

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

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

Amendment (with title amendment)

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

Section 1. LEGISLATIVE INTENT.--The Legislature hereby finds that the Village of the Lower Keys area in Monroe County includes a compact and contiguous community in excess of 5,000 residents susceptible to urban services, and constitutes a community amenable to separate municipal government. It is in the best interests of the public health, safety, and welfare of the residents of the Village of the Lower Keys area to form a separate municipality for the area with all the powers and authority necessary to provide adequate and efficient municipal services to its residents. It is intended that this charter and the incorporation of the Village of the Lower Keys area will serve to preserve and protect the distinctive characteristics of the individual communities within the boundaries of the Village of the Lower Keys.

Section 2. INCORPORATION OF MUNICIPALITY; CORPORATE

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1 LIMITS.--There is hereby created, effective November 15, 2000,
2 in Monroe County, a new municipality to be known as the
3 Village of the Lower Keys, which shall have a
4 mayor-commission-manager form of government. The corporate
5 boundaries of the Village of the Lower Keys, hereinafter
6 referred to as "Village," shall be as described in section 2
7 of the charter.

8 Section 3. SHORT TITLE.--This act, together with any
9 future amendments thereto, shall be known and may be cited as
10 the "Village of the Lower Keys," hereinafter referred to as
11 "the charter." The charter of the Village of the Lower Keys
12 is created to read:

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

27 Section 2. VILLAGE BOUNDARIES--The corporate
28 boundaries of the Village shall be as follows: All the Florida
29 Keys north, south and east of a line projected north and south
30 at the east end of Bow Channel Bridge up to a line projected
31 north and south at the east end of the South Pine Channel

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1 Bridge, including Summerland Key, Ramrod Key, The Torch Keys,
2 and Cudjoe Key, and all land filled in between the islands,
3 all connected by U.S. 1, Overseas Highway, all above within
4 Monroe County. These corporate boundaries are distinct in the
5 Monroe County Comprehensive Plan and described as Planning
6 Area Enumeration District 4.

7 Section 3. VILLAGE COMMISSION.--

8 (1) VILLAGE COMMISSION; COMPENSATION; QUALIFICATIONS
9 OF COMMISSIONERS.--

10 (a) There shall be a five-member Village commission,
11 consisting of four commissioners and a mayor. Two
12 commissioners shall be elected from precinct 14 and two
13 commissioners shall be elected from precinct 15, as defined by
14 resolution No. 044-1996 by the Board of County Commissioners
15 of Monroe County, or as defined in the future by a Resolution
16 by the Village Commission, as described in section 2 of this
17 charter. The mayor shall be elected at large by all city
18 electors.

19 (b) To qualify for office:

20 1. Each candidate for the office of Village commission
21 shall be a registered voter in the state and a resident of the
22 precinct for which they are qualifying for at least 6 months
23 prior to the last date the candidate is allowed to register.
24 Each commissioner must reside in the precinct during his or
25 her tenure in office or forfeit his or her commission seat.

26 2. At the time of qualification, each candidate for a
27 commission seat shall reside within the boundaries of his or
28 her respective precinct and, if elected, shall maintain such
29 residency throughout his or her term of office. For the
30 initial election following the referendum approving the
31 creation of the Village, candidates for office shall qualify

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1 as provided in section 7(2) of this charter. Thereafter,
2 candidates shall qualify as provided in section 6(3) of this
3 charter or section 9 of this charter, if applicable.

4 (2) TERMS OF OFFICE.--The term of office for
5 commissioners and the mayor shall be 2 years, except that the
6 first term for all elected offices shall be from the date of
7 initial election, as provided in section 7(2) of this charter,
8 until the first general election in November 2002. Each
9 commission member shall remain in office until a successor is
10 elected and assumes the duties of the position, except as
11 otherwise provided herein. No commission member shall serve
12 more than three consecutive terms of office. A term of office
13 of less than 365 days shall not be applied to the maximum
14 tenure of three consecutive terms of office.

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

16 (a) The mayor shall have been an elector of the
17 Village and shall have resided in the Village for at least 1
18 year prior to the last date the candidate is allowed to
19 qualify to run for the office of mayor and shall maintain
20 residency in the Village throughout his or her term of office.
21 Failure to possess any such qualification during a term of
22 office shall be cause for forfeiture of the office, and the
23 commission shall remove the mayor from office at the next
24 commission meeting.

25 (b) The mayor shall have the same legislative powers
26 and duties as any other commission member.

27 (c) The mayor shall preside at the meetings of the
28 commission and shall be recognized as the head of the Village
29 government for service of process, ceremonial matters, and the
30 signature or execution of ordinances, contracts, deeds, bonds,
31 and other instruments and documents. The mayor shall have no

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1 administrative duties other than those necessary to accomplish
2 these actions, or such actions as may be authorized by the
3 Village commission, consistent with general or special act.

