by a
10 charter officer, a public hearing shall be held prior to such
11 removal.

12 (d) The compensation of the charter officers shall be
13 fixed by the council.

14 (e) Employment contracts with charter officers or any
15 other employees of the village shall not have duration in
16 excess of one year.

17 (f) The council shall immediately begin the process to
18 fill a vacancy in a charter office. An acting village manager
19 or an acting village attorney may be appointed by the council
20 during a vacancy in such charter office.

21 (g) The charter officers shall not be candidates for
22 the council while holding their charter officer position.

23 (3) BOND OF THE VILLAGE MANAGER/VILLAGE CLERK.--The
24 village council may provide by ordinance for the village
25 manager and village clerk to furnish a fidelity bond to be
26 approved by the council and in such amount as the council may
27 fix. The premium of the bond shall be paid by the village.

28 (4) VILLAGE MANAGER.--The village manager shall be the
29 chief administrative officer of the village.

30 (a) Qualifications.--The village manager shall be
31 selected using, but not limited to, the following criteria:

1 experience, expertise, management ability, and education. Any
2 of the foregoing criteria shall be used in determining the
3 ability as it pertains to running municipal government.

4 (b) Residency.--The village manager must become a
5 resident of the village within 90 days after accepting the
6 position with the village, and shall remain a resident of the
7 village for the duration of employment with the village.

8 (c) Powers and duties.--The village manager shall:

9 1. As the chief administrative officer of the village,
10 direct and supervise the administration of all departments,
11 offices, and agencies of the village, except the office of
12 village attorney, and except as otherwise provided by this
13 charter or by law.

14 2. Appoint, suspend, or remove any employee of the
15 village or appointive administrative employee provided for,
16 by, or under this charter, except the office of village
17 attorney and except as may otherwise be provided by law, this
18 charter, or personnel rules adopted pursuant to the charter.
19 The village manager may authorize any administrative employee
20 who is subject to his or her direction and supervision to
21 exercise these powers with respect to subordinates in that
22 employee's department, office, or agency.

23 3. Ensure that all laws, provisions of this charter,
24 and acts of the council are faithfully executed.

25 4. Prepare and submit the annual budget and capital
26 program to the council in the form prescribed by ordinance.

27 5. Attend meetings of the council.

28 6. Draw and sign vouchers upon depositories as
29 provided by ordinance, and keep, or cause to be kept, a true
30 and accurate account of same.

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1 7. Sign all licenses issued by the village, issue
2 receipts for all moneys paid to the village, and deposit said
3 moneys in the proper depositories on the first banking day
4 after receipt. The village manager may delegate the
5 responsibilities of this subparagraph to an appropriate
6 village employee who shall be bonded.

7 8. Provide administrative services in support of the
8 official duties of the mayor and the council.

9 9. Keep the council advised as to the financial
10 condition and future needs of the village and make
11 recommendations to the council concerning the affairs of the
12 village.

13 10. Submit to the council, and make available to the
14 public, a complete report on finances and administrative
15 activities of the village as of the end of each fiscal year.

16 11. Sign contracts on behalf of the village to the
17 extent authorized by ordinance.

18 12. Perform such other duties as are specified in this
19 charter or as may be required by the council.

20 13. By letter filed with the clerk, designate, subject
21 to approval of the council, a qualified village employee to
22 exercise the powers and perform the duties of manager during
23 his or her temporary absence or disability. During such
24 absence or disability, the council may revoke such designation
25 at any time and appoint another employee of the village to
26 serve until the manager shall return or his or her disability
27 shall cease.

28 (d) VILLAGE CLERK.--The village manager shall appoint
29 a village clerk, referred to as the "clerk." The clerk shall
30 give notice of council meetings to its members and the public,
31 shall keep minutes of its proceedings, and shall perform such

1 other duties as the council or manager may prescribe from time
2 to time. The clerk shall report to the village manager.

3 (5) VILLAGE ATTORNEY.--The village attorney shall be
4 the chief legal officer of the village.

5 (a) Qualifications.--The village attorney shall be a
6 member of The Florida Bar in good standing.

7 (b) Office.--The village attorney shall be required to
8 maintain an office in the Florida Keys between mile marker
9 zero and mile marker sixty.

