

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Community Affairs offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

(1) The "Village of Paradise Islands" area in Monroe County includes a compact and contiguous community of approximately 5,520 residents susceptible to urban services, and constitutes a community amenable to separate municipal government.

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

(3) It is intended that this charter and the incorporation of the Village of Paradise Islands area will serve to preserve and protect the distinctive characteristics

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1 of the individual communities within the boundaries of the
2 Village of Paradise Islands.

3 Section 2. INCORPORATION OF MUNICIPALITY; CORPORATE
4 LIMITS.--There is hereby created, effective November 15, 2000,
5 in Monroe County, a new municipality to be known as the
6 Village of Paradise Islands, which shall have a
7 mayor-council-manager form of government. The corporate
8 boundaries of the Village of Paradise Islands, hereinafter
9 referred to as "village," shall be as described in section 2
10 of the charter.

11 Section 3. SHORT TITLE.--This act, together with any
12 future amendments thereto, shall be known and may be cited as
13 the "Village of Paradise Islands Charter," hereinafter
14 referred to as "the charter." The charter of the Village of
15 Paradise Island is created to read:

16
17 Section 1. MUNICIPAL POWERS.--The village shall be a
18 body corporate and politic and shall have all the powers of a
19 municipality under the State Constitution and laws of this
20 state, as fully and completely as though such powers were
21 specifically enumerated in this charter, unless otherwise
22 prohibited by or contrary to the provisions of this charter.
23 The village shall have all governmental, corporate, and
24 proprietary powers necessary to enable it to conduct municipal
25 government, perform municipal functions, and render municipal
26 services, and may exercise any power for municipal services
27 unless expressly prohibited by law. The powers of the village
28 shall be liberally construed in favor of the village. The
29 quality of rights under the laws of the Village of Paradise
30 Islands shall not be denied or abridged because of sex, sexual
31 orientation, age, disability, race, creed, color, or national

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1 origin.

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

4
5 All the Florida Keys and Islands north and east
6 of a line projected at a magnetic compass
7 heading of 325 degrees to the northwest and 215
8 degrees to the southwest from a point at the
9 centerline at the east end of the North Pine
10 Channel Bridge up to a line projected north and
11 south at the west end of the Seven Mile Bridge,
12 including but not limited to Big Pine Key, No
13 Name Key, The Spanish Harbor Keys, Bahia Honda
14 Key, Ohio Key, Missouri Key, Little Duck Key,
15 The Newfound Harbor Keys, including Cook,
16 Coconut, Big Munson and Little Palm Islands,
17 and all land filled in between the islands, all
18 of the above within Monroe County, Florida.

19 Section 3. VILLAGE COUNCIL.--

20 (1) VILLAGE COUNCIL; COMPOSITION; QUALIFICATIONS OF
21 COUNCIL MEMBERS.--

22 (a) There shall be a five-member village council,
23 hereinafter referred to as "council," consisting of a mayor,
24 also considered a council member, elected from and
25 representing the village at large and two council members,
26 hereinafter referred to as "councilors," elected from precinct
27 16, as defined by Resolution No. 044-1996 by the Board of
28 County Commissioners of Monroe County, or as defined in the
29 future by a Resolution by the Village Council, and two council
30 members, hereinafter referred to as "councilors," elected from
31 precinct 17, as defined by Resolution No. 044-1996 by the

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1 Board of County Commissioners of Monroe County, or as defined
2 in the future by a Resolution by the Village Council.

3 (b) To qualify for office:

4 1. Each candidate for an office on the council shall
5 be a registered voter in Florida and a resident of the village
6 for at least 1 year prior to the last date the candidate is
7 allowed to qualify.

8 2. At the time of qualification, each candidate for a
9 councilor seat shall reside within the boundaries of the
10 precinct for which the candidate is qualifying and, if
11 elected, shall maintain such residency throughout his or her
12 term of office. For the initial election, following the
13 referendum approving the creation of the village, candidates
14 for office shall qualify as provided in section 7(2) of this
15 charter. Thereafter, candidates shall qualify as provided in
16 section 6(3)of this charter.

17 (2) TERM OF OFFICE.--The term of office for all
18 council members shall be 2 years, except that the first term
19 for all shall be from their initial election as provided in
20 section 7(2) of this charter until the first general election
21 in November of the year 2002. Each council member shall
22 remain in office until a successor is elected and assumes the
23 duties of the position, except as otherwise provided herein.
24 No council member shall serve as either councilor or mayor for
25 more than three consecutive terms of office. A term of office
26 of less than 365 days to fill a vacancy shall not be applied
27 to the maximum tenure of three consecutive terms of office.

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

29 (a) The mayor shall be elected from and represent the
30 village at large and shall have been an elector of the village
31 and shall have resided in the village for at least 1 year

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1 prior to the last date the candidate is allowed to qualify to
2 run for the office of mayor. Failure to possess any such
3 qualification during a term of office shall be cause for
4 forfeiture of the office, and the council shall remove the
5 mayor from office. The mayor shall maintain residency in the
6 village throughout his or her term of office.