4 (4) THE VICE MAYOR.--The Village commission, at its
5 first regular meeting in December of each year, shall elect
6 from its membership a vice mayor who shall serve at the
7 pleasure of the Village commission and as acting mayor during
8 the absence or disability of the mayor. In the absence of the
9 mayor and the vice mayor, the commissioners shall select a
10 commission member to serve as acting mayor.

11 (5) COMPENSATION AND EXPENSES.--Village commissioners
12 and the mayor shall be compensated at \$3,500 per year
13 initially. They shall also be entitled to receive
14 reimbursement in accordance with Florida Statutes for
15 authorized travel and per diem expenses incurred in the
16 performance of their official duties. The commission, by not
17 less than a majority plus one affirmative vote of all
18 commission members in office, may elect to establish,
19 increase, or decrease compensation by ordinance. However, no
20 such ordinance establishing or increasing or decreasing
21 compensation shall take effect until the date of commencement
22 of the terms of commission members or mayor selected at the
23 next regular meeting election which follows the adoption of
24 said ordinance.

25 (6) GENERAL POWERS AND DUTIES OF COMMISSION.--

26 (a) Except as otherwise prescribed herein or provided
27 by law, legislative and police powers of the Village shall be
28 vested in the commission. The commission shall provide for the
29 exercise of its powers and for the performance of all duties
30 and obligations imposed on the Village by law.

31 (b) Neither the commission nor any of its members

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1 shall in any manner dictate the appointment or removal of any
2 Village employees whom the manager or any of his or her
3 subordinates are empowered to appoint, except as provided in
4 this charter, but the commission may express its views and
5 fully and freely discuss with the manager anything pertaining
6 to appointment and removal of such employees.

7 (c) Except for the purpose of inquiries and
8 investigations, the commission or its members shall deal with
9 Village employees who are subject to the direction and
10 supervision of the manager solely through the manager, and
11 neither the commission nor its members shall give orders to
12 any such employee, either publicly or privately.

13 (d) Nothing in the foregoing is to be construed to
14 prohibit individual members of the commission from closely
15 scrutinizing, by questions and personal observation, all
16 aspects of Village government operations so as to obtain
17 independent information to assist the members in the
18 formulation of sound policies to be considered by the
19 commission, or policies created by the manager. It is the
20 express intent of this charter, however, that recommendations
21 for improvement in Village government operations by individual
22 commissioners be made to and through the Village manager, so
23 that the manager may coordinate efforts of all Village
24 departments to achieve the greatest possible savings through
25 the most efficient and sound means available.

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

28 (a) A vacancy in the office of a commission member
29 shall occur upon the death of the incumbent, removal from
30 office as authorized by law, resignation, appointment to other
31 public office which creates dual office holding, judicially

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1 determined incompetence, or forfeiture of office as described
2 in paragraph (b).

3 (b) A commission member shall forfeit his or her
4 office upon determination by the commission, acting as a body,
5 at a duly noticed public meeting that he or she:

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

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

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

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

22 5. Is absent from 3 consecutive regular commission
23 meetings without justifiable reason as determined by a
24 majority plus one vote of the other members of the commission,
25 or for any other reason established by this charter.

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

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1 thereto:

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

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

13 (d) Vacancies shall be filled as follows:

14 1. If a vacancy occurs in the office of mayor, the
15 vice mayor shall serve as mayor until a new mayor is elected
16 as provided in section 6(5)(a) of this charter and assumes the
17 duties of his or her office.

18 2. If any vacancy occurs in the office of any
19 commission member, the remaining commissioners shall, within
20 30 days following the occurrence of such vacancy, by a
21 majority vote, appoint a person to fill the vacancy for the
22 remainder of the unexpired term.

23 3. Any person appointed to fill a vacant seat on the
24 commission shall be required to meet the qualifications of the
25 seat to which he or she is appointed.

