

By the Committee on Finance & Taxation and 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; powers; providing for its
5 charter; providing for municipal powers;
6 providing municipal boundaries; providing a
7 mayor-council-manager form of government;
8 providing for election of a mayor and council;
9 providing for membership, qualifications,
10 terms, powers, and duties of its members,
11 including the mayor; providing for a vice
12 mayor; providing for compensation and payment
13 of expenses; providing general powers and
14 duties; providing circumstances resulting in
15 vacancy in office; providing grounds for
16 forfeiture and suspension; providing for
17 filling of vacancies; providing for meetings;
18 providing for keeping of records; providing for
19 adoption, distribution, and recording of
20 technical codes; providing a limitation upon
21 employment of council members; providing that
22 certain interference with village employees
23 shall constitute malfeasance in office;
24 establishing the fiscal year; providing for
25 adoption of annual budget and appropriation;
26 providing amendments for supplemental,
27 reduction, and transfer of appropriations;
28 providing for limitations; providing for
29 appointment of charter offices, including a
30 village manager and village attorney; providing
31 for removal, compensation, and filling of

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

23

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

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

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

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

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

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

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

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

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

1 The village shall have all governmental, corporate, and
2 proprietary powers necessary to enable it to conduct municipal
3 government, perform municipal functions, and render municipal
4 services, and may exercise any power for municipal services
5 unless expressly prohibited by law. The powers of the village
6 shall be liberally construed in favor of the village.

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

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

24 Section 3. VILLAGE COUNCIL.--

25 (1) VILLAGE COUNCIL; COMPOSITION; QUALIFICATIONS OF
26 COUNCIL MEMBERS.--

27 (a) There shall be a five-member village council,
28 hereinafter referred to as "council," consisting of a mayor,
29 also considered a council member, elected from and
30 representing the village at large and two council members,
31 hereinafter referred to as "councilors," elected from precinct

1 16, as defined by Resolution No. 044-1996 by the Board of
2 County Commissioners of Monroe County, or as defined in the
3 future by a Resolution by the Village Council, and two council
4 members, hereinafter referred to as "councilors," elected from
5 precinct 17, as defined by Resolution No. 044-1996 by the
6 Board of County Commissioners of Monroe County, or as defined
7 in the future by a Resolution by the Village Council.

8 (b) To qualify for office:

9 1. Each candidate for an office on the council shall
10 be a registered voter in Florida and a resident of the village
11 for at least 1 year prior to the last date the candidate is
12 allowed to qualify.

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

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

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

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

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

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

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

30 (5) COMPENSATION AND EXPENSES.--Councilors shall
31 receive compensation in the amount of \$350 per month and the

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

13 (6) GENERAL POWERS AND DUTIES OF THE VILLAGE
14 COUNCIL.--

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

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

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

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

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

24 (7) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;
25 FILLING OF VACANCIES.--

26 (a) Vacancies.--A vacancy in the office of a council
27 member shall occur upon the death of the incumbent, removal
28 from office as authorized by law, resignation, appointment to
29 other public office which creates dual office holding within
30 the village, judicially determined incompetency, or forfeiture
31 of office as described in paragraph (b).

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

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

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

11 3. Is convicted of a first degree misdemeanor arising
12 directly out of his or her official conduct or duties as a
13 member of the village council, or enters a plea of guilty or
14 nolo contendere thereto, even if adjudication of guilt has
15 been withheld;

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

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

25 (c) Suspension from office.--A council member shall be
26 automatically suspended from office upon return of an
27 indictment or issuance of an information charging the council
28 member with any crime which is punishable as a felony or with
29 any crime arising out of his or her official council duties
30 which is punishable as a first degree misdemeanor. Pursuant
31 thereto:

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

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

12 (d) Filling of vacancies.--

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

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

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

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1 (a) Special meetings may be held at the call of the
2 mayor, or in his or her absence, at the call of the vice
3 mayor. Special meetings may also be called upon the request
4 of a majority of the councilors, consistent with section
5 286.011, Florida Statutes. Unless of an emergency nature, the
6 person or persons calling such a meeting shall provide not
7 less than 72 hours' prior notice of the meeting to the public.
8 In an emergency situation, a special meeting may be called at
9 least 4 hours' notice to each council member, served
10 personally, or left at his or her usual place of residence,
11 with every effort made to contact the member by the village
12 clerk. The village clerk shall also make every effort to
13 notify the general public of any special meeting.

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

17 (c) A majority of the council shall constitute a
18 quorum. No action of the council shall be valid unless
19 adopted by an affirmative vote of the majority of the council
20 members in attendance, unless otherwise provided by law. All
21 actions of the council shall be by ordinance, resolution, or
22 motion.