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

9 (c) The mayor shall preside at the meetings of the
10 council and shall be recognized as the head of village
11 government for service of process, ceremonial matters, and the
12 signature or execution of ordinances, contracts, deeds, bonds,
13 and other instruments and documents. The mayor shall have no
14 administrative duties other than those necessary to accomplish
15 these actions, or such other actions as may be authorized by
16 the council, consistent with general or special law.

17 (4) THE VICE MAYOR.--The council, at its first regular
18 meeting in December of each year, shall elect from its
19 membership a vice mayor who shall serve at the pleasure of the
20 council and as acting mayor during the absence or disability
21 of the mayor. In the absence of the mayor and the vice mayor,
22 the council members shall select a council member to serve as
23 acting mayor.

24 (5) COMPENSATION AND EXPENSES.--Councilors shall
25 receive compensation in the amount of \$350 per month and the
26 mayor shall receive compensation in the amount of \$500 per
27 month. In addition, all council members shall be entitled to
28 receive reimbursement in accordance with Florida Statutes for
29 authorized travel and per diem expenses incurred in the
30 performance of their official duties. The council, by not less
31 than four-fifths affirmative votes of all council members in

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1 office, may elect to increase or decrease compensation by
2 ordinance. However, no such ordinance increasing or
3 decreasing compensation shall take effect until the date of
4 commencement of the terms of council members selected at the
5 next regular election which follows the adoption of said
6 ordinance.

7 (6) GENERAL POWERS AND DUTIES OF THE VILLAGE
8 COUNCIL.--

9 (a) Except as otherwise prescribed herein or provided
10 by law, legislative and police powers of the village shall be
11 vested in the council. The council shall provide for the
12 exercise of its powers and for the performance of all duties
13 and obligations imposed on the village by law.

14 (b) Neither the council nor any of its members shall
15 in any manner dictate the appointment or removal of any
16 village employees whom the manager or any of his or her
17 subordinates are empowered to appoint, except as provided in
18 this charter, but the council may express its views and fully
19 and freely discuss with the manager anything pertaining to
20 appointment and removal of such employees.

21 (c) Except for the purpose of inquiries and
22 investigations, the council or its members shall deal with
23 village employees who are subject to the direction and
24 supervision of the manager solely through the manager, and
25 neither the council nor its members shall give orders to any
26 such employee, either publicly or privately.

27 (d) Nothing in the foregoing is to be construed to
28 prohibit individual members of the council from closely
29 scrutinizing, by questions and personal observation, all
30 aspects of village government operations so as to obtain
31 independent information to assist the members in the

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1 formulation of sound policies to be considered by the council.
2 It is the express intent of this charter, however, that
3 recommendations for improvement in village government
4 operations by individual council members be made to and
5 through the village manager, so that the manager may
6 coordinate efforts of all village departments to achieve the
7 greatest possible savings through the most efficient and sound
8 means available.

9 (e) Any council member who shall violate the
10 provisions of subsections (b) and (c) set forth above is
11 guilty of a misdemeanor of the first degree, to be tried by a
12 court of competent jurisdiction and punishable as provided by
13 state law. Conviction under this part shall be grounds for
14 censure, suspension, or removal of the council member
15 violating the provisions of this section by a majority vote of
16 the remaining members of the council.

17 (7) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;
18 FILLING OF VACANCIES.--

19 (a) Vacancies.--A vacancy in the office of a council
20 member shall occur upon the death of the incumbent, removal
21 from office as authorized by law, resignation, appointment to
22 other public office which creates dual office holding,
23 judicially determined incompetency, or forfeiture of office as
24 described in paragraph (b).

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

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

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1 2. Is, while holding office, convicted of a felony, or
2 enters a plea of guilty or nolo contendere to a crime
3 punishable as a felony, even if adjudication is withheld;

4 3. Is convicted of a first degree misdemeanor arising
5 directly out of his or her official conduct or duties as a
6 member of the Village Council, or enters a plea of guilty or
7 nolo contendere thereto, even if adjudication of guilt has
8 been withheld;

9 4. Is found to have violated any standard of conduct
10 or code of ethics established by State of Florida or local law
11 for public officials and/or has been suspended from office by
12 the Governor of Florida, unless subsequently reinstated as
13 provided by law; or

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

18 (c) Suspension from office.--A council member shall be
19 automatically suspended from office upon return of an
20 indictment or issuance of an information charging the council
21 member with any crime which is punishable as a felony or with
22 any crime arising out of his or her official council duties
23 which is punishable as a first degree misdemeanor. Pursuant
24 thereto:

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

28 2. If the council member is subsequently found not
29 guilty of the charge, or if the charge is otherwise dismissed,
30 reduced, or altered in such a manner that suspension would no
31 longer be required as provided herein, the suspension shall be

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1 lifted and the council member shall be entitled to receive
2 full back pay and such other emoluments or allowances as he or
3 she would have been entitled to had the suspension not
4 occurred.