26 (8) VILLAGE COMMISSION MEETINGS.--The commission shall
27 conduct regular semi-monthly meetings which shall not begin
28 before 6 p.m. at such times and places as the commission shall
29 prescribe by resolution. Such meetings shall be public
30 meetings within the meaning of section 286.011, Florida
31 Statutes, and shall be subject to notice and other

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1 requirements of law applicable to public meetings. The
2 commission shall adopt Robert's Rules of Order, determine
3 other rules of business, and keep a journal of its
4 proceedings. Pursuant thereto:

5 (a) Special meetings may be held at the call of the
6 mayor or, in his or her absence, at the call of the vice
7 mayor. Special meetings may also be called at the request of a
8 majority of the commissioners, consistent with section 119.07,
9 Florida Statutes. Unless of an emergency nature, the person or
10 persons calling such a meeting shall provide not less than 72
11 hours' prior notice of the meeting to the public. In an
12 emergency situation, a special meeting may be called with at
13 least 4 hours' notice to each member of the commission and the
14 mayor, served personally, or left at his or her usual place of
15 residence, with every effort made to contact the member by the
16 Village clerk, if available, or the mayor, if available, or
17 any other commissioner if the Village clerk and mayor are not
18 available. The person contacting the commissioners concerning
19 the emergency meeting shall also make every effort to notify
20 the general public of the meeting.

21 (b) Elected or reelected commissioners shall be
22 inducted into office at the first regularly scheduled meeting
23 following certification of their election.

24 (c) A majority of the commission shall constitute a
25 quorum. No action of the commission shall be valid unless
26 adopted by an affirmative vote of the majority of the
27 commissioners in attendance, unless otherwise provided by law.
28 All actions of the Village commission shall be by ordinance,
29 resolution, or motion. All ordinances shall be advertised at
30 least 10 days prior to the first reading of that ordinance.

31 (9) VILLAGE RECORDS.--The commission shall, in a

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1 properly indexed book kept for that purpose, provide for the
2 authentication and recording in full of all minutes of the
3 meetings, and all ordinances and resolutions adopted by the
4 commission, and the same shall, at all times, be a public
5 record. The commission shall further maintain a current
6 codification of all ordinances. Such codification shall be
7 printed and shall be made available for distribution to the
8 public on a continuing basis. All ordinances or resolutions of
9 the commission shall be signed by the mayor, or by the acting
10 mayor in the absence or disability of both the mayor and vice
11 mayor, and attested to by the Village clerk. All meetings of
12 the Village commission and of the committees thereof shall be
13 public meetings within the meaning of section 286.011, Florida
14 Statutes, and any citizens shall have access to the minutes
15 and records thereof at all reasonable times.

16 (10) ADOPTION OF CODES.--The commission may adopt any
17 standard code of technical regulations by reference thereto in
18 an adopting ordinance and may amend the code in the adopting
19 ordinance or later amendatory ordinance. The procedures and
20 requirements governing such an adoption ordinance shall be
21 prescribed for ordinances generally, except as provided in
22 paragraph (b).

23 (a) Requirements regarding distribution and filing of
24 copies of the ordinance shall not be construed to require
25 distribution and filing of copies of the adopted code of
26 technical regulations, except as provided in paragraph (b).

27 (b) A copy of each adopted code of technical
28 regulations, as well as of the adoptive ordinance, shall be
29 authenticated and recorded in the Village records by the
30 Village clerk.

31 (11) LIMITATION OF EMPLOYMENT OF COMMISSIONERS AND

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1 MAYOR.--Neither commissioners nor the mayor shall be in
2 employment of the Village while in office, nor shall any
3 former commission member or mayor be employed by the Village
4 until after the expiration of 1 year from the time of leaving
5 office.

6 (12) REFERENDUM REQUIRED FOR CONVEYANCE OF
7 VILLAGE-OWNED REAL PROPERTY; EXCEPTIONS.--The Village shall
8 not sell, convey, or otherwise transfer any real property, or
9 any interest therein, to any person without the transfer being
10 approved by referendum. However, the abandonment of any real
11 property shall be at the discretion of the commission;
12 providing that the total real value meets the criteria in
13 paragraph (a) and there are no opposing neighbors that adjoin
14 the property. The lease of Village-owned real property in
15 areas of the Village for a term greater than 10 years shall be
16 considered a conveyance requiring a referendum. This provision
17 shall not be applicable to the following:

18 (a) Any property valued under \$50,000 as determined by
19 the average of three appraisals on the property with the
20 appraisals to be paid for by the recipient of the property.

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

23 (13) RIGHT OF INDIVIDUAL TO BE HEARD.--All residents
24 or agents for citizens shall have the right to be heard at all
25 Village commission meetings within the meaning of Section
26 286.011, Florida Statutes, subject to rules established by the
27 Village commission.

28 Section 4. BUDGET AND APPROPRIATIONS.--

29 (1) FISCAL YEAR.--The Village shall have a fiscal year
30 which shall begin on October 1 of each year and end on
31 September 30 of the succeeding year.

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1 (2) BUDGET ADOPTION.--The commission shall, by
2 resolution, adopt for the succeeding fiscal year a budget on
3 or before the 1st day of September of each year, following a
4 minimum of two public hearings on the proposed budget. A
5 resolution adopting the annual budget shall constitute
6 appropriation of the amounts specified therein as expenditures
7 from funds indicated.