10 (c) Powers and duties.--The village attorney:

11 1. Shall serve as chief legal advisor to the council,
12 the charter officers, and all village departments, offices,
13 and agencies.

14 2. May hire such assistants as may be required, when
15 approved by the council.

16 3. Shall attend council meetings unless excused by the
17 council, and shall perform such professional duties as may be
18 required by law or by the council in furtherance of the law.

19 4. Shall prepare an annual budget for the operation of
20 the office of the village attorney and shall submit this
21 budget to the village manager for inclusion in the annual
22 village budget, in accordance with uniform village procedures.

23 Section 6. ELECTIONS.--

24 (1) ELECTORS.--Any person who is a resident of the
25 village, who has qualified as an elector of this state, and
26 who registers in the manner prescribed by law shall be an
27 elector of the village.

28 (2) NONPARTISAN ELECTIONS.--All elections for the
29 councilors and the mayor shall be conducted on a nonpartisan
30 basis without any designation of political party affiliation.

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1 (3) QUALIFYING FOR OFFICE.--Any resident of the
2 village who wishes to become a candidate for a village
3 elective office shall qualify with the village clerk no sooner
4 than noon on the second Tuesday in August nor later than noon
5 on the fourth Tuesday in August of the year in which the
6 election is to be held.

7 (4) SCHEDULE FOR GENERAL ELECTIONS.--The regular
8 village elections shall be biennially on the first Tuesday
9 after the first Monday in November of each even numbered year.
10 The two candidates receiving the most votes for councilor from
11 each precinct, and the candidate for mayor receiving the most
12 votes at large, shall be elected councilor or Mayor
13 respectively. All ties in any election shall be decided by a
14 flip of a coin in the presence of the candidates concerned and
15 under the direction of the council, excluding any council
16 members involved in the tie.

17 (5) SCHEDULE FOR OTHER ELECTIONS.--Special municipal
18 elections shall be held in the same manner as regular
19 elections, except that the council, by resolution, shall fix
20 the time for holding of such elections.

21 (6) DETERMINATION OF ELECTION TO OFFICE.--If only one
22 candidate qualifies for the office of mayor, or if only two
23 candidates qualify for the office of councilor in either of
24 precincts 16 or 17, said candidates shall be deemed to be
25 elected. If two or more candidates qualify for the office of
26 mayor, or three or more candidates qualify for council members
27 in either of precincts 16 or 17, the names of those candidates
28 shall be placed on the ballot at the general election. In the
29 event not more than one person qualifies as a candidate for
30 the office of mayor, or, if not more than two persons qualify
31 as candidates for the council seats for either of precincts 16

1 or 17, those seats or offices shall not be listed on the
2 village election ballot. Each such candidate is deemed to
3 have voted for himself or herself and shall be declared the
4 winner.

5 (7) CANVASSING BOARD.--

6 (a) For general elections which are held in
7 conjunction with Monroe County, or federal elections, the
8 canvassing board will be the Monroe County canvassing board.

9 (b) For special village elections held at times other
10 than general elections there shall be a village canvassing
11 board which shall be comprised of the village clerk and two
12 electors of the village chosen prior to the election by the
13 village council. The village clerk shall act as chairperson.

14 At the close of the polls of any village election, or as soon
15 thereafter as practical, the canvassing board shall meet at a
16 time and place designated by the chairperson and shall first
17 proceed to publicly canvass the vote as shown by the returns
18 then on file in the office of the village clerk, and shall
19 then publicly canvass the absentee elector ballots. The
20 canvassing board shall prepare and sign a certificate
21 containing the total number of votes cast for each candidate
22 or other measure voted upon. The certificate shall be placed
23 on file with the village clerk.

24 (8) RECALL OF VILLAGE COUNCIL MEMBERS.--Any member of
25 the council may be removed from office by the electors of the
26 village following the procedures for recall established by
27 general law.

28 (9) INITIATIVE AND REFERENDUM.--

29 (a) Power to initiate and reconsider ordinances.--

30 1. Initiative.--The electors of the village shall have
31 the power to propose ordinances to the council. If the

1 council fails to adopt an ordinance so proposed without any
2 change in substance, the electors may adopt or reject the
3 ordinance, at a village election, provided that such power
4 shall not extend to the annual budget or capital program or
5 any ordinance appropriating money, levying taxes, or setting
6 salaries of village officers or employees.

