

By Representative Sorensen

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

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

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22  
23 Section 1. SHORT TITLE.--This act, together with any  
24 future amendments thereto, shall be known and may be cited as  
25 the "Village of the Lower Keys," hereinafter referred to as  
26 "the charter."

27 Section 2. LEGISLATIVE INTENT.--The Legislature hereby  
28 finds that the Village of the Lower Keys area in Monroe County  
29 includes a compact and contiguous community of approximately  
30 5,149 residents susceptible to urban services, and constitutes  
31 a community amenable to separate municipal government. It is

1 in the best interests of the public health, safety, and  
2 welfare of the residents of the Village of the Lower Keys area  
3 to form a separate municipality for the area with all the  
4 powers and authority necessary to provide adequate and  
5 efficient municipal services to its residents. It is intended  
6 that this charter and the incorporation of the Village of the  
7 Lower Keys area will serve to preserve and protect the  
8 distinctive characteristics of the individual communities  
9 within the boundaries of the Village of the Lower Keys.

10 Section 3. INCORPORATION OF MUNICIPALITY; CORPORATE  
11 LIMITS.--There is hereby created, effective November 7, 2000,  
12 in Monroe County, a new municipality to be known as the  
13 Village of the Lower Keys, which shall have a  
14 mayor-commission-manager form of government. The corporate  
15 boundaries of the Village of the Lower Keys, hereinafter  
16 referred to as "Village," shall be as described in Section 10.

17 Section 4. MUNICIPAL POWERS.--The Village shall be a  
18 body corporate and politic and shall have all the powers of a  
19 municipality under the State Constitution and laws of this  
20 state, as fully and completely as though such powers were  
21 specifically enumerated in this charter, unless otherwise  
22 prohibited by or contrary to the provisions of this charter.  
23 The Village shall have all governmental, corporate, and  
24 proprietary powers necessary to enable it to conduct municipal  
25 government, perform municipal functions, and render municipal  
26 services, and may exercise and be liberally construed in favor  
27 of the Village. The quality of rights under the laws of the  
28 Village of the Lower Keys shall not be denied or abridged  
29 because of sex, sexual orientation, age, disability, race,  
30 creed, color, or national origin.

31 Section 5. VILLAGE COMMISSION.--

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

3           (a) There shall be a five-member Village commission,  
4 consisting of four commissioners and a mayor. Two  
5 commissioners shall be elected from precinct 14 and two  
6 commissioners shall be elected from precinct 15, as defined by  
7 resolution No. 044-1996 by the Board of County Commissioners  
8 of Monroe County, as described in Section 10. The mayor shall  
9 be elected at large by all city electors.

10           (b) To qualify for office:

11           1. Each candidate for the office of Village commission  
12 shall be a registered voter in the state and a resident of the  
13 precinct for which they are qualifying for at least 6 months  
14 prior to the last date the candidate is allowed to register.  
15 Each commissioner must reside in the precinct during his or  
16 her tenure in office or forfeit his or her commission seat.

17           2. At the time of qualification, each candidate for a  
18 commission seat shall reside within the boundaries of his or  
19 her respective precinct and, if elected, shall maintain such  
20 residency throughout his or her term of office. For the  
21 initial election following the referendum approving the  
22 creation of the Village, candidates for office shall qualify  
23 as provided in Section 9(2) of this charter. Thereafter,  
24 candidates shall qualify as provided in Section 8(3) of this  
25 charter.

26           (2) TERMS OF OFFICE.--The term of office for  
27 commissioners and the mayor shall be 2 years, except that the  
28 first term for all elected offices shall be from the date of  
29 initial election, as provided in Section 9(2), until the first  
30 general election in November 2002. Each commission member  
31 shall remain in office until a successor is elected and

1 assumes the duties of the position, except as otherwise  
2 provided herein. No commission member shall serve more than  
3 three consecutive terms of office. A term of office of less  
4 than 365 days shall not be applied to the maximum tenure of  
5 three consecutive terms of office.

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

7 (a) The mayor shall have been an elector of the  
8 Village and shall have resided in the Village for at least 2  
9 years prior to the qualification date to run for the office of  
10 mayor and shall maintain residency in the Village throughout  
11 his or her term of office. Failure to possess any such  
12 qualification during a term of office shall be cause for  
13 forfeiture of the office, and the commission shall remove the  
14 mayor from office at the next commission meeting.