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

9 (a) If, during the fiscal year, revenues in excess of
10 those estimated in the budget are available for appropriation,
11 the commission, by resolution, may make supplemental
12 appropriations for the year in an amount not to exceed such
13 excess.

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

24 (c) No appropriation for debt service may be reduced
25 or transferred, and no appropriation may be reduced below any
26 amount required by law to be appropriated, or by more than the
27 unencumbered balance thereof. Other provisions of law to the
28 contrary notwithstanding, the supplemental and emergency
29 appropriations and reduction or transfer of appropriation
30 authorized by this section may be effective immediately upon
31 adoption, providing that such revenues are expended in

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1 accordance with state law.

2 Section 5. CHARTER OFFICERS.--

3 (1) DESIGNATION.--The Village manager and the Village
4 attorney are designated as charter officers, except that the
5 office of Village attorney may be contracted to an attorney or
6 law firm.

7 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
8 VACANCIES.--

9 (a) The charter officers shall be appointed by a
10 majority vote of the full commission and shall serve at the
11 pleasure of the commission.

12 (b) The charter officers shall be removed from office
13 only by a majority vote of the full commission. Upon demand by
14 a charter officer, a public hearing shall be held prior to
15 such removal.

16 (c) The compensation of the charter officers shall be
17 fixed by the commission.

18 (d) The commission shall begin the process to fill a
19 vacancy in the charter office within 90 days of a vacancy. An
20 acting city manager or an acting city attorney may be
21 appointed by the commission during a vacancy in such charter
22 office.

23 (e) The charter officers shall not be candidates for
24 the commission while holding their charter officer positions.

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

31 (4) CITY MANAGER; QUALIFICATIONS; POWERS AND

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1 DUTIES.--The city manager shall be the chief administrative
2 officer of the Village.

3 (a) The Village manager shall be selected from, but
4 not limited to, the following criteria: experience, expertise,
5 management ability, and education. The foregoing criteria
6 shall be used in determining the ability as it pertains to
7 running municipal government.

8 (b) 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 city attorney, and except as may otherwise be 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 city attorney,
17 and except as may otherwise be provided by law, this charter,
18 or personnel rules adopted pursuant to the charter. The
19 Village manager may authorize any administrative employee who
20 is subject to his or her direction and supervision to exercise
21 these powers with respect to subordinates in that officer's
22 department, office, or agency.

23 3. Provide an administrative package to each
24 commissioner prior to each commission meeting. This package of
25 information shall contain the following:

26 a. The activity that the commission will take action
27 on.

28 b. The administrative review (comprehensive).

29 c. An executive summary, comprised of and solely for
30 the purposes of discussion within the commission with respect
31 to the electorate of the Village, and pertinent to the issue

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1 at hand.

2 d. A list of agenda items that will come before the
3 commissioners no later than 5 working days prior to a
4 commission meeting; which shall have been properly advertised;
5 and shall have documentation attached thereto from the manager
6 and shall be inclusive of the following: economic impacts of
7 such resolution, ordinance, or any other action brought forth
8 to the commission; recommendations to the commission and why;
9 recommendations from all charter officers and why; and an
10 executive summary from both the Village manager and Village
11 attorney.

12 4. Ensure all laws, provisions of this charter, and
13 acts of the commission are faithfully executed.

14 5. Prepare and submit the annual budget,
15 recommendations, and a review that shall include the
16 following:

17 a. Identification of areas of fiscal growth.

18 b. Reasons for fiscal growth.

19 c. A full accounting review of all departmental
20 spending.

21 6. Attend commission meetings.

22 7. Draw and sign vouchers not in excess of \$10,000
23 upon depositories as provided by ordinance, and keep, or cause
24 to be kept, a true and accurate account of same.

25 8. Sign all licenses issued by the Village, and issue
26 receipts for all moneys paid to the Village, and deposit said
27 moneys in the proper depositories on the first banking day
28 after receipt. The Village manager may delegate the
29 responsibilities of this subparagraph to an appropriate
30 Village employee who shall be bonded.

31 9. Provide administrative services in support of the

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1 official duties of the mayor and commission.

2 10. Keep the commission advised as to the financial
3 condition and future needs of the Village and make
4 recommendations to the commission concerning the affairs of
5 the Village.

6 11. Submit to the commission, and make available to
7 the public, a complete report on finances and administrative
8 activities of the Village as of the end of each fiscal year.

9 12. Sign contracts on behalf of the Village to the
10 extent authorized by ordinance.

11 13. Perform such other duties as are specified in this
12 charter or as may be required by the commission.