23 (9) VILLAGE RECORDS.--The council shall, in a properly
24 indexed book and/or electronically kept for the purpose,
25 provide for the authentication and recording in full of all
26 minutes of meetings, and all ordinances and resolutions
27 adopted by the council, and the same shall, at all times, be a
28 public record. The council shall further maintain a current
29 codification of all ordinances. Such codification shall be
30 made available to the public on a continuing basis. All
31 ordinances or resolutions of the council shall be signed by

1 the mayor, or vice mayor in the absence or disability of the
2 mayor, or by the acting mayor in the absence or disability of
3 both the mayor and the vice mayor, and attested to by the
4 village clerk. All meetings of the council and of the
5 committees thereof shall be public meetings within the meaning
6 of section 286.011, Florida Statutes, and any citizens shall
7 have access to the minutes and records thereof at all
8 reasonable times.

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

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

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

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

28 (12) REFERENDUM REQUIRED FOR CONVEYANCE OF
29 VILLAGE-OWNED REAL PROPERTY; EXCEPTIONS.--The village shall
30 not sell, convey, or otherwise transfer any real property, or
31 any interest therein, to any person without the transfer being

1 approved by referendum. However, the abandonment of any real
2 property shall be at the discretion of the council; providing
3 that the total real value meets the criteria in subparagraph
4 (a) stated below and there are no opposing neighbors that
5 adjoin the property. The lease of village-owned real property
6 in areas of the village, other than a redevelopment area, for
7 a term greater than 10 years shall be considered a conveyance
8 requiring referendum. This provision shall not be applicable
9 to the following:

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

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

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

21 Section 4. BUDGET AND APPROPRIATIONS.--

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

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

1 (3) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.--
2 (a) Supplemental appropriations.--If, during the
3 fiscal year, revenues in excess of those estimated in the
4 budget are available for appropriation, the council by
5 resolution may make supplemental appropriations for the year
6 in an amount not to exceed such excess.
7 (b) Reduction of appropriations.--If, at any time
8 during the fiscal year, it appears probable to the village
9 manager that the revenues available will be insufficient to
10 meet the amount appropriated, the village manager shall report
11 same to the council without delay, indicating the estimated
12 amount of the deficit, any remedial action taken, and
13 recommendations as to any other steps that should be taken.
14 The council shall then take such further action as it deems
15 necessary to prevent or minimize any deficit and, for that
16 purpose, the council may by resolution reduce one or more
17 appropriations accordingly.
18 (c) Limitations; effective date.--No appropriation for
19 debt service may be reduced or transferred, and no
20 appropriation may be reduced below any amount required by law
21 to be appropriated, or by more than the unencumbered balance
22 thereof.
23 Section 5. CHARTER OFFICERS.--
24 (1) DESIGNATION.--The village manager and the village
25 attorney are designated as charter officers, except that the
26 office of village attorney may be contracted to an attorney or
27 law firm.
28 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
29 VACANCIES.--
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1 (a) The charter officers shall be appointed by a
2 majority vote of the council and shall serve at the pleasure
3 of the council.

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

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

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

14 (e) Employment contracts with charter officers or any
15 other employees of the village shall not have duration in
16 excess of 1 year.

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

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

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

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

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

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

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

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

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

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

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

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

27 5. Attend meetings of the council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 Section 6. ELECTIONS.--

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

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

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

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

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

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

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

5 (7) CANVASSING BOARD.--

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

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

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

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

28 (9) INITIATIVE AND REFERENDUM.--

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

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

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

7 2. Referendum.--

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

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

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

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

5 (c) Petitions.--

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

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

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

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

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

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

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

22 (d) Procedure for filing.--

23 1. Within 20 days after an initiative petition or a
24 referendum petition is filed, the village clerk shall complete
25 a certificate as to its sufficiency, specifying, if it is
26 insufficient, the particulars wherein it is defective and
27 shall promptly send a copy of the certificate to the
28 petitioner's committee by registered mail. Grounds for
29 insufficiency are only those specifics in subparagraph (c)3.
30 and 4. that are not met. A petition certified insufficient
31 for lack of the required number of valid signatures may be

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

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

28 (e) Action on petitions.--

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

1 ordinance or reconsider the referendum ordinance by voting its
2 repeal. If the council fails to adopt a proposed initiative
3 ordinance without any change in substance within 45 days or
4 fails to repeal the referendum ordinance within 30 days, at
5 the next regularly scheduled council meeting after the date on
6 which the petition is determined to be sufficient, it shall
7 submit the proposed initiative or referendum ordinance to the
8 electors of the village. If the council fails to act on a
9 proposed initiative ordinance or a referendum ordinance within
10 the time period specified, the council shall be deemed to have
11 failed to adopt the proposed initiative ordinance or failed to
12 repeal the referendum ordinance on the last day that the
13 council was authorized to act on such matter.

