

By Representative Sorensen

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

1 and duties; providing for nonpartisan elections
2 and for matters relative thereto; providing for
3 recall; providing for initiative and referenda;
4 providing the village a transitional schedule
5 and procedures for first election; providing
6 for first-year expenses; providing for adoption
7 of transitional ordinances, resolutions,
8 comprehensive plan, and local development
9 regulations; providing for accelerated
10 entitlement to state shared revenues; providing
11 for a solid waste collection plan; providing
12 for gas tax revenue; providing for a transition
13 agreement between Monroe County and the Village
14 of Paradise Islands; providing land
15 descriptions of the village; providing for
16 future amendments of the charter; providing for
17 standards of conduct in office; providing for
18 the Village of Paradise Islands to receive
19 infrastructure surtax revenues; providing for
20 severability; providing for a referendum
21 approval; providing effective dates.

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

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25 Section 1. SHORT TITLE.--This act, together with any
26 future amendments thereto, shall be known and may be cited as
27 the "Village of Paradise Islands Charter," hereinafter
28 referred to as "the charter."

29 Section 2. LEGISLATIVE INTENT.--The Legislature hereby
30 finds and declares that:

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

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

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

16 Section 3. INCORPORATION OF MUNICIPALITY; CORPORATE
17 LIMITS.--There is hereby created, effective November 15, 2000,
18 in Monroe County, a new municipality to be known as the
19 Village of Paradise Islands, which shall have a
20 mayor-council-manager form of government. The corporate
21 boundaries of the Village of Paradise Islands, hereinafter
22 referred to as "village," shall be as described in section 10.

23 Section 4. MUNICIPAL POWERS.--The village shall be a
24 body corporate and politic and shall have all the powers of a
25 municipality under the State Constitution and laws of this
26 state, as fully and completely as though such powers were
27 specifically enumerated in this charter, unless otherwise
28 prohibited by or contrary to the provisions of this charter.
29 The village shall have all governmental, corporate, and
30 proprietary powers necessary to enable it to conduct municipal
31 government, perform municipal functions, and render municipal

1 services, and may exercise any power for municipal services
2 unless expressly prohibited by law. The powers of the village
3 shall be liberally construed in favor of the village. The
4 quality of rights under the laws of the Village of Paradise
5 Islands shall not be denied or abridged because of sex, sexual
6 orientation, age, disability, race, creed, color, or national
7 origin.

8 Section 5. VILLAGE COUNCIL.--

9 (1) VILLAGE COUNCIL; COMPOSITION; QUALIFICATIONS OF
10 COUNCIL MEMBERS.--

11 (a) There shall be a five-member village council,
12 hereinafter referred to as "council," consisting of a mayor,
13 also considered a council member, elected from and
14 representing the village at large and two council members,
15 hereinafter referred to as "councilors," elected from precinct
16 16, as defined by Resolution No. 044-1996 by the Board of
17 County Commissioners of Monroe County, and two council
18 members, hereinafter referred to as "councilors," elected from
19 precinct 17, as defined by Resolution No. 044-1996 by the
20 Board of County Commissioners of Monroe County.

21 (b) There shall be four separate councilor seats to be
22 designated as seat 1, seat 2, seat 3, and seat 4. Candidates
23 must qualify for councilor elections by precinct, and the
24 councilors elected to those seats shall hold seats 1 through 4
25 respectively. Seats 1 and 2 would designate the councilor
26 seats coming from precinct 16. Seats 3 and 4 would designate
27 councilor seats coming from precinct 17.

28 (c) To qualify for office:

29 1. Each candidate for an office on the council shall
30 be a registered voter in Florida and a resident of the village
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1 for at least 1 year prior to the last date the candidate is
2 allowed to register.

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

12 (2) TERM OF OFFICE.--The term of office for all
13 council members shall be 2 years, except that the first term
14 for all shall be from their initial election as provided in
15 section 9(2) until the first general election in November of
16 the year 2002. Each council member shall remain in office
17 until a successor is elected and assumes the duties of the
18 position, except as otherwise provided herein. No council
19 member shall serve as either councilor or mayor for more than
20 three consecutive terms of office. A term of office of less
21 than 365 days to fill a vacancy shall not be applied to the
22 maximum tenure of three consecutive terms of office.