13 14. By letter filed with the clerk, the manager shall
14 designate, subject to approval of the commission, a qualified
15 Village administrative officer to exercise the powers and
16 perform the duties of manager during his or her temporary
17 absence or disability. During such absence or disability, the
18 commission may revoke such designation at any time and appoint
19 another officer of the Village to serve until the manager
20 returns or his or her disability ceases.

21 15. The Village manager shall at all times provide
22 support, analysis, and recommendations to the commissioners,
23 including pros and cons regarding codes, ordinances,
24 resolutions, and commitments of the Village.

25 16. The Village manager shall, at an annual date set
26 forth by the commission, be reviewed for sufficiency and shall
27 address the commission with respect to any delinquencies
28 within 30 days of the annual review.

29 17. The Village manager shall create, format, and
30 implement an ongoing process to review, revise, and suggest
31 changes to Village ordinances and codes, and prepare a summary

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1 and suggestions for the commission.

2 (c) Village clerk--The Village manager shall appoint a
3 Village clerk, referred to as the "clerk." The clerk shall
4 give notice of commission meetings to its members and the
5 public, shall keep minutes of its proceedings, and shall
6 perform such other duties as the commission or manager may
7 prescribe from time to time. The clerk shall report to the
8 Village manager.

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

17 (5) VILLAGE ATTORNEY; QUALIFICATIONS; POWERS AND
18 DUTIES.--The Village attorney shall be the chief legal officer
19 of the Village.

20 (a) The Village attorney shall be a member in good
21 standing with The Florida Bar.

22 (b) The Village attorney:

23 1. Shall serve as chief legal officer to the Village
24 commission, the charter officers, and all Village departments,
25 offices, and agencies.

26 2. May hire such assistants as may be required, when
27 approved by the commission.

28 3. Shall attend Village commission meetings unless
29 excused by the commission, and shall perform such professional
30 duties as may be required by law or by the commission in
31 furtherance of the law.

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1 4. Shall prepare an annual budget, providing for the
2 fiscal year beginning October 1 through September 30 for each
3 year for the operation of the office of the Village attorney
4 and shall submit this budget to the Village manager for
5 inclusion in the annual Village budget, in accordance with
6 uniform Village procedures.

7 5. Shall review all proposed ordinances prior to a
8 commission meeting, provide an executive summary, make
9 recommendations, and provide the commissioners with data
10 showing legal sufficiency.

11 6. Shall work with the Village manager to review
12 existing codes and ordinances on an ongoing basis for revision
13 with the commission.

14 Section 6. ELECTIONS.--

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

19 (2) NONPARTISAN ELECTIONS.--All elections for the
20 Village commission members and the mayor shall be conducted on
21 a nonpartisan basis without any designation of political party
22 affiliation.

23 (3) QUALIFYING FOR OFFICE.--Any resident of the
24 Village who wishes to become a candidate for a Village
25 elective office shall qualify with the Monroe County
26 Supervisor of Elections no sooner than noon on the second
27 Tuesday in September or later than noon on the second Tuesday
28 in October of the year in which the election is to be held.
29 The initial election after the referendum vote to incorporate
30 will be held the first Tuesday in December 2000. The
31 qualifying period for the December 2000 election shall be 21

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1 days prior to that election.

2 (4) SCHEDULE FOR GENERAL ELECTIONS.--The regular
3 Village elections shall be biannually on the first Tuesday
4 after the first Monday in November of each election year. The
5 two commission candidates receiving the highest number of
6 votes in each district shall be the elected Village commission
7 members, the districts shall be Monroe County precincts 14 and
8 15 as drawn as of the time of the passage of this charter. The
9 mayoral candidate receiving the highest total number of votes
10 from all city electors shall be elected mayor. All ties in any
11 election shall be decided by lot in the presence of the
12 candidates concerned, under the direction of the Village
13 commission other than any Village commissioner involved in the
14 tie. However, should a tie vote occur in the initial election
15 of the Village commission or the mayor, the tie vote shall be
16 decided by lot supervised by the Monroe County Supervisor of
17 Elections.

18 (5) SCHEDULE FOR OTHER ELECTIONS.--

19 (a) An election to fill the remainder of an unexpired
20 term shall be held as provided in subsection (4).

21 (b) Special municipal elections shall be held in the
22 same manner as regular elections, except that the Village
23 commission, by ordinance, shall fix the time for holding such
24 elections.