5 (d) Filling of vacancies.--

6 1. If any vacancy occurs in the office of mayor or any
7 other council member, the remaining council members shall,
8 within 30 days following the occurrence of such vacancy, by
9 majority vote, appoint a person to fill the vacancy for the
10 remainder of the unexpired term.

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

14 (8) VILLAGE COUNCIL MEETINGS.--The council shall
15 conduct regular semi-monthly meetings which shall not begin
16 before 6:00 p.m., at such times and places as the council
17 shall prescribe by resolution. Such meetings shall be public
18 meetings within the meaning of section 286.011, Florida
19 Statutes, and shall be subject to notice and other
20 requirements of law applicable to public meetings. The council
21 shall adopt Robert's Rules of Order, determine other rules in
22 order of business, and keep a journal of its proceedings.

23 Pursuant thereto:

24 (a) Special meetings may be held at the call of the
25 mayor, or in his or her absence, at the call of the vice
26 mayor. Special meetings may also be called upon the request
27 of a majority of the councilors, consistent with section
28 286.011, Florida Statutes. Unless of an emergency nature, the
29 person or persons calling such a meeting shall provide not
30 less than 72 hours' prior notice of the meeting to the public.
31 In an emergency situation, a special meeting may be called at

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1 least 4 hours' notice to each council member, served
2 personally, or left at his or her usual place of residence,
3 with every effort made to contact the member by the village
4 clerk. The village clerk shall also make every effort to
5 notify the general public of any special meeting.

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

9 (c) A majority of the council shall constitute a
10 quorum. No action of the council shall be valid unless
11 adopted by an affirmative vote of the majority of the council
12 members in attendance, unless otherwise provided by law. All
13 actions of the council shall be by ordinance, resolution, or
14 motion.

15 (9) VILLAGE RECORDS.--The council shall, in a properly
16 indexed book kept for the purpose, provide for the
17 authentication and recording in full of all minutes of
18 meetings, and all ordinances and resolutions adopted by the
19 council, and the same shall, at all times, be a public record.
20 The council shall further maintain a current codification of
21 all ordinances. Such codification shall be printed and shall
22 be made available for distribution to the public on a
23 continuing basis. All ordinances or resolutions of the
24 council shall be signed by the mayor, or vice mayor in the
25 absence or disability of the mayor, or by the acting mayor in
26 the absence or disability of both the mayor and the vice
27 mayor, and attested to by the village clerk. All meetings of
28 the council and of the committees thereof shall be public
29 meetings within the meaning of Section 286, Florida Statutes,
30 and any citizens shall have access to the minutes and records
31 thereof at all reasonable times.

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1 (10) ADOPTION OF CODES.--The council may adopt any
2 standard code of technical regulations by reference thereto in
3 an adopting ordinance and may amend the code in the adopting
4 ordinance or later amendatory ordinance. The procedures and
5 requirements governing such an adoption ordinance shall be
6 prescribed for ordinances generally, except that:

7 (a) Requirements regarding distribution and filing of
8 copies of the ordinance shall not be construed to require
9 distribution and filing of copies of the adopted code of
10 technical regulations, except as provided in paragraph (b).

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

14 (11) LIMITATION OF EMPLOYMENT OF COUNCILORS AND
15 MAYOR.--Neither councilors nor the mayor shall be in the
16 employment of the village while in office, nor shall any
17 former councilor or mayor be employed by the village until
18 after the expiration of 1 year from the time of leaving
19 office.

20 (12) REFERENDUM REQUIRED FOR CONVEYANCE OF
21 VILLAGE-OWNED REAL PROPERTY; EXCEPTIONS.--The village shall
22 not sell, convey, or otherwise transfer any real property, or
23 any interest therein, to any person without the transfer being
24 approved by referendum. However, the abandonment of any real
25 property shall be at the discretion of the council; providing
26 that the total real value meets the criteria in subparagraph
27 (a) stated below and there are no opposing neighbors that
28 adjoin the property. The lease of village-owned real property
29 in areas of the village, other than a redevelopment area, for
30 a term greater than 10 years shall be considered a conveyance
31 requiring referendum. This provision shall not be applicable

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1 to the following:

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

5 (b) The release of a claim or interest in land to
6 settle, or aid the settlement of, record title to real
7 property.

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

12 Section 4. BUDGET AND APPROPRIATIONS.--

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

16 (2) BUDGET ADOPTION.--The council shall by resolution
17 adopt for the succeeding fiscal year a budget on or before the
18 15th day of September of each year, following a minimum of two
19 public hearings on the proposed budget. A resolution adopting
20 the annual budget shall constitute appropriation of the
21 amounts specified therein as expenditures from funds
22 indicated.