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

24 (a) The mayor shall be elected from and represent the
25 village at large and shall have been an elector of the village
26 and shall have resided in the village for at least 1 year
27 prior to the qualification date to run for the office of
28 mayor. Failure to possess any such qualification during a term
29 of office shall be cause for forfeiture of the office, and the
30 council shall remove the mayor from office. The mayor shall
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1 maintain residency in the village throughout his or her term
2 of office.

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

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

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

20 (5) COMPENSATION AND EXPENSES.--Councilors shall
21 receive compensation in the amount of \$350 per month and the
22 mayor shall receive compensation in the amount of \$500 per
23 month. In addition, all council members shall be entitled to
24 receive reimbursement in accordance with Florida Statutes for
25 authorized travel and per diem expenses incurred in the
26 performance of their official duties. The council, by not less
27 than two-thirds affirmative votes of all council members in
28 office, may elect to increase or decrease compensation by
29 ordinance. However, no such ordinance increasing or
30 decreasing compensation shall take effect until the date of
31 commencement of the terms of council members selected at the

1 next regular election which follows the adoption of said
2 ordinance.

3 (6) GENERAL POWERS AND DUTIES OF THE VILLAGE
4 COUNCIL.--

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

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

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

25 (d) Nothing in the foregoing is to be construed to
26 prohibit individual members of the council from closely
27 scrutinizing, by questions and personal observation, all
28 aspects of village government operations so as to obtain
29 independent information to assist the members in the
30 formulation of sound policies to be considered by the council.
31 It is the express intent of this charter, however, that

1 recommendations for improvement in village government
2 operations by individual council members be made to and
3 through the village manager, so that the manager may
4 coordinate efforts of all village departments to achieve the
5 greatest possible savings through the most efficient and sound
6 means available.

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

15 (7) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;
16 FILLING OF VACANCIES.--

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

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

27 1. Lacks at any time, or fails to maintain during his
28 or her term of office, any qualification for the office
29 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, or
6 enters a plea of guilty or nolo contendere thereto, even if
7 adjudication of guilt has been withheld;

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

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

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

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

25 2. If the council member is subsequently found not
26 guilty of the charge, or if the charge is otherwise dismissed,
27 reduced, or altered in such a manner that suspension would no
28 longer be required as provided herein, the suspension shall be
29 lifted and the council member shall be entitled to receive
30 full back pay and such other emoluments or allowances as he or
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1 she would have been entitled to had the suspension not
2 occurred.

3 (d) Filling of vacancies.--

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

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

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

22 (a) Special meetings may be held at the call of the
23 mayor, or in his or her absence, at the call of the vice
24 mayor. Special meetings may also be called upon the request
25 of a majority of the councilors, consistent with section
26 286.011, Florida Statutes. Unless of an emergency nature, the
27 person or persons calling such a meeting shall provide not
28 less than 72 hours' prior notice of the meeting to the public.
29 In an emergency situation, a special meeting may be called at
30 least 4 hours' notice to each council member, served
31 personally, or left at his or her usual place of residence,

1 with every effort made to contact the member by the village
2 clerk. The village clerk shall also make every effort to
3 notify the general public of any special meeting.

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

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

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

29 (10) ADOPTION OF CODES.--The council may adopt any
30 standard code of technical regulations by reference thereto in
31 an adopting ordinance and may amend the code in the adopting

1 ordinance or later amendatory ordinance. The procedures and
2 requirements governing such an adoption ordinance shall be
3 prescribed for ordinances generally, except that:

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

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

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

17 (12) REFERENDUM REQUIRED FOR CONVEYANCE OF
18 VILLAGE-OWNED REAL PROPERTY; EXCEPTIONS.--The village shall
19 not sell, convey, or otherwise transfer any real property, or
20 any interest therein, to any person without the transfer being
21 approved by referendum. However, the abandonment of any real
22 property shall be at the discretion of the council; providing
23 that the total real value meets the criteria in subparagraph

24 (a) stated below and there are no opposing neighbors that
25 adjoin the property. The lease of village-owned real property
26 in areas of the village, other than a redevelopment area, for
27 a term greater than 10 years shall be considered a conveyance
28 requiring referendum. This provision shall not be applicable
29 to the following:

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

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

7 (13) RIGHT OF INDIVIDUAL TO BE HEARD.--All residents
8 shall have the right to be heard at regular council meetings,
9 subject to rules established by the council.