7 2. Referendum.--

8 a. The council shall have the power, by resolution, to
9 call for a referendum vote by the electors of the village at
10 any time, provided that the purpose of such referendum is
11 presented to the village at a public hearing at least 60 days
12 prior to the adoption of said resolution. Any resolution
13 calling for a referendum vote of the electors of the village
14 must be passed by the affirmative vote of not fewer than
15 three-fifths of the members of the council.

16 b. The electors of the village shall have the power to
17 require reconsideration by the council of any adopted
18 ordinance and, if the council fails to repeal an ordinance so
19 reconsidered, to approve or reject it at a village election,
20 provided that such power shall not extend to the annual budget
21 or capital program or any ordinance appropriating money,
22 levying taxes, or setting salaries of village officers or
23 employees.

24 (b) Commencement of proceedings.--Any 10 electors may
25 commence initiative or referendum proceedings by filing with
26 the village clerk an affidavit stating that they shall
27 constitute the petitioner's committee and be responsible for
28 circulating the petition and filing it in proper form, stating
29 their names and addresses and specifying the address to which
30 all notices to the committee are to be sent, and setting out
31 in full the proposed initiative ordinance or citing the

1 ordinance sought to be reconsidered. Promptly after the
2 affidavit of the petitioner's committee is filed, the village
3 clerk shall issue the appropriate petition blanks to the
4 petitioner's committee at the committee's expense.

5 (c) Petitions.--

6 1. Initiative and referendum petitions scheduled for a
7 regular general election must be signed by electors of the
8 village equal in number to at least 10 percent of the total
9 number of electors registered to vote in the last regular
10 village election. Initiative and referendum petitions
11 scheduled for a special election must be signed by qualified
12 voters of the village equal in number to at least 20 percent
13 of the total number of qualified voters registered to vote in
14 the last regular village election.

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

21 3. Each paper of a petition shall have attached to it,
22 when filed, an affidavit executed by the circulator thereof
23 stating that he or she personally circulated the paper, the
24 number of signatures thereon, that he or she believes them to
25 be the genuine signatures of the persons whose names they
26 purport to be, and that each signer had an opportunity before
27 signing to read the full text of the ordinance proposed or
28 sought to be reconsidered.

29 4. All petition signatures shall be checked for
30 validity by the Monroe County Supervisor of Elections. All
31

1 costs for such validation shall be paid by the petitioner's
2 committee.

3 5. Except as otherwise provided in this charter, all
4 initiative and referendum petitions with signatures must be
5 filed within 60 days of the date on which proceedings with
6 respect to such initiative or referendum are commenced, and
7 all requirements of the process must be completed no later
8 than 90 days following the date of filing said initiative or
9 referendum petition.

10 6. Referendum and initiative petitions seeking a
11 special municipal election under subparagraph 1. shall be
12 titled "Proposed Special Municipal Election." Immediately
13 after the title, the petition shall state the following: "By
14 signing this petition, I am requesting that this question be
15 submitted at a special election instead of the next general
16 municipal, county, or statewide election. I understand that
17 the additional cost to the Village of Paradise Islands to hold
18 such a special election is anticipated to be \$ _____, as
19 determined by the village clerk."

20 (d) Procedure for filing.--

21 1. Within 20 days after an initiative petition or a
22 referendum petition is filed, the village clerk shall complete
23 a certificate as to its sufficiency, specifying, if it is
24 insufficient, the particulars wherein it is defective and
25 shall promptly send a copy of the certificate to the
26 petitioner's committee by registered mail. A petition
27 certified to be insufficient for lack of the required number
28 of valid signatures may be amended once if the petitioner's
29 committee files a notice of intent to amend it with the
30 village clerk within 2 business days after receiving the copy
31 of the certificate and files a supplementary petition upon

1 additional papers within 10 days after receiving the copy of
2 such certificate. Such supplementary petition shall comply
3 with original petition requirements, and, within 5 days after
4 it is filed, the village clerk shall complete a certificate as
5 to the sufficiency of the petition as amended and promptly
6 send a copy of such certificate to the petitioner's committee
7 by registered mail. If a petition or an amended petition is
8 certified to be sufficient, or if a petition or amended
9 petition is certified to be insufficient and the petitioner's
10 committee does not elect to amend or request the council
11 review under subparagraph 2. within the time required, the
12 village clerk shall promptly present a certificate to the
13 council and such certificate shall then be a final
14 determination as to the sufficiency of the petition.