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

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

29 (b) Reduction of appropriations.--If, at any time
30 during the fiscal year, it appears probable to the village
31 manager that the revenues available will be insufficient to

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

9 (c) Limitations; effective date.--No appropriation for
10 debt service may be reduced or transferred, and no
11 appropriation may be reduced below any amount required by law
12 to be appropriated, or by more than the unencumbered balance
13 thereof.

14 Section 5. CHARTER OFFICERS.--

15 (1) DESIGNATION.--The village manager and the village
16 attorney are designated as charter officers, except that the
17 office of village attorney may be contracted to an attorney or
18 law firm.

19 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
20 VACANCIES.--

21 (a) The charter officers shall be appointed by a
22 majority vote of the council and shall serve at the pleasure
23 of the council.

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

28 (c) The charter officers shall be removed from office
29 only by a majority vote of the council. Upon demand by a
30 charter officer, a public hearing shall be held prior to such
31 removal.

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1 (d) The compensation of the charter officers shall be
2 fixed by the council.

3 (e) Employment contracts with charter officers or any
4 other employees of the Village shall not have duration in
5 excess of one year.

6 (f) The council shall immediately begin the process to
7 fill a vacancy in a charter office. An acting village manager
8 or an acting village attorney may be appointed by the council
9 during a vacancy in such charter office.

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

12 (3) BOND OF THE VILLAGE MANAGER/VILLAGE CLERK.--The
13 Village council may provide by ordinance for the Village
14 manager and Village clerk to furnish a fidelity bond to be
15 approved by the council and in such amount as the council may
16 fix. The premium of the bond shall be paid by the Village.

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

19 (a) Qualifications.--The village manager shall be
20 selected from, but not limited to, the following criteria:
21 experience, expertise, management ability, and education. Any
22 of the foregoing criteria shall be used in determining the
23 ability as it pertains to running municipal government.

24 (b) Residency.--The village manager must become a
25 resident of the village within 90 days after accepting the
26 position with the village, and shall remain a resident of the
27 village for the duration of employment with the village.

28 (c) Powers and duties.--The village manager shall:
29 1. As the chief administrative officer of the village,
30 direct and supervise the administration of all departments,
31 offices, and agencies of the village, except the office of

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- 1 village attorney, and except as otherwise provided by this
2 charter or by law.
- 3 2. Appoint, suspend, or remove any employee of the
4 village or appointive administrative employee provided for,
5 by, or under this charter, except the office of village
6 attorney, and except as may otherwise be provided by law, this
7 charter, or personnel rules adopted pursuant to the charter.
8 The village manager may authorize any administrative employee
9 who is subject to his or her direction and supervision to
10 exercise these powers with respect to subordinates in that
11 employee's department, office, or agency.
- 12 3. Ensure that all laws, provisions of this charter,
13 and acts of the council are faithfully executed.
- 14 4. Prepare and submit the annual budget and capital
15 program to the council in the form prescribed by ordinance.
- 16 5. Attend meetings of the council.
- 17 6. Draw and sign vouchers upon depositories as
18 provided by ordinance, and keep, or cause to be kept, a true
19 and accurate account of same.
- 20 7. Sign all licenses issued by the village, and issue
21 receipts for all moneys paid to the village, and deposit said
22 moneys in the proper depositories on the first banking day
23 after receipt. The village manager may delegate the
24 responsibilities of this subparagraph to an appropriate
25 village employee who shall be bonded.
- 26 8. Provide administrative services in support of the
27 official duties of the mayor and the council.
- 28 9. Keep the council advised as to the financial
29 condition and future needs of the village and make
30 recommendations to the council concerning the affairs of the
31 village.

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

4 11. Sign contracts on behalf of the village to the
5 extent authorized by ordinance.

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

8 13. By letter filed with the clerk, the manager shall
9 designate, subject to approval of the council, a qualified
10 village employee to exercise the powers and perform the duties
11 of manager during his or her temporary absence or disability.
12 During such absence or disability, the council may revoke such
13 designation at any time and appoint another employee of the
14 village to serve until the manager shall return or his or her
15 disability shall cease.

16 (d) VILLAGE CLERK.--The village manager shall appoint
17 a village clerk, referred to as the "clerk." The clerk shall
18 give notice of council meetings to its members and the public,
19 shall keep minutes of its proceedings, and shall perform such
20 other duties as the council or manager may prescribe from time
21 to time. The clerk shall report to the village manager.

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

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

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

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

30 1. Shall serve as chief legal advisor to the council,
31 the charter officers, and all village departments, offices,

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1 and agencies.

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

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

7 4. Shall prepare an annual budget for the operation of
8 the office of the village attorney and shall submit this
9 budget to the village manager for inclusion in the annual
10 village budget, in accordance with uniform village procedures.