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

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

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

1           (5) COMPENSATION AND EXPENSES.--Village commissioners  
2 and the mayor shall be compensated at \$3,500 per year  
3 initially. They shall also be entitled to receive  
4 reimbursement in accordance with Florida Statutes for  
5 authorized travel and per diem expenses incurred in the  
6 performance of their official duties. The commission, by not  
7 less than two-thirds affirmative votes of all commission  
8 members in office, may elect to establish, increase, or  
9 decrease compensation by ordinance. However, no such ordinance  
10 establishing or increasing or decreasing compensation shall  
11 take effect until the date of commencement of the terms of  
12 commission members or mayor selected at the next regular  
13 meeting election which follows the adoption of said ordinance.

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

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 commission. The commission 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 commission nor any of its members  
21 shall in any manner dictate the appointment or removal of any  
22 Village administrative officers or employees whom the manager  
23 or any of his or her subordinates are empowered to appoint,  
24 except as provided in this charter, but the commission may  
25 express its views and fully and freely discuss with the  
26 manager anything pertaining to appointment and removal of such  
27 officers and employees.

28           (c) Except for the purpose of inquiries and  
29 investigations, the commission or its members shall deal with  
30 Village officers and employees who are subject to the  
31 direction and supervision of the manager solely through the

1 manager, and neither the commission nor its members shall give  
2 orders to any such officer or employee, either publicly or  
3 privately.

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

17 (e) The initial commission shall determine the name of  
18 the municipality and the municipality shall be known by that  
19 name henceforth.

20 (7) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;  
21 FILLING OF VACANCIES.--

22 (a) A vacancy in the office of a commission member  
23 shall occur upon the death of the incumbent, removal from  
24 office as authorized by law, resignation, appointment to other  
25 public office which creates dual office holding, judicially  
26 determined incompetence, or forfeiture of office as described  
27 in paragraph (b).

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

31

- 1           1. Lacks at any time, or fails to maintain during his  
2 or her term of office, any qualification for the office  
3 prescribed by this charter or otherwise required by law;  
4           2. Is, while holding office, convicted of a felony, or  
5 enters a plea of guilty or nolo contendere to a crime  
6 punishable as a felony, even if adjudication is withheld;  
7           3. Is convicted of a first degree misdemeanor arising  
8 directly out of his or her official conduct or duties, or  
9 enters a plea of guilty or nolo contendere thereto, even if  
10 adjudication of guilt has been withheld;  
11           4. Is found to have violated any standard of conduct  
12 or code of ethics established by law for public officials and  
13 has been suspended from office by the Governor, unless  
14 subsequently reinstated as provided by law; or  
15           5. Is absent from 3 consecutive regular commission  
16 meetings without justifiable reason as determined by a  
17 two-thirds vote of the other members of the commission, or for  
18 any other reason established by this charter.  
19           (c) Vacancies shall be filled as follows:  
20           1. If a vacancy occurs in the office of mayor, the  
21 vice mayor shall serve as mayor until a new mayor is elected  
22 as provided in Paragraph (3)(a), Section 8(3)(a) and assumes  
23 the duties of his or her office.  
24           2. If any vacancy occurs in the office of any  
25 commission member, the remaining commissioners shall, within  
26 30 days following the occurrence of such vacancy, by a  
27 majority vote, appoint a person to fill the vacancy for the  
28 remainder of the unexpired term.  
29           3. Any person appointed to fill a vacant seat on the  
30 commission shall be required to meet the qualifications of the  
31 seat to which he or she is appointed.



1       (8) VILLAGE COMMISSION MEETINGS.--The commission shall  
2 conduct regular semi-monthly meetings which shall not begin  
3 before 6 p.m. at such times and places as the commission shall  
4 prescribe by resolution. Such meetings shall be public  
5 meetings within the meaning of section 286.011, Florida  
6 Statutes, and shall be subject to notice and other  
7 requirements of law applicable to public meetings. The  
8 commission shall adopt Robert's Rules of Order, determine  
9 other rules of business, and keep a journal of its  
10 proceedings. Pursuant thereto:

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

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

30       (c) A majority of the commission shall constitute a  
31 quorum. No action of the commission shall be valid unless

1 adopted by an affirmative vote of the majority of the  
2 commissioners in attendance, unless otherwise provided by law.  
3 All actions of the Village commission shall be by ordinance,  
4 resolution, or motion. All ordinances shall be advertised at  
5 least 10 days prior to the first reading of that ordinance.