25 (6) DETERMINATION OF ELECTION TO OFFICE.--If only one
26 candidate qualifies for the office of mayor, or if only two
27 candidates qualify for the office of commissioner in precincts
28 14 and 15, respectively, said candidate shall be deemed to be
29 elected. If two or more candidates qualify for the office of
30 mayor, or three or more candidates qualify for commissioner
31 seats in precincts 14 and 15, respectively, the names of those

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1 candidates shall be placed on the ballot at the general
2 election. In the event not more than one person qualifies as a
3 candidate for the office of mayor, or, if not more than two
4 persons qualify as candidates for the Village commission seats
5 for precincts 14 and 15, respectively, those seats or that
6 office shall not be listed on the Village election ballot,
7 because each candidate is deemed to have voted for himself or
8 herself and shall be declared the winner.

9 (7) CERTIFICATION OF ELECTIONS.--The Monroe County
10 Supervisor of Elections shall certify the candidates by a
11 tally of all ballots and certify the prevailing candidates for
12 offices of commissioner and mayor.

13 (8) RECALL OF VILLAGE COMMISSION MEMBERS.--Any member
14 of the Village commission may be removed from office by the
15 electors of the Village following the procedures for recall
16 established by general law.

17 (9) INITIATIVE AND REFERENDUM.--

18 (a) The electors of the Village shall have the power
19 to propose ordinances to the Village commission and, if the
20 Village fails to adopt an ordinance so proposed without any
21 change in substance, to adopt or reject it at a Village
22 election, provided that such power shall not extend to the
23 annual budget or capital program or any ordinance
24 appropriating money, levying taxes, or setting salaries of
25 Village officers or employees.

26 (b) The procedure for referendum shall be as follows:

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

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1 resolution calling for a referendum vote of the electors of
2 the Village must be passed by the affirmative vote of not less
3 than a majority plus one vote of the commission.

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

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

24 (d) The requirements for petitions are as follows:

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

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1 qualified voters registered to vote in the last regular
2 Village election.

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

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

18 4. Except as otherwise provided in subparagraph
19 (a)2.b., all initiative and referendum petitions must be filed
20 within 60 days of the date on which proceedings with respect
21 to such initiative or referendum are commenced, and all
22 requirements of the process, including, but not limited to,
23 the submission of the signatures required, must be completed
24 no later than 90 days following the date of filing said
25 initiative or referendum petition.

26 5. Referendum and initiative petitions seeking a
27 special municipal election under (c)1. shall be titled
28 "Proposed Special Municipal Election." Immediately after the
29 title, the petition shall state the following: "By signing
30 this petition, I am requesting that a special election be held
31 for this question, instead of the scheduling of this question

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1 for the next general municipal or statewide election. I
2 understand that the additional cost to the Village to hold
3 such a special election is anticipated to be \$_____ , as
4 determined by the Monroe County Supervisor of Elections.
5 (d) The procedure for filing shall be as follows:
6 1. Within 20 days after an initiative petition or
7 referendum petition is filed, the Village clerk shall complete
8 a certificate as to its sufficiency, specifying, if it is
9 insufficient, the particulars wherein it is defective and
10 shall promptly send a copy of the certificate to the
11 petitioner's committee by registered mail. Grounds for
12 insufficiency are only those specified in subparagraph (c)3.
13 that are not met. A petition certified insufficient for the
14 lack of the required number or the required number of valid
15 signatures may be amended once if the petitioner's committee
16 files a notice of intent to amend it with the designated
17 official within 2 business days after receiving the copy of
18 the certificate and files a supplementary petition upon
19 additional papers within 10 days after reviewing the copy of
20 such certificate. Such supplementary petition shall comply
21 with original petition requirements, and within 5 days after
22 it is filed, the Village clerk shall complete a certificate as
23 to the sufficiency of the petition as amended and promptly
24 send a copy of such certificate to the petitioner's committee
25 by registered mail. If a petition or an amended petition is
26 certified sufficient, or if a petition or amended petition is
27 certified insufficient, or if a petition or amended petition
28 or a request to the Village commission for review under
29 subparagraph 2. within the time required, the Village clerk
30 shall promptly present a certificate to the Village commission
31 and such certificate shall then be a final determination as to

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1 the sufficiency of the petition.

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

12 (e) The procedure for action on petitions shall be as
13 follows:

14 1. When a referendum petition is filed with the
15 Village clerk, the ordinance sought to be reconsidered shall
16 be suspended from taking effect. Such suspension shall
17 terminate when there is a final determination of insufficiency
18 of the petition, or the petitioner's committee withdraws the
19 petition, or the commission repeals the ordinance, or after a
20 vote of the Village on the ordinance has been certified.