11 Section 6. ELECTIONS.--

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

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

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

25 (4) SCHEDULE FOR GENERAL ELECTIONS.--The regular
26 village elections shall be biennially on the first Tuesday
27 after the first Monday in November of each even numbered year.
28 The two candidates receiving the most votes for councilor from
29 each precinct and the candidate for mayor receiving the most
30 votes at large, shall be elected councilor and/or Mayor
31 respectively. All ties in any election shall be decided by a

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1 flip of a coin in the presence of the candidates concerned,
2 under the direction of the council other than any council
3 members involved in the tie.

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

8 (6) DETERMINATION OF ELECTION TO OFFICE.--If only one
9 candidate qualifies for the office of mayor, or if only two
10 candidates qualify for the office of councilor in either of
11 precincts 16 or 17, said candidates shall be deemed to be
12 elected. If two or more candidates qualify for the office of
13 mayor, or three or more candidates qualify for council members
14 in either of precincts 16 or 17, the names of those candidates
15 shall be placed on the ballot at the general election. In the
16 event not more than one person qualifies as a candidate for
17 the office of mayor, or, if not more than two persons qualify
18 as candidates for the council seats for either of precincts 16
19 or 17, those seats or offices shall not be listed on the
20 village election ballot. Each such candidate is deemed to
21 have voted for himself or herself and shall be declared the
22 winner.

23 (7) CANVASSING BOARD.--

24 (a) For general elections which are held in
25 conjunction with Monroe County, or federal elections, the
26 canvassing board will be the Monroe County canvassing board.

27 (b) For special village elections held at times other
28 than general elections there shall be a village canvassing
29 board which shall be comprised of the village clerk and two
30 electors of the village chosen prior to the election by the
31 village council. The village clerk shall act as chairperson.

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1 At the close of the polls of any village election, or as soon
2 thereafter as practical, the canvassing board shall meet at a
3 time and place designated by the chairperson and shall proceed
4 to publicly canvass the vote as shown by the returns then on
5 file in the office of the village clerk, and then shall
6 publicly canvass the absentee elector ballots. The canvassing
7 board shall prepare and sign a certificate containing the
8 total number of votes cast for each candidate or other measure
9 voted upon. The certificate shall be placed on file with the
10 village clerk.

11 (8) RECALL OF VILLAGE COUNCIL MEMBERS.--Any member of
12 the council may be removed from office by the electors of the
13 village following the procedures for recall established by
14 general law of Florida.

15 (9) INITIATIVE AND REFERENDUM.--

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

17 1. Initiative.--The electors of the village shall have
18 the power to propose ordinances to the council. If the
19 council fails to adopt an ordinance so proposed without any
20 change in substance, the electors may adopt or reject the
21 ordinance, at a village election, provided that such power
22 shall not extend to the annual budget or capital program or
23 any ordinance appropriating money, levying taxes, or setting
24 salaries of village officers or employees.

25 2. Referendum.--

26 a. The council shall have the power, by resolution, to
27 call for a referendum vote by the electors of the village at
28 any time, provided that the purpose of such referendum is
29 presented to the village at a public hearing at least 60 days
30 prior to the adoption of said resolution. Any resolution
31 calling for a referendum vote of the electors of the village

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1 must be passed by the affirmative vote of not less than
2 three-fifths of the members of the council.

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

11 (b) Commencement of proceedings.--Any 10 electors may
12 commence initiative or referendum proceedings by filing with
13 the village clerk an affidavit stating that they shall
14 constitute the petitioner's committee and be responsible for
15 circulating the petition and filing it in proper form stating
16 their names and addresses and specifying the address to which
17 all notices to the committee are to be sent, and setting out
18 in full the proposed initiative ordinance or citing the
19 ordinance sought to be reconsidered. Promptly after the
20 affidavit of the petitioner's committee is filed, the village
21 clerk shall issue the appropriate petition blanks to the
22 petitioner's committee at the committee's expense.

23 (c) Petitions.--

24 1. Initiative and referendum petitions scheduled for a
25 regular general election must be signed by electors of the
26 village equal in number to at least 10 percent of the total
27 number of electors registered to vote in the last regular
28 village election. Initiative and referendum petitions
29 scheduled for a special election must be signed by qualified
30 voters of the village equal in number to at least 20 percent
31 of the total number of qualified voters registered to vote in

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1 the last regular village election.

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

8 3. Each paper of a petition shall have attached to it,
9 when filed, an affidavit executed by the circulator thereof
10 stating that he or she personally circulated the paper, the
11 number of signatures thereon, that he or she believes them to
12 be the genuine signatures of the persons whose names they
13 purport to be, and that each signer had an opportunity before
14 signing to read the full text of the ordinance proposed or
15 sought to be reconsidered.

16 4. All petition signatures shall be checked for
17 validity by the Monroe County Supervisor of Elections. All
18 costs for such validation shall be paid by the petitioner's
19 committee.

20 5. Except as otherwise provided in sub-subparagraph
21 (a)2.b., all initiative and referendum petitions with
22 signatures must be filed within 60 days of the date on which
23 proceedings with respect to such initiative or referendum are
24 commenced pursuant to section 6(9)(b)of this charter, and all
25 requirements of the process must be completed no later than 90
26 days following the date of filing said initiative or
27 referendum petition.