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

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

28 (a) Requirements regarding distribution and filing of  
29 copies of the ordinance shall not be construed to require  
30 distribution and filing of copies of the adopted code of  
31 technical regulations, except as provided in paragraph (b).

1       (b) A copy of each adopted code of technical  
2 regulations, as well as of the adoptive ordinance, shall be  
3 authenticated and recorded in the Village records by the  
4 Village clerk.

5       (11) LIMITATION OF EMPLOYMENT OF COMMISSIONERS AND  
6 MAYOR.--Neither commissioners nor the mayor shall be in  
7 employment of the Village while in office, nor shall any  
8 former commission member or mayor be employed by the Village  
9 until after the expiration of 1 year from the time of leaving  
10 office.

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

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

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

28       (13) RIGHT OF INDIVIDUAL TO BE HEARD.--All residents  
29 or agents for citizens shall have the right to be heard at  
30 regular Village commission meetings, subject to rules  
31 established by the Village commission.

1           Section 6. BUDGET AND APPROPRIATIONS.--  
2           (1) FISCAL YEAR.--The Village shall have a fiscal year  
3 which shall begin on October 1 of each year and end on  
4 September 30 of the succeeding year.  
5           (2) BUDGET ADOPTION.--The commission shall, by  
6 resolution, adopt for the succeeding fiscal year a budget on  
7 or before the 1st day of September of each year, following a  
8 minimum of two public hearings on the proposed budget. A  
9 resolution adopting the annual budget shall constitute  
10 appropriation of the amounts specified therein as expenditures  
11 from funds indicated.  
12           (3) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.--  
13           (a) If, during the fiscal year, revenues in excess of  
14 those estimated in the budget are available for appropriation,  
15 the commission, by resolution, may make supplemental  
16 appropriations for the year in an amount not to exceed such  
17 excess.  
18           (b) If, at any time during the fiscal year, it appears  
19 probable to the Village manager that the revenues available  
20 will be insufficient to meet the amount appropriated, the  
21 Village manager shall report same to the commission without  
22 delay, indicating the estimated amount of the deficit, any  
23 remedial action taken, and recommendations as to any other  
24 steps that should be taken. The commission shall then take  
25 such further action as it deems necessary to prevent or  
26 minimize any deficit and, for that purpose, the commission may  
27 by resolution reduce one or more appropriations accordingly.  
28           (c) No appropriation for debt service may be reduced  
29 or transferred, and no appropriation may be reduced below any  
30 amount required by law to be appropriated, or by more than the  
31 unencumbered balance thereof. Other provisions of law to the

1 contrary notwithstanding, the supplemental and emergency  
2 appropriations and reduction or transfer of appropriation  
3 authorized by this section may be effective immediately upon  
4 adoption.

5 Section 7. CHARTER OFFICERS.--

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

10 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF  
11 VACANCIES.--

12 (a) The charter officers shall be appointed by a  
13 majority vote of the full commission and shall serve at the  
14 pleasure of the commission.

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

19 (c) The compensation of the charter officers shall be  
20 fixed by the commission.

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

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

28 (3) CITY MANAGER; QUALIFICATIONS; POWERS AND  
29 DUTIES.--The city manager shall be the chief administrative  
30 officer of the Village.

31

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

6       (b) The Village manager shall:

7       1. As the chief administrative officer of the Village,  
8 direct and supervise the administration of all departments,  
9 offices, and agencies of the Village, except the office of  
10 city attorney, and except as may otherwise be provided by this  
11 charter or by law.

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

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

24       a. The activity that the commission will take action  
25 on.

26       b. The administrative review (comprehensive).