10 Section 6. BUDGET AND APPROPRIATIONS.--

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

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

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

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

27 (b) Reduction of appropriations.--If, at any time
28 during the fiscal year, it appears probable to the village
29 manager that the revenues available will be insufficient to
30 meet the amount appropriated, the village manager shall report
31 same to the council without delay, indicating the estimated

1 amount of the deficit, any remedial action taken, and
2 recommendations as to any other steps that should be taken.
3 The council shall then take such further action as it deems
4 necessary to prevent or minimize any deficit and, for that
5 purpose, the council may by resolution reduce one or more
6 appropriations accordingly.

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

12 Section 7. CHARTER OFFICERS.--

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

17 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
18 VACANCIES.--

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

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

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

30 (d) The compensation of the charter officers shall be
31 fixed by the council.

1 (e) The council shall immediately begin the process to
2 fill a vacancy in a charter office. An acting village manager
3 or an acting village attorney may be appointed by the council
4 during a vacancy in such charter office.

5 (f) The charter officers shall not be candidates for
6 the council while holding their charter officer position.

7 (3) VILLAGE MANAGER.--The village manager shall be the
8 chief administrative officer of the village.

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

14 (b) Residency.--The village manager must become a
15 resident of the village within 90 days after accepting the
16 position with the village, and shall remain a resident of the
17 village for the duration of employment with the village.

18 (c) Powers and duties.--The village manager shall:
19 1. As the chief administrative officer of the village,
20 direct and supervise the administration of all departments,
21 offices, and agencies of the village, except the office of
22 village attorney, and except as otherwise provided by this
23 charter or by law.

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

1 village administrative officer to exercise the powers and
2 perform the duties of manager during his or her temporary
3 absence or disability. During such absence or disability, the
4 council may revoke such designation at any time and appoint
5 another officer of the village to serve until the manager
6 shall return or his or her disability shall cease.

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

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

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

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

15 1. Shall serve as chief legal advisor to the council,
16 the charter officers, and all village departments, offices,
17 and agencies.

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

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

23 4. Shall prepare an annual budget for the operation of
24 the office of the village attorney and shall submit this
25 budget to the village manager for inclusion in the annual
26 village budget, in accordance with uniform village procedures.

27 Section 8. ELECTIONS.--

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

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

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

10 (4) SCHEDULE FOR GENERAL ELECTIONS AND RUNOFFS.--The
11 regular village elections shall be biennially on the first
12 Tuesday after the first Monday in November of each even
13 numbered year. The candidates receiving the majority of votes
14 for councilor or mayor, for which they are running, shall be
15 elected councilor and/or mayor. All ties in any election
16 shall be decided by a flip of a coin in the presence of the
17 candidates concerned, under the direction of the council other
18 than any council members involved in the tie.

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

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

1 the office of mayor, or, if not more than two persons qualify
2 as candidates for the council seats for either of precincts 16
3 or 17, those seats or offices shall not be listed on the
4 village election ballot. Each such candidate is deemed to
5 have voted for himself or herself and shall be declared the
6 winner.

7 (7) CANVASSING BOARD.--

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

11 (b) For special village elections held at times other
12 than general elections there shall be a village canvassing
13 board which shall be composed of the village clerk and two
14 electors of the village chosen prior to the election by the
15 village council. The village clerk shall act as chairperson.
16 At the close of the polls of any village election, or as soon
17 thereafter as practical, the canvassing board shall meet at a
18 time and place designated by the chairperson and shall proceed
19 to publicly canvass the vote as shown by the returns then on
20 file in the office of the village clerk, and then shall
21 publicly canvass the absentee elector ballots. The canvassing
22 board shall prepare and sign a certificate containing the
23 total number of votes cast for each candidate or other measure
24 voted upon. The certificate shall be placed on file with the
25 village clerk.

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

30 (9) INITIATIVE AND REFERENDUM.--

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

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

9 2. Referendum.--

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

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

26 c. Notwithstanding anything in sub-subparagraph 2.b.
27 to the contrary, the referendum power shall extend to any
28 ordinance levying ad valorem taxes, provided that the
29 ordinance increases the total village tax rate above 5 mills,
30 and that all petitions with respect to the referendum are

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1 filed within 60 days after the date of adoption of the
2 ordinance.