28 6. Referendum and initiative petitions seeking a
29 special municipal election under (c)1. shall be titled
30 "Proposed Special Municipal Election." Immediately after the
31 title, the petition shall state the following: "By signing

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1 this petition, I am requesting that a special election be held
2 for this question, instead of the scheduling of this question
3 for the next general municipal, county, or statewide election.
4 I understand that the additional cost to the Village of
5 Paradise Islands to hold such a special election is
6 anticipated to be \$ _____, as determined by the village
7 clerk."

8 (d) Procedure for filing.--

9 1. Within 20 days after an initiative petition or a
10 referendum petition is filed, the village clerk shall complete
11 a certificate as to its sufficiency, specifying, if it is
12 insufficient, the particulars wherein it is defective and
13 shall promptly send a copy of the certificate to the
14 petitioner's committee by registered mail. Grounds for
15 insufficiency are only those specifics in subparagraph (c)3
16 and 4 that are not met. A petition certified insufficient for
17 lack of the required number of valid signatures may be amended
18 once if the petitioner's committee files a notice of intent to
19 amend it with the village clerk within two business days after
20 receiving the copy of the certificate and files a
21 supplementary petition upon additional papers within 10 days
22 after receiving the copy of such certificate. Such
23 supplementary petition shall comply with original petition
24 requirements, and within 5 days after it is filed, the village
25 clerk shall complete a certificate as to the sufficiency of
26 the petition as amended and promptly send a copy of such
27 certificate to the petitioner's committee by registered mail.
28 If a petition or an amended petition is certified sufficient,
29 or if a petition or amended petition is certified insufficient
30 and the petitioner's committee does not elect to amend or
31 request the council review under subparagraph 2 within the

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1 time required, the village clerk shall promptly present a
2 certificate to the council and such certificate shall then be
3 a final determination as to the sufficiency of the petition.

4 2. If a petition has been certified insufficient and
5 the petitioner's committee does not file notice of intent to
6 amend it, or if an amended petition has been certified
7 insufficient, the committee may, within 2 business days after
8 receiving the copy of such certificate, file a request that it
9 be reviewed by the council. The council shall review the
10 certificate at its next meeting following the committee's
11 filing of such request and approve or disapprove it, and
12 determination shall then be final as to the sufficiency of the
13 petition.

14 (e) Action on petitions.--

15 1. Action by Council.--When an initiative or
16 referendum petition has been determined sufficient, the
17 council shall promptly consider the proposed initiative
18 ordinance or reconsider the referendum ordinance by voting its
19 repeal. If the council fails to adopt a proposed initiative
20 ordinance without any change in substance within 45 days or
21 fails to repeal the referendum ordinance within 30 days, at
22 the next regularly scheduled council meeting after the date on
23 which the petition is determined to be sufficient, it shall
24 submit the proposed initiative or referendum ordinance to the
25 electors of the village. If the council fails to act on a
26 proposed initiative ordinance or a referendum ordinance within
27 the time period specified, the council shall be deemed to have
28 failed to adopt the proposed initiative ordinance or failed to
29 repeal the referendum ordinance on the last day that the
30 council was authorized to act on such matter.

31 2. Submission to electors.--The vote of the village on

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1 a proposed initiative or referendum ordinance shall be held
2 not less than 30 or more than 90 days from the date the
3 petition was determined sufficient. If no regular general
4 election is to be held within the period described in this
5 paragraph, the council shall provide for a special election,
6 except that the council may, in its discretion, provide for a
7 special election at an earlier date within the described
8 period. Copies of the proposed initiative or referendum
9 ordinance shall be made available at the polls.

10 3. Withdrawal of petitions.--An initiative or
11 referendum petition may be withdrawn at any time prior to the
12 15th day preceding the day scheduled for a vote in a special
13 election of the village or at any time prior to the 65th day
14 preceding the day of a regular general election by filing with
15 the village clerk a request for withdrawal signed by at least
16 eight members of the petitioner's committee. Upon the filing
17 of such request, the petition shall have no further force or
18 effect and all proceedings thereon shall be terminated.

19 (f) Results of election.--

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

26 2. If a proposed initiative ordinance that was voted
27 on at a special election does not receive a majority vote of
28 qualified electors, the same or similar initiative ordinance
29 may not be put to a vote until the next regular general
30 election.

31 3. If a majority of the qualified electors voting on a

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1 referendum ordinance vote against it, it shall be considered
2 repealed upon certification of the election results.

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

8 Section 7. TRANSITION SCHEDULE.--

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

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

19 (a) The Monroe County Commission shall call a very
20 special election or include in a general election for the
21 election of the four councilors and the mayor to be held on
22 December 19, 2000.

23 (b) Any individual who wishes to run for one of the
24 four initial seats on the council or for the office of mayor
25 shall qualify as a candidate with the Monroe County Supervisor
26 of Elections in accordance with the provisions of this charter
27 and general law between noon on November 13, 2000 and noon on
28 November 22, 2000.