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

31

- 1           d. A list of agenda items that will come before the  
2 commissioners no later than 5 working days prior to a  
3 commission meeting; which shall have been properly advertised;  
4 and shall have documentation attached thereto from the manager  
5 and shall be inclusive of the following: economic impacts of  
6 such resolution, ordinance, or any other action brought forth  
7 to the commission; recommendations to the commission and why;  
8 recommendations from all charter officers and why; and an  
9 executive summary from both the Village manager and Village  
10 attorney.
- 11           4. Ensure all laws, provisions of this charter, and  
12 acts of the commission are faithfully executed.
- 13           5. Prepare and submit the annual budget,  
14 recommendations, and a review that shall include the  
15 following:
- 16               a. Identification of areas of fiscal growth.  
17               b. Reasons for fiscal growth.  
18               c. A full accounting review of all departmental  
19 spending.
- 20           6. Attend commission meetings.
- 21           7. Draw and sign vouchers not in excess of \$10,000  
22 upon depositories as provided by ordinance, and keep, or cause  
23 to be kept, a true and accurate account of same.
- 24           8. Sign all licenses issued by the Village, and issue  
25 receipts for all moneys paid to the Village, and deposit said  
26 moneys in the proper depositories on the first banking day  
27 after receipt. The Village manager may delegate the  
28 responsibilities of this subparagraph to an appropriate city  
29 employee who shall be bonded.
- 30           9. Provide administrative services in support of the  
31 official duties of the mayor and commission.

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

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

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

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

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

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

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

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



1           (4) VILLAGE ATTORNEY; QUALIFICATIONS; POWERS AND  
2 DUTIES.--The Village attorney shall be the chief legal officer  
3 of the Village.

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

6           (b) The Village attorney:

7           1. Shall serve as chief legal officer to the Village  
8 commission, the charter officers, and all Village departments,  
9 offices, and agencies.

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

12           3. Shall attend Village commission meetings unless  
13 excused by the commission, and shall perform such professional  
14 duties as may be required by law or by the commission in  
15 furtherance of the law.

16           4. Shall prepare an annual budget, providing for the  
17 fiscal year beginning October 1 through September 30 for each  
18 year for the operation of the office of the Village attorney  
19 and shall submit this budget to the Village manager for  
20 inclusion in the annual Village budget, in accordance with  
21 uniform Village procedures.

22           5. Shall review all proposed ordinances prior to a  
23 commission meeting, provide an executive summary, make  
24 recommendations, and provide the commissioners with data  
25 showing legal sufficiency.

26           6. Shall work with the Village manager to review  
27 existing codes and ordinances on an ongoing basis for revision  
28 with the commission.

29           Section 8. ELECTIONS.--

30           (1) ELECTORS.--Any person who is a resident of the  
31 Village, who has qualified as an elector of this state, and

1 who registers in the manner prescribed by law shall be an  
2 elector of the Village.

3 (2) NONPARTISAN ELECTIONS.--All elections for the  
4 Village commission members and the mayor shall be conducted on  
5 a nonpartisan basis without any designation of political party  
6 affiliation.

7 (3) QUALIFYING FOR OFFICE.--Any resident of the  
8 Village who wishes to become a candidate for a Village  
9 elective office shall qualify with the Monroe County  
10 Supervisor of Elections no sooner than noon on the second  
11 Tuesday in September or later than noon on the second Tuesday  
12 in October of the year in which the election is to be held.  
13 The initial election after the referendum vote to incorporate  
14 will be held the first Tuesday in December 2000. The  
15 qualifying period for the December 2000 election shall be 21  
16 days prior to that election.

17 (4) SCHEDULE FOR GENERAL ELECTIONS.--The regular  
18 Village elections shall be biannually on the first Tuesday  
19 after the first Monday in November of each election year. The  
20 two commission candidates receiving the highest number of  
21 votes in each district shall be the elected Village commission  
22 members, the districts shall be Monroe County precincts 14 and  
23 15 as drawn as of the time of the passage of this charter. The  
24 mayoral candidate receiving the highest total number of votes  
25 from all city electors shall be elected mayor. All ties in any  
26 election shall be decided by lot in the presence of the  
27 candidates concerned, under the direction of the Village  
28 commission other than any Village commissioner involved in the  
29 tie. However, should a tie vote occur in the initial election  
30 of the Village commission or the mayor, the tie vote shall be  
31

1 decided by lot supervised by the Monroe County Supervisor of  
2 Elections.

3 (5) SCHEDULE FOR OTHER ELECTIONS.--

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

6 (b) Special municipal elections shall be held in the  
7 same manner as regular elections, except that the Village  
8 commission, by ordinance, shall fix the time for holding such  
9 elections.