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

15 (c) Petitions.--

16 1. Initiative and referendum petitions scheduled for a
17 regular general election must be signed by electors of the
18 village equal in number to at least 10 percent of the total
19 number of electors registered to vote in the last regular
20 village election. Initiative and referendum petitions
21 scheduled for a special election must be signed by qualified
22 voters of the village equal in number to at least 20 percent
23 of the total number of qualified voters registered to vote in
24 the last regular village election.

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

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

10 4. Except as otherwise provided in sub-subparagraph
11 (a)2.b., all initiative and referendum petitions with
12 signatures must be filed within 60 days of the date on which
13 proceedings with respect to such initiative or referendum are
14 commenced pursuant to section 8(9)(b), and all requirements of
15 the process must be completed no later than 90 days following
16 the date of filing said initiative or referendum petition.

17 5. Referendum and initiative petitions seeking a
18 special municipal election under (c)1. shall be titled
19 "Proposed Special Municipal Election." Immediately after the
20 title, the petition shall state the following: "By signing
21 this petition, I am requesting that a special election be held
22 for this question, instead of the scheduling of this question
23 for the next general municipal, county, or statewide election.
24 I understand that the additional cost to the Village of
25 Paradise Islands to hold such a special election is
26 anticipated to be \$ _____, as determined by the village
27 clerk."

28 (d) Procedure for filing.--

29 1. Within 20 days after an initiative petition or a
30 referendum petition is filed, the village clerk shall complete
31 a certificate as to its sufficiency, specifying, if it is

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

24 2. If a petition has been certified insufficient and
25 the petitioner's committee does not file notice of intent to
26 amend it, or if an amended petition has been certified
27 insufficient, the committee may, within 2 business days after
28 receiving the copy of such certificate, file a request that it
29 be reviewed by the council. The council shall review the
30 certificate at its next meeting following the committee's
31 filing of such request and approve or disapprove it, and

1 determination shall then be final as to the sufficiency of the
2 petition.

3 (e) Action on petitions.--

4 1. Reconsideration.--When a referendum petition is
5 filed with the village clerk, the ordinance sought to be
6 reconsidered shall be suspended and shall have no force or
7 effect. Such suspension shall terminate when: there is a final
8 determination of insufficiency of the petition, or; the
9 petitioners' committee withdraws the petition, or; the council
10 repeals the ordinance, or; after a vote of the village on the
11 ordinance has been certified.

12 2. Action by Council.--When an initiative or
13 referendum petition has been determined sufficient, the
14 council shall promptly consider the proposed initiative
15 ordinance or reconsider the referendum ordinance by voting its
16 repeal. The repeal of an ordinance relating to the levy of ad
17 valorem taxes shall be by ordinance. If the council fails to
18 adopt a proposed initiative ordinance without any change in
19 substance within 45 days or fails to repeal the referendum
20 ordinance within 30 days or, in the case of a referendum
21 authorized pursuant to sub-subparagraph (a)2.c., at the next
22 regularly scheduled council meeting after the date on which
23 the petition is determined to be sufficient, it shall submit
24 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.

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1 3. Submission to electors.--The vote of the village on
2 a proposed initiative or referendum ordinance shall be held
3 not less than 30 or more than 90 days from the date the
4 council acted or was deemed to have acted pursuant to
5 subparagraph (e)1. that the petition was determined
6 sufficient. If no regular general election is to be held
7 within the period described in this paragraph, the council
8 shall provide for a special election, except that the council
9 may, in its discretion, provide for a special election at an
10 earlier date within the described period. Copies of the
11 proposed initiative or referendum ordinance shall be made
12 available at the polls.

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

22 (f) Results of election.--

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

29 2. If a majority of the qualified electors voting on a
30 referendum ordinance vote against it, it shall be considered
31 repealed upon certification of the election results.