21 2. When an initiative or referendum petition has been
22 determined sufficient, the Village commission shall promptly
23 consider the referendum ordinance by voting its repeal. If
24 the Village commission fails to adopt a proposed initiative
25 ordinance without any change in substance within 45 days or
26 fails to repeal the referendum ordinance within 30 days,
27 within 5 days after the date on which the petition is
28 determined to be sufficient, it shall submit the proposed
29 initiative or referendum ordinance to the electors of the
30 Village. If the Village commission fails to act on a proposed
31 ordinance or an initiative referendum ordinance to the

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1 electors of the Village within the time period specified, the
2 Village commission shall be deemed to have failed to adopt the
3 proposed initiative ordinance or failed to repeal the
4 referendum ordinance on the last day that the Village
5 commission was authorized to act on such matter.

6 3. The vote of the city on a proposed initiative or
7 referendum ordinance shall be held not less than 30 or more
8 than 60 days from the date the Village commission acted or was
9 deemed to have acted pursuant to subparagraph (e)1. that the
10 petition was determined sufficient. If no regular election is
11 to be held within the period described in this paragraph, the
12 Village commission shall provide for a special election at an
13 earlier date within the described period. Copies of the
14 proposed initiative or referendum ordinance shall be made
15 available at the polls.

16 4. An initiative referendum petition may be withdrawn
17 at any time prior to the 30th day preceding the day scheduled
18 for a vote of the Village by filing with the Village clerk a
19 request for withdrawal signed by at least eight members of the
20 petitioner's committee. Upon filing of such request, the
21 petition shall have no further force or effect and all
22 proceedings thereon shall be terminated.

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

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1 Section 7. 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 on the ballot: "SHALL
5 CHAPTER , LAWS OF FLORIDA, CREATING THE VILLAGE OF THE
6 LOWER KEYS AND PROVIDING ITS CHARTER BE APPROVED? YES NO" In
7 the event this question is answered affirmatively by a
8 majority of voters voting in the referendum, the provisions of
9 this charter will take effect as provided in section 5.
10 (2) INITIAL ELECTION OF MAYOR AND COMMISSIONERS.--
11 (a) The Monroe County Commission shall call a very
12 special election or include in a general election for the
13 election of four Village commissioners and a mayor to be held
14 on December 19, 2000.
15 (b) Any individual who wishes to run for one of the
16 four initial seats on the commission or for the office of
17 mayor shall qualify as a candidate with the Monroe County
18 Supervisor of Elections between noon November 13, 2000, and
19 noon November 22, 2000.
20 (c) Those candidates who are elected December 19, 2000
21 shall take office at the initial Village commission meeting
22 which shall be held at 7:00 p.m., on December 21, 2000, at the
23 former Barnett Bank Building on Summerland Key.
24 (3) FIRST YEAR EXPENSES.--The Village commission, in
25 order to provide moneys for the expenses and support of the
26 Village, shall have the power to borrow money necessary for
27 the operation of Village government until such time as a
28 budget is adopted and revenues are raised in accordance with
29 the provisions of this charter.
30 (4) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The
31 Village commission shall adopt ordinances and resolutions

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1 required to effect the transition. Ordinances adopted within
2 60 days after the first commission meeting may be passed as
3 emergency ordinances. These transitional ordinances, passed as
4 emergency ordinances, shall be effective for no longer than 90
5 days after adoption, and thereafter may be readopted, renewed,
6 or otherwise continued only in a manner normally prescribed by
7 law.

8 (5) TRANSITIONAL COMPREHENSIVE PLAN AND LAND
9 DEVELOPMENT REGULATIONS.--

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

30 (b) All powers and duties of the planning commission,
31 zoning authority, any boards of adjustment, and the County

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1 Commission of Monroe County, as set forth in these
2 transitional zoning and land use regulations, shall, as of
3 December 21, 2000, be vested in the Village Commission of the
4 Village of the Lower Keys until such time as the Village
5 commission delegates all or a portion thereof to another
6 entity.

7 (c) Subsequent to the commencement of the Village's
8 corporate existence, no amendment of the comprehensive plan of
9 land development regulations enacted by the County Commission
10 of Monroe County shall be deemed as an amendment of the
11 Village's transitional comprehensive plan or land development
12 regulations or otherwise take effect within the Village's
13 corporate limits unless approved by the Village commission.

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

31 Section 8. REVENUES--

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1 (1) STATE SHARED REVENUES.--The Village of the Lower
2 Keys shall be entitled to participate in all revenue sharing
3 programs of the State of Florida effective December 1, 2000.
4 The provisions of section 218.23(1), Florida Statutes, shall
5 be waived for the purpose of eligibility to receive revenue
6 sharing funds from December 1, 2000, through the state fiscal
7 year 2002-2003. The provisions of section 218.26(3), shall be
8 waived for the 2000-2001 fiscal year, and the apportionment
9 factors for the municipalities and counties shall be
10 recalculated pursuant to section 218.245, Florida Statutes,
11 upon the date of incorporation.