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

24 3. Withdrawal of petitions.--An initiative or
25 referendum petition may be withdrawn at any time prior to the
26 15th day preceding the day scheduled for a vote in a special
27 election of the village or at any time prior to the 65th day
28 preceding the day of a regular general election by filing with
29 the village clerk a request for withdrawal signed by at least
30 eight members of the petitioner's committee. Upon the filing
31

1 of such request, the petition shall have no further force or
2 effect and all proceedings thereon shall be terminated.

3 (f) Results of election.--

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

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

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

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

23 Section 7. TRANSITION SCHEDULE.--

24 (1) REFERENDUM.--The referendum election called for by
25 this act shall be held on November 7, 2000, at which time the
26 following question shall be placed upon the ballot: "SHALL
27 CHAPTER _____, LAWS OF FLORIDA, CREATING THE VILLAGE OF
28 PARADISE ISLANDS (Big Pine Key to the Seven Mile Bridge) AND
29 PROVIDING ITS CHARTER BE APPROVED? YES/NO." In the event this
30 question is answered affirmatively by a majority of voters
31

1 voting in the referendum, the provisions of this charter will
2 take effect as provided in section 5.

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

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

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

14 (c) For the initial election, the Monroe County
15 Commissioners shall appoint a canvassing board which shall
16 certify the results of the election.

17 (d) Those candidates who are elected on December 19,
18 2000 shall take office at the initial council meeting, which
19 shall be held at 7:00 p.m., on December 21, 2000 at the Monroe
20 County Senior Citizen's Center on Big Pine Key.

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

27 (4) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The
28 council shall adopt ordinances and resolutions required to
29 effect the transition. Ordinances adopted within 60 days
30 after the first council meeting may be passed as emergency
31 ordinances. These transitional ordinances, passed as

1 emergency ordinances, shall be effective for no longer than 90
2 days after adoption, and thereafter may be readopted, renewed,
3 or otherwise continued only in the manner normally prescribed
4 for ordinances.

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

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

27 (b) All powers and duties of the planning commission,
28 zoning authority, any boards of adjustment, and the County
29 Commission of Monroe County, as set forth in these
30 transitional zoning and land use regulations, shall, as of
31 December 21, 2000, be vested in the village council of the

1 Village of Paradise Islands until such time as the council
2 delegates all or a portion thereof to another entity.

3 (c) Subsequent to the commencement of the village's
4 corporate existence, no amendment of the comprehensive plan or
5 land development regulations enacted by the Monroe County
6 Commission shall be deemed as an amendment of the village's
7 transitional comprehensive plan or land development
8 regulations or otherwise take effect within the village's
9 corporate limits unless approved by the council.

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

30 Section 8. REVENUES.--
31

1 (1) STATE SHARED REVENUES.--The Village of Paradise
2 Islands shall be entitled to participate in all revenue
3 sharing programs of Florida on January 1, 2001. The
4 provisions of section 218.23(1), Florida Statutes, shall be
5 waived for the purpose of eligibility to receive revenue
6 sharing funds from January 1, 2001, through the state fiscal
7 year 2002-2003. The provisions of section 218.26(3), Florida
8 Statutes, shall be waived for the 2000-2001 fiscal year and
9 the apportionment factors for the municipalities and counties
10 shall be re-calculated pursuant to section 218.245, Florida
11 Statutes, as of January 1, 2001. For purposes of meeting the
12 provisions of section 218.23(1), Florida Statutes, relating to
13 ad valorem taxation, the millage levied by Monroe County Fire
14 and EMS and the Independent Mosquito Control Districts may be
15 used for an indefinite period of time. Initial revised
16 population estimates for calculating eligibility for shared
17 revenues shall be determined by the University of Florida
18 Bureau of Economic and Business Research. Should the bureau
19 be unable to provide an appropriate population estimate, the
20 Monroe County Planning Division estimate should be utilized.

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

1 (3) INFRASTRUCTURE SURTAX REVENUES.--The Village of
2 Paradise Islands shall be entitled to receive infrastructure
3 surtax revenues beginning on January 1, 2001, in accord with
4 an interlocal agreement between Monroe County and
5 municipalities representing a majority of the county's
6 municipal population if such an interlocal is in effect on
7 January 1, 2001 if there is no interlocal agreement in effect
8 on that date, according to the formula in section 218.62,
9 Florida Statutes.

10 (4) CREATION AND ESTABLISHMENT OF VILLAGE.--For the
11 purpose of compliance with section 200.066, Florida Statutes,
12 relating to assessment and collection of ad valorem taxes, the
13 village is hereby created and established effective November
14 15, 2000. Notwithstanding anything to the contrary contained
15 herein, the village although created and established as of
16 November 15, 2000 shall be operational on or before April 1,
17 2001 as determined by the council.

18 Section 9. GENERAL PROVISIONS.--

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

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

1 which may be supplemental to general law, but in no case may
2 such an ordinance diminish the provisions of general law. The
3 intent of this provision of the charter is to require more
4 stringent standards than those provided under general law.

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

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

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

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

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

31