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

25 (e) Action on petitions.--

26 1. Action by Council.--When an initiative or
27 referendum petition has been determined to be sufficient, the
28 council shall promptly consider the proposed initiative
29 ordinance or reconsider the referendum ordinance by voting its
30 repeal. If the council fails to adopt a proposed initiative
31 ordinance without any change in substance within 45 days or

1 fails to repeal the referendum ordinance within 30 days, at
2 the next regularly scheduled council meeting after the date on
3 which the petition is determined to be sufficient, it shall
4 submit the proposed initiative or referendum ordinance to the
5 electors of the village. If the council fails to act on a
6 proposed initiative ordinance or a referendum ordinance within
7 the time period specified, the council shall be deemed to have
8 failed to adopt the proposed initiative ordinance or to have
9 failed to repeal the referendum ordinance on the last day that
10 the council was authorized to act on such matter.

11 2. Submission to electors.--The vote of the village on
12 a proposed initiative or referendum ordinance shall be held
13 not less than 30 or more than 90 days from the date the
14 petition was determined to be sufficient. If no regular
15 general election is to be held within the period prescribed in
16 this subparagraph, the council shall provide for a special
17 election, except that the council may, in its discretion,
18 provide for a special election at an earlier date within the
19 prescribed period. Copies of the proposed initiative or
20 referendum ordinance shall be made available at the polls.

21 3. Withdrawal of petitions.--An initiative or
22 referendum petition may be withdrawn at any time prior to the
23 15th day preceding the day scheduled for a vote in a special
24 election of the village or at any time prior to the 65th day
25 preceding the day of a regular general election by filing with
26 the village clerk a request for withdrawal signed by at least
27 eight members of the petitioner's committee. Upon the filing
28 of such request, the petition shall have no further force or
29 effect and all proceedings thereon shall be terminated.

30 (f) Results of election.--
31

1 1. If a majority of the qualified electors voting on a
2 proposed initiative ordinance vote in its favor, it shall be
3 considered adopted upon certification of the election results.
4 If conflicting ordinances are approved at the same election,
5 the one receiving the greatest number of affirmative votes
6 shall prevail to the extent of any conflict.

7 2. If a proposed initiative ordinance that was voted
8 on at a special election does not receive a majority vote of
9 qualified electors, the same or similar initiative ordinance
10 may not be put to a vote until the next regular general
11 election.

12 3. If a majority of the qualified electors voting on a
13 referendum ordinance vote against it, it shall be considered
14 repealed upon certification of the election results.

15 4. If a referendum ordinance that was voted on at a
16 special election does not receive a majority vote of qualified
17 electors for its repeal, the same or similar referendum
18 ordinance may not be put to a vote again until the next
19 regular general election.

20 Section 7. TRANSITION SCHEDULE.--

21 (1) REFERENDUM.--The referendum election called for by
22 this act shall be held on November 7, 2000, at which time the
23 following question shall be placed upon the ballot: "SHALL
24 CHAPTER , LAWS OF FLORIDA, CREATING THE VILLAGE OF
25 PARADISE ISLANDS (Big Pine Key to the Seven Mile Bridge) AND
26 PROVIDING ITS CHARTER BE APPROVED? YES/NO." In the event this
27 question is answered affirmatively by a majority of voters
28 voting in the referendum, the provisions of this charter will
29 take effect as provided in section 5 of this act.

30 (2) INITIAL ELECTION OF MAYOR AND COUNCIL MEMBERS.--
31

1 (a) The Monroe County Commission shall call a special
2 election or include in a general election for the election of
3 the four councilors and the mayor to be held on December 19,
4 2000.

5 (b) Any individual who wishes to run for one of the
6 four initial seats on the council or for the office of mayor
7 shall qualify as a candidate with the Monroe County Supervisor
8 of Elections in accordance with the provisions of this charter
9 and general law between noon on November 13, 2000, and noon on
10 November 22, 2000.