10 (6) DETERMINATION OF ELECTION TO OFFICE.--If only one  
11 candidate qualifies for the office of mayor, or if only two  
12 candidates qualify for the office of commissioner in precincts  
13 14 and 15, respectively, said candidate shall be deemed to be  
14 elected. If two or more candidates qualify for the office of  
15 mayor, or three or more candidates qualify for commissioner  
16 seats in precincts 14 and 15, respectively, the names of those  
17 candidates shall be placed on the ballot at the general  
18 election. In the event not more than one person qualifies as a  
19 candidate for the office of mayor, or, if not more than two  
20 persons qualify as candidates for the Village commission seats  
21 for precincts 14 and 15, respectively, those seats or that  
22 office shall not be listed on the Village election ballot,  
23 because each candidate is deemed to have voted for himself or  
24 herself and shall be declared the winner.

25 (7) CERTIFICATION OF ELECTIONS.--The Monroe County  
26 Supervisor of Elections shall certify the candidates by a  
27 tally of all ballots and certify the prevailing candidates for  
28 offices of commissioner and mayor.

29 (8) RECALL OF VILLAGE COMMISSION MEMBERS.--Any member  
30 of the Village commission may be removed from office by the  
31

1 electors of the Village following the procedures for recall  
2 established by general law.

3 (9) INITIATIVE AND REFERENDUM.--

4 (a) The electors of the Village shall have the power  
5 to propose ordinances to the Village commission and, if the  
6 Village fails to adopt an ordinance so proposed without any  
7 change in substance, to adopt or reject it at a Village  
8 election, provided that such power shall not extend to the  
9 annual budget or capital program or any ordinance  
10 appropriating money, levying taxes, or setting salaries of  
11 Village officers or employees.

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

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

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

29 3. Notwithstanding anything in subparagraph 2.b. to  
30 the contrary, the referendum power shall extend to any  
31 ordinance levying ad valorem taxes, provided that the

1 ordinance increases the total Village tax rate above 5 mills,  
2 and that all petitions with respect to the referendum are  
3 filed within 30 days after the date of adoption of the  
4 ordinance.

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

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

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

27 2. All papers of a petition shall be assembled as one  
28 instrument of filing. Each signature shall be executed in ink  
29 and shall be followed by the printed name and address of the  
30 person signing. Petitions shall contain or have attached  
31

1 thereto throughout their circulation the full text of the  
2 ordinance proposed or sought to be reconsidered.

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

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

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

30 (d) The procedure for filing shall be as follows:  
31

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

28           2. If a petition has been certified insufficient and  
29 the petitioner's committee does not file notice of intent to  
30 amend it, or if an amended petition has been certified  
31 insufficient, the committee may, within 2 business days after

1 reviewing the copy of such certificate, file a request that it  
2 be reviewed by the Village commission. The Village commission  
3 shall review the certificate at its next meeting following the  
4 committee's filing of such request and approve or disapprove  
5 it, and determination shall then be final as to the  
6 sufficiency of the petition.

7 (e) The procedure for action on petitions shall be as  
8 follows:

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

16 2. When an initiative or referendum petition has been  
17 determined sufficient, the Village commission shall promptly  
18 consider the referendum ordinance by voting its repeal. The  
19 repeal of an ordinance relating to the levy of ad valorem  
20 taxes shall be by ordinance. If the Village commission fails  
21 to adopt a proposed initiative ordinance without any change in  
22 substance within 45 days or fails to repeal the referendum  
23 ordinance within 30 days or in the case of a referendum  
24 authorized pursuant to subparagraph (a)2.c., within 5 days  
25 after the date on which the petition is determined to be  
26 sufficient, it shall submit the proposed initiative or  
27 referendum ordinance to the electors of the Village. If the  
28 Village commission fails to act on a proposed ordinance or an  
29 initiative referendum ordinance to the electors of the Village  
30 within the time period specified, the Village commission shall  
31 be deemed to have failed to adopt the proposed initiative



1 ordinance or failed to repeal the referendum ordinance on the  
2 last day that the Village commission was authorized to act on  
3 such matter.

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

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

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

30 Section 9. TRANSITION SCHEDULE.--  
31

1       (1) REFERENDUM.--The referendum election called for by  
2 this act shall be held on November 2, 2000, at which time the  
3 following question shall be placed on the ballot: "SHALL  
4 CHAPTER           , LAWS OF FLORIDA, CREATING THE VILLAGE OF THE  
5 LOWER KEYS AND PROVIDING ITS CHARTER BE APPROVED? YES NO" In  
6 the event this question is answered affirmatively by a  
7 majority of voters voting in the referendum, the provisions of  
8 this charter will take effect as provided in Section 13.