29 (c) For the initial election, the Monroe County
30 Commissioners shall appoint a canvassing board which shall
31 certify the results of the election.

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1 (d) Those candidates who are elected on December 19,
2 2000 shall take office at the initial council meeting, which
3 shall be held at 7:00 p.m., on December 21, 2000 at the Monroe
4 County Senior Citizen's Center on Big Pine Key.

5 (3) FIRST YEAR EXPENSES.--The council, in order to
6 provide moneys for the expenses and support of the village,
7 shall have the power to borrow money necessary for the
8 operation of village government until such time as a budget is
9 adopted and revenues are raised in accordance with the
10 provisions of this charter.

11 (4) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The
12 council shall adopt ordinances and resolutions required to
13 effect the transition. Ordinances adopted within 60 days
14 after the first council meeting may be passed as emergency
15 ordinances. These transitional ordinances, passed as
16 emergency ordinances, shall be effective for no longer than 90
17 days after adoption, and thereafter may be readopted, renewed,
18 or otherwise continued only in the manner normally prescribed
19 for ordinances.

20 (5) TRANSITIONAL COMPREHENSIVE LAND USE PLAN AND LAND
21 DEVELOPMENT REGULATIONS.--

22 (a) Until such time as the village adopts a
23 comprehensive plan and it has been accepted by the appropriate
24 agency, of the state, the applicable provisions of the
25 Comprehensive Plan of Monroe County, as the same exists on the
26 day the village commences corporate existence, November 15,
27 2000, shall remain in effect as the village's transitional
28 comprehensive plan. However, all planning functions, duties,
29 and authority shall, as of December 21, 2000, be vested in the
30 village council of the Village of Paradise Islands which shall
31 be deemed the local planning agency until and unless the

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

11 (b) All powers and duties of the planning commission,
12 zoning authority, any boards of adjustment, and the County
13 Commission of Monroe County, as set forth in these
14 transitional zoning and land use regulations, shall, as of
15 December 21, 2000, be vested in the village council of the
16 Village of Paradise Islands until such time as the council
17 delegates all or a portion thereof to another entity.

18 (c) Subsequent to the commencement of the village's
19 corporate existence, no amendment of the comprehensive plan or
20 land development regulations enacted by the Monroe County
21 Commission shall be deemed as an amendment of the village's
22 transitional comprehensive plan or land development
23 regulations or otherwise take effect within the village's
24 corporate limits unless approved by the council.

25 (d) In accordance with section 403.706(1), Florida
26 Statutes, the board of county commissioners shall have the
27 responsibility to transport municipal solid waste to a solid
28 waste disposal facility of the county or operate a solid waste
29 facility. The municipality must, through September 30, 2004,
30 deliver the solid waste collected within the municipality to
31 either a county solid waste transfer station or a county solid

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

14 Section 8. REVENUES.--

15 (1) STATE SHARED REVENUES.--The Village of Paradise
16 Islands shall be entitled to participate in all revenue
17 sharing programs of Florida on December 1, 2000. The
18 provisions of section 218.23(1), Florida Statutes, shall be
19 waived for the purpose of eligibility to receive revenue
20 sharing funds from December 1, 2000, through the state fiscal
21 year 2002-2003. The provisions of section 218.26(3), Florida
22 Statutes, shall be waived for the 2000-2001 fiscal year and
23 the apportionment factors for the municipalities and counties
24 shall be re-calculated pursuant to section 218.245, Florida
25 Statutes, upon the date of incorporation. For purposes of
26 meeting the provisions of section 218.23(1), Florida Statutes,
27 relating to ad valorem taxation, the millage levied by Monroe
28 County Fire and EMS and the Independent Mosquito Control
29 Districts may be used for an indefinite period of time.
30 Initial revised population estimates for calculating
31 eligibility for shared revenues shall be determined by the

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1 University of Florida Bureau of Economic and Business
2 Research. Should the bureau be unable to provide an
3 appropriate population estimate, the Monroe County Planning
4 Division estimate should be utilized.

5 (2) GAS TAX REVENUES.--Notwithstanding the
6 requirements of section 336.025, Florida Statutes, to the
7 contrary, the Village of Paradise Islands shall be entitled to
8 receive local option gas tax revenues beginning April 1, 2001,
9 in accordance with an interlocal agreement between Monroe
10 County and municipalities representing a majority of the
11 county's municipal population if such an interlocal is in
12 effect on April 1, 2001 or if there is no interlocal agreement
13 in effect on that date, then distributions shall be in accord
14 with the formula contained in section 336.025(4)(b)1., Florida
15 Statutes.