11 (c) For the initial election, the Monroe County
12 Commissioners shall appoint a canvassing board which shall
13 certify the results of the election.

14 (d) Those candidates who are elected on December 19,
15 2000, shall take office at the initial council meeting, which
16 shall be held at 7:00 p.m., on December 21, 2000, at the
17 Monroe County Senior Citizen's Center on Big Pine Key.

18 (3) FIRST YEAR EXPENSES.--The council, in order to
19 provide moneys for the expenses and support of the village,
20 shall have the power to borrow money necessary for the
21 operation of village government until a budget is adopted and
22 revenues are raised in accordance with the provisions of this
23 charter.

24 (4) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The
25 council shall adopt ordinances and resolutions required to
26 effect the transition. Ordinances adopted within 60 days
27 after the first council meeting may be passed as emergency
28 ordinances. These transitional ordinances, passed as
29 emergency ordinances, shall be effective for no longer than 90
30 days after adoption, and thereafter may be readopted, renewed,
31

1 or otherwise continued only in the manner normally prescribed
2 for ordinances.

3 (5) TRANSITIONAL COMPREHENSIVE LAND USE PLAN AND LAND
4 DEVELOPMENT REGULATIONS.--

5 (a) Until the village adopts a comprehensive plan and
6 it has been accepted by the appropriate agency, of the state,
7 the applicable provisions of the Comprehensive Plan of Monroe
8 County, as the same exists on the day the village commences
9 corporate existence, November 15, 2000, shall remain in effect
10 as the village's transitional comprehensive plan. However,
11 all planning functions, duties, and authority shall, as of
12 December 21, 2000, be vested in the village council of the
13 Village of Paradise Islands which shall be deemed the local
14 planning agency unless the council establishes a separate
15 local planning agency. Prior to the adoption of a village
16 comprehensive master plan, any amendment to any zoning as
17 established in the current county land use plan may be made
18 only by an ordinance adopted by the affirmative vote of not
19 fewer than three members of the council. Any increase in the
20 residential density or intensity, as established in the
21 current county land use plan which is adopted by the village
22 may be made only by an ordinance adopted by the affirmative
23 vote of not fewer than three members of the council.

24 (b) Every power and duty of the planning commission,
25 zoning authority, any boards of adjustment, and the County
26 Commission of Monroe County, as set forth in these
27 transitional zoning and land use regulations, shall, as of
28 December 21, 2000, be vested in the village council of the
29 Village of Paradise Islands until the council delegates that
30 power to another entity.

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 Monroe County
4 Commission shall be deemed to be an amendment of the village's
5 transitional comprehensive plan or land development
6 regulations or otherwise take effect within the village's
7 corporate limits unless approved by the council.

8 (d) In accordance with section 403.706(1), Florida
9 Statutes, the board of county commissioners shall have the
10 responsibility to transport municipal solid waste to a solid
11 waste disposal facility of the county or operate a solid waste
12 facility. The municipality must, through September 30, 2004,
13 deliver the solid waste collected within the municipality to
14 either a county solid waste transfer station or a county solid
15 waste disposal facility, as determined by the board. For the
16 remainder of the term of the county's solid waste haulout
17 contract, the board and the municipality shall negotiate for
18 the delivery of the solid waste collected within the
19 municipality by interlocal agreement. The parties shall
20 negotiate in good faith and with primary consideration given
21 to the minimum waste generation guarantees set forth in the
22 county's solid waste haulout contract. However, in no event
23 may the board charge the municipality a tipping fee in excess
24 of the tipping fee established annually and charged to other
25 municipalities and persons delivering solid waste to the
26 county transfer stations or county solid waste disposal
27 facility.

28 Section 8. REVENUES.--

29 (1) STATE SHARED REVENUES.--The Village of Paradise
30 Islands shall be entitled to participate in all revenue
31 sharing programs of Florida on December 1, 2000. The

1 provisions of section 218.23(1), Florida Statutes, shall be
2 waived for the purpose of eligibility to receive revenue
3 sharing funds from December 1, 2000, through the state fiscal
4 year 2002-2003. The provisions of section 218.26(3), Florida
5 Statutes, shall be waived for the 2000-2001 fiscal year and
6 the apportionment factors for the municipalities and counties
7 shall be recalculated pursuant to section 218.245, Florida
8 Statutes, upon the date of incorporation. For purposes of
9 meeting the provisions of section 218.23(1), Florida Statutes,
10 relating to ad valorem taxation, the millage levied by Monroe
11 County Fire and EMS and the Independent Mosquito Control
12 Districts may be used for an indefinite period of time.
13 Initial revised population estimates for calculating
14 eligibility for shared revenues shall be determined by the
15 University of Florida Bureau of Economic and Business
16 Research. If the bureau is unable to provide an appropriate
17 population estimate, the Monroe County Planning Division
18 estimate should be used.