1 Section 9. TRANSITION SCHEDULE.--
2 (1) REFERENDUM.--The referendum election called for by
3 this act shall be held on November 7, 2000, at which time the
4 following question shall be placed upon the ballot: "SHALL
5 CHAPTER _____, LAWS OF FLORIDA, CREATING THE VILLAGE OF
6 PARADISE ISLANDS AND PROVIDING ITS CHARTER BE APPROVED?
7 YES/NO." In the event this question is answered affirmatively
8 by a majority of voters voting in the referendum, the
9 provisions of this charter will take effect as provided in
10 section 13.
11 (2) INITIAL ELECTION OF MAYOR AND COUNCIL MEMBERS.--
12 (a) The Monroe County Commission shall call a very
13 special election or include in a general election for the
14 election of the four councilors and the mayor to be held on
15 December 19, 2000.
16 (b) Any individual who wishes to run for one of the
17 four initial seats on the council or for the office of mayor
18 shall qualify as a candidate with the Monroe County Supervisor
19 of Elections in accordance with the provisions of this charter
20 and general law between noon on November 13, 2000 and noon on
21 November 22, 2000.
22 (c) For the initial election, the Monroe County
23 Commissioners shall appoint a canvassing board which shall
24 certify the results of the election.
25 (d) Those candidates who are elected on December 19,
26 2000 shall take office at the initial council meeting, which
27 shall be held at 7:00 p.m., on December 21, 2000 at the Monroe
28 County Senior Citizen's Center on Big Pine Key.
29 (3) CREATION AND ESTABLISHMENT OF VILLAGE.--For the
30 purpose of compliance with section 200.066, Florida Statutes,
31 relating to assessment and collection of ad valorem taxes, the

1 village is hereby created and established effective November
2 15, 2000 notwithstanding anything to the contrary contained
3 herein, the village although created and established as of
4 November 15, 2000 shall be operational on or before April 1,
5 2001 as determined by the council.

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

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

21 (6) TRANSITIONAL COMPREHENSIVE LAND USE PLAN AND LAND
22 DEVELOPMENT REGULATIONS.--

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

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 be vested
15 in the village council of the Village of Paradise Islands
16 until such time as the council delegates all or a portion
17 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, 2002,
30 deliver the solid waste collected within the municipality to
31 either a county solid waste transfer station or a county solid

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 (7) STATE SHARED REVENUES.--The Village of Paradise
15 Islands shall be entitled to participate in all shared revenue
16 programs of Florida effective immediately on the date of
17 incorporation. The provisions of section 218.23(1), Florida
18 Statutes, shall be waived for the purpose of eligibility to
19 receive revenue sharing funds from the date of incorporation
20 through the state fiscal year 2001-2002. Section 218.26(3),
21 Florida Statutes, is waived for the 2001-2002 state fiscal
22 year, and the apportionment factors for the municipalities and
23 counties shall be re-calculated pursuant to section 218.245,
24 Florida Statutes. Initial population estimates for
25 calculating eligibility for shared revenues shall be
26 determined by the University of Florida Bureau of Economic and
27 Business Research. Should the bureau be unable to provide an
28 appropriate population estimate, the Monroe County Planning
29 Division estimate should be utilized.

30 (8) GAS TAX REVENUES.--Notwithstanding the
31 requirements of section 336.025, Florida Statutes, to the

1 contrary, the Village of Paradise Islands shall be entitled to
2 receive local option gas tax revenues beginning November 15,
3 2000.

4 Section 10. LAND DESCRIPTION.--The corporate
5 boundaries of the village shall be as follows:

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

21 Section 11. GENERAL PROVISIONS.--

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

29 (2) STANDARDS OF CONDUCT.--All elected officials and
30 employees of the village shall be subject to the standards of
31 conduct for public officers and employees set by general law.

1 In addition, the council shall, no later than 6 months from
2 the effective date of incorporation, establish by ordinance a
3 code of ethics for officials and employees of the village
4 which may be supplemental to general law, but in no case may
5 such an ordinance diminish the provisions of general law. The
6 intent of this provision of the charter is to require more
7 stringent standards than those provided under general law.

8 (3) INFRASTRUCTURE SURTAX REVENUES.--The Village of
9 Paradise Islands shall be entitled to receive infrastructure
10 surtax revenues beginning on November 15, 2000.

11 Section 12. If any provisions of this act, or the
12 application thereof to any person or circumstance, is held
13 invalid, the invalidity shall not affect other provisions or
14 applications of this act which can be given effect without the
15 invalid provision or application, and to this end the
16 provisions of this act are declared severable.

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

25 (1) This section and section 9(1) shall take effect
26 upon this act becoming a law.

27 (2) If the majority of the qualified voters residing
28 in the village as described in section 10 of this charter do
29 not approve this act then this act shall not take effect.

30 (3) If approved by a majority of the qualified voters
31 residing in the village as described in section 10 of this

1 charter, section 3, section 9(2), and section 9(3) shall take
2 effect upon certification of the election results by the
3 Monroe County Supervisor of Elections, and the remainder of
4 this act shall take effect November 15, 2000.
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