16 (3) INFRASTRUCTURE SURTAX REVENUES.--The Village of
17 Paradise Islands shall be entitled to receive infrastructure
18 surtax revenues beginning on January 1, 2001, in accord with
19 an interlocal agreement between Monroe County and
20 municipalities representing a majority of the county's
21 municipal population if such an interlocal is in effect on
22 January 1, 2001 if there is no interlocal agreement in effect
23 on that date, according to the formula in section 218.62,
24 Florida Statutes.

25 (4) CREATION AND ESTABLISHMENT OF VILLAGE.--For the
26 purpose of compliance with section 200.066, Florida Statutes,
27 relating to assessment and collection of ad valorem taxes, the
28 village is hereby created and established effective November
29 15, 2000. Notwithstanding anything to the contrary contained
30 herein, the village although created and established as of
31 November 15, 2000 shall be operational on or before April 1,

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1 2001 as determined by the council.

2 Section 9. GENERAL PROVISIONS.--

3 (1) CHARTER AMENDMENTS.--This charter may be amended
4 in accordance with the provisions for charter amendments as
5 specified in the Municipal Home Rule Powers Act, chapter 166,
6 Florida Statutes, as the same may be amended from time to
7 time, or its successor, or as may otherwise be provided by
8 general law. The form, content, and certification of any
9 petition to amend shall be established by ordinance.

10 (2) STANDARDS OF CONDUCT.--All elected officials and
11 employees of the village shall be subject to the standards of
12 conduct for public officers and employees set by general law.
13 In addition, the council shall, no later than 6 months from
14 the effective date of incorporation, establish by ordinance a
15 code of ethics for officials and employees of the village
16 which may be supplemental to general law, but in no case may
17 such an ordinance diminish the provisions of general law. The
18 intent of this provision of the charter is to require more
19 stringent standards than those provided under general law.

20 Section 4. If any section, subsection, subparagraph,
21 sentence, clause, phrase, or portion of this act, or the
22 application thereof to any person or circumstance, is held
23 invalid, the invalidity shall not affect other provisions or
24 applications of this act which can be given effect without the
25 invalid provision or application, and to this end the
26 provisions of this act are declared severable.

27 Section 5. This act shall take effect only upon its
28 approval by a majority vote of those qualified electors
29 residing within the proposed corporate limits of the proposed
30 Village of Paradise Islands as described in section 2 of the
31 charter, voting in a referendum election to be called by the

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1 Monroe County Commission and to be held on November 7, 2000,
2 in accordance with the provisions of law relating to elections
3 currently in force, except that:

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

6 (2) If the majority of the qualified voters voting in
7 the village as described in section 2 of the charter do not
8 approve this act then this act shall not take effect.

9 (3) If approved by a majority of the qualified voters
10 voting in the village as described in section 2 of the
11 charter, section 2, and sections 7(2) and 8(4) of the charter
12 shall take effect upon certification of the election results
13 by the Monroe County Supervisor of Elections, and the
14 remainder of this act shall take effect November 15, 2000.

15
16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 1, lines 2-31 and on page 2, lines 1-21,
20 remove from the title of the bill: all of said lines

21
22 and insert in lieu thereof:

23 An act relating to Monroe County; creating the
24 "Village of Paradise Islands"; providing
25 legislative intent; powers; providing for its
26 charter; providing for municipal powers;
27 providing municipal boundaries; providing a
28 mayor-council-manager form of government;
29 providing for election of a mayor and council;
30 providing for membership, qualifications,
31 terms, powers, and duties of its members,

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1 including the mayor; providing for a vice
2 mayor; providing for compensation and payment
3 of expenses; providing general powers and
4 duties; providing circumstances resulting in
5 vacancy in office; providing grounds for
6 forfeiture and suspension; providing for
7 filling of vacancies; providing for meetings;
8 providing for keeping of records; providing for
9 adoption, distribution, and recording of
10 technical codes; providing a limitation upon
11 employment of council members; providing that
12 certain interference with village employees
13 shall constitute malfeasance in office;
14 establishing the fiscal year; providing for
15 adoption of annual budget and appropriation;
16 providing amendments for supplemental,
17 reduction, and transfer of appropriations;
18 providing for limitations; providing for
19 appointment of charter offices, including a
20 village manager and village attorney; providing
21 for removal, compensation, and filling of
22 vacancies; providing for bond for village
23 manager and village clerk; providing
24 qualifications, powers, and duties; providing
25 for nonpartisan elections and for matters
26 relative thereto; providing for recall;
27 providing for initiative and referenda;
28 providing the village a transitional schedule
29 and procedures for first election; providing
30 for first-year expenses; providing for adoption
31 of transitional ordinances, resolutions,

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1 comprehensive plan, and local development
2 regulations; providing for a solid waste
3 collection plan; providing for accelerated
4 entitlement to state shared revenues; providing
5 for gas tax revenue; providing for
6 infrastructure surtax revenues; providing for
7 the assessment and collection of ad valorem
8 taxes; providing for future amendments of the
9 charter; providing for standards of conduct in
10 office; providing for severability; providing
11 for a referendum approval; providing effective
12 dates.

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