19 (2) GAS TAX REVENUES.--Notwithstanding the
20 requirements of section 336.025, Florida Statutes, to the
21 contrary, the Village of Paradise Islands shall be entitled to
22 receive local option gas tax revenues beginning April 1, 2001,
23 in accordance with an interlocal agreement between Monroe
24 County and municipalities representing a majority of the
25 county's municipal population if such an interlocal is in
26 effect on April 1, 2001, or, if there is no interlocal
27 agreement in effect on that date, then distributions shall be
28 in accordance with the formula contained in section
29 336.025(4)(b)1., Florida Statutes.

30 (3) INFRASTRUCTURE SURTAX REVENUES.--The Village of
31 Paradise Islands shall be entitled to receive infrastructure

1 surtax revenues beginning on January 1, 2001, in accordance
2 with an interlocal agreement between Monroe County and
3 municipalities representing a majority of the county's
4 municipal population if such an interlocal is in effect on
5 January 1, 2001, or, if there is no interlocal agreement in
6 effect on that date, in accordance with the formula in section
7 218.62, Florida Statutes.

8 (4) CREATION AND ESTABLISHMENT OF VILLAGE.--For the
9 purpose of compliance with section 200.066, Florida Statutes,
10 relating to assessment and collection of ad valorem taxes, the
11 village is hereby created and established effective November
12 15, 2000. Notwithstanding anything to the contrary contained
13 herein, the village although created and established as of
14 November 15, 2000, shall be operational on or before April 1,
15 2001, as determined by the council.

16 Section 9. GENERAL PROVISIONS.--

17 (1) CHARTER AMENDMENTS.--This charter may be amended
18 in accordance with the provisions for charter amendments as
19 specified in the Municipal Home Rule Powers Act, chapter 166,
20 Florida Statutes, as the same may be amended from time to
21 time, or its successor, or as may otherwise be provided by
22 general law. The form, content, and certification of any
23 petition to amend shall be established by ordinance.

24 (2) STANDARDS OF CONDUCT.--All elected officials and
25 employees of the village shall be subject to the standards of
26 conduct for public officers and employees set by general law.
27 In addition, the council shall, no later than 6 months from
28 the effective date of incorporation, establish by ordinance a
29 code of ethics for officials and employees of the village,
30 which may be supplemental to general law, but in no case may
31 such an ordinance diminish the provisions of general law. The

1 intent of this provision of the charter is to require more
2 stringent standards than those provided under general law.

3 Section 4. If any section, subsection, subparagraph,
4 sentence, clause, phrase, or portion of this act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity shall not affect other provisions or
7 applications of this act which can be given effect without the
8 invalid provision or application, and to this end the
9 provisions of this act are declared severable.

10 Section 5. This act shall take effect only upon its
11 approval by a majority vote of those qualified electors
12 residing within the proposed corporate limits of the proposed
13 Village of Paradise Islands as described in section 2 of the
14 charter, voting in a referendum election to be called by the
15 Monroe County Commission and to be held on November 7, 2000,
16 in accordance with the provisions of law relating to elections
17 currently in force, except that:

18 (1) This section and section 7(1) of the charter shall
19 take effect upon this act becoming a law.

20 (2) If the majority of the qualified voters voting in
21 the village as described in section 2 of the charter do not
22 approve this act then the remainder of this act shall not take
23 effect.

24 (3) If approved by a majority of the qualified voters
25 voting in the village as described in section 2 of the
26 charter, section 2, and sections 7(2) and 8(4) of the charter
27 shall take effect upon certification of the election results
28 by the Monroe County Supervisor of Elections, and the
29 remainder of this act shall take effect November 15, 2000.

30
31