12 For the purposes of meeting the provisions of section
13 218.23(1), Florida Statutes, relating to ad valorem taxation,
14 the millage levied by Monroe County Fire and EMS and the
15 Independent Mosquito Control District districts may be used
16 for an indefinite period of time. Initial revised population
17 estimates for calculating eligibility for shared revenues
18 shall be determined by the University of Florida Bureau of
19 Economic and Business Research. Should the Bureau be unable
20 to provide an appropriate population estimate, the Monroe
21 County Planning Division estimate should be utilized.

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

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1 336.025(4)(b)1, Florida Statutes.

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

10 (4) CREATION AND ESTABLISHMENT OF THE VILLAGE.--For
11 the purpose of compliance with section 200.066, Florida
12 Statutes, relating to assessment and collection of ad valorem
13 taxes, the Village is hereby created and established effective
14 November 15, 2000, notwithstanding anything to the contrary
15 contained herein, the Village although created and established
16 as of November 15, 2000, shall not be operational until April
17 1, 2001, or as determined by the Village commission.

18 Section 9. ADDITIONAL BOUNDARIES AND ANNEXATION.--The
19 initial boundaries as set forth in section 2 of this charter
20 and therefore adopted by the electors are exclusive of other
21 areas wishing to participate within the corporate boundaries.
22 Therefore, within 90 days of adoption of the referendum for
23 incorporation, the Village commission shall put forth a
24 resolution to annex Upper and Lower Sugarloaf Keys and
25 Saddlebunch Key which is described as Planning Area
26 Enumeration District 3 in the Monroe County Comprehensive
27 Plan. The commission shall hold a referendum for annexation at
28 the earliest possible date.

29 In the event that the referendum vote to annex the
30 Sugarloaf Keys area (PAED 3) be affirmative by a majority
31 vote, the following shall apply:

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1 (1) The initial Village commission shall be expanded
2 to a seven-member board until the November 2002 general
3 election. The additional two members shall be elected from
4 Precinct 13. The election of the additional two members shall
5 be held within 30 days from the annexation referendum vote.

6 (2) After the November 2002 general election, the
7 commission shall thereafter consist of a five-member board and
8 representation shall be as follows:

9 (a) A Mayor elected at-large and a Vice-Mayor elected
10 at-large, and

11 (b) A commissioner from Precinct 13, a commissioner
12 from Precinct 14, and a commissioner from Precinct 15, each
13 elected from the precinct in which they reside.

14 Section 10. GENERAL PROVISIONS.--

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

22 (2) STANDARDS OF CONDUCT.--All elected officials and
23 employees of the Village shall be subject to the standards of
24 conduct for public officers and employees set by general law.
25 In addition, the Village commission shall, no later than 6
26 months from the effective date of incorporation, establish by
27 ordinance a code of ethics for officials and employees of the
28 Village which may be supplemental to general law. The intent
29 of this provision of the charter is to require more stringent
30 standards than those provided under general law.

31 Section 4. SEVERABILITY.--If any provision of this

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1 act, or the application thereof to any person or circumstance,
2 is held invalid, the invalidity shall not affect other
3 provisions or applications of this act which can be given
4 effect without the invalid provision or application, and to
5 this end the provisions of this act are declared severable.

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

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

16 (2) If a majority of the qualified voters voting in
17 the area defined in section 2 of the charter do not approve
18 this act, this act shall not take effect.

19 (3) If approved by the majority electorate voting in
20 the area defined in section 2 of the charter, section 2, and
21 sections 7(2) and 8(4) of the charter shall take effect upon
22 certification of the election results by the Monroe County
23 Supervisor of Elections, and the remainder of this act shall
24 take effect April 1, 2001, or as decided by the commission.

25
26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page ,
30 remove from the title of the bill:

31

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1 and insert in lieu thereof:

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

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1 providing for bond for Village manager and
2 Village clerk; providing qualifications,
3 powers, and duties; providing for nonpartisan
4 elections and for matters relative thereto;
5 providing for recall; providing for initiative
6 and referenda; providing a transitional
7 schedule and procedures for first election;
8 providing for first year expenses; providing
9 for adoption of transitional ordinances,
10 resolutions, comprehensive plan, and local
11 development regulations; providing for a
12 transitional agreement between Monroe County
13 and the Village of the Lower Keys; providing
14 for accelerated entitlement to state-shared
15 revenues; providing for gas tax revenue;
16 providing for future amendments of the charter;
17 providing for standards of conduct in office;
18 providing for future amendments of the charter;
19 approval; providing effective dates.

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