9       (2) INITIAL ELECTION OF MAYOR AND COMMISSIONERS.--

10       (a) The Monroe County Commission shall call a very  
11 special election or include in a general election for the  
12 election of four Village commissioners and a mayor to be held  
13 on December 5, 2000.

14       (b) Any individual who wishes to run for one of the  
15 four initial seats on the commission or for the office of  
16 mayor shall qualify as a candidate with the Monroe County  
17 Supervisor of Elections in accordance with the provisions of  
18 this charter and general law.

19       (c) Those candidates who are elected December 5, 2000  
20 shall take office at the initial Village commission meeting  
21 which shall be held at 7:00 p.m., on December 7, 2000, at the  
22 former Barnett Bank Building on Summerland Key.

23       (3) CREATION AND ESTABLISHMENT OF THE VILLAGE.--For  
24 the purpose of compliance with section 200.066, Florida  
25 Statutes, relating to assessment and collection of ad valorem  
26 taxes, the Village is hereby created and established effective  
27 December 1, 2000, notwithstanding anything to the contrary  
28 contained herein, the Village although created and established  
29 as of November 2, 2000 shall not be operational until January  
30 1, 2001.

31

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

7       (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The  
8 Village commission shall adopt ordinances and resolutions  
9 required to effect the transition. Ordinances adopted within  
10 60 days after the first commission meeting may be passed as  
11 emergency ordinances. These transitional ordinances, passed as  
12 emergency ordinances, shall be effective for no longer than 90  
13 days after adoption, and thereafter may be readopted, renewed,  
14 or otherwise continued only in a manner normally prescribed by  
15 law.

16       (6) TRANSITIONAL COMPREHENSIVE PLAN AND LAND  
17 DEVELOPMENT REGULATIONS.--

18       (a) Until such time as the Village adopts a  
19 comprehensive plan, the applicable provisions of the  
20 Comprehensive Plan of Monroe County, as the same exists on the  
21 day the Village commences corporate existence, shall remain in  
22 effect as the Village's transitional comprehensive plan.  
23 However, all planning functions, duties, and authority shall  
24 thereafter be vested in the Village Commission of the Village  
25 of the Lower Keys which shall be deemed the local planning  
26 agency until and unless the commission establishes a separate  
27 local planning agency. Prior to the adoption of a Village  
28 comprehensive master plan, any amendment to any zoning as  
29 established in the current county land use plan shall only be  
30 by an ordinance adopted by the affirmative vote of not less  
31 than three members of the full commission. Any increase in the

1 residential density or intensity, as established in the  
2 current county land use plan which is adopted by the Village,  
3 shall only be by ordinance adopted by the affirmative vote of  
4 not less than three members of the full commission.

5 (b) All powers and duties of the planning commission,  
6 zoning authority, any boards of adjustment, and the County  
7 Commission of Monroe County, as set forth in these  
8 transitional zoning and land use regulations, shall be vested  
9 in the Village Commission of the Village of the Lower Keys  
10 until such time as the Village commission delegates all or a  
11 portion thereof to another entity.

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

19 (d) In accordance with section 403.706(1), Florida  
20 Statutes, the board of county commissioners shall have the  
21 responsibility to transport municipal solid waste to a solid  
22 waste disposal facility of the county or operate a solid waste  
23 facility. The municipality must, through September 30, 2002,  
24 deliver the solid waste collected within the municipality to  
25 either a county solid waste transfer station or a county solid  
26 waste disposal facility, as determined by the board. For the  
27 remainder of the term of the county's solid waste haulout  
28 contract, the board and the municipality shall negotiate in  
29 good faith and with primary consideration given to the waste  
30 generation guarantees set forth in the county's solid waste  
31 haulout contract. However, in no event may the board charge

1 the municipality a tipping fee in excess of the tipping fee  
2 established annually and charged to other municipalities and  
3 persons delivering solid waste to the county transfer stations  
4 or county solid waste disposal facility.

5 (7) STATE SHARED REVENUES.--The Village of the Lower  
6 Keys shall be entitled to participate in all shared revenue  
7 programs of the State of Florida effective immediately on the  
8 date of incorporation. The provisions of section 218.23(1),  
9 Florida Statutes, shall be waived for the purpose of  
10 eligibility to receive revenue sharing funds from the date of  
11 incorporation through the state fiscal year 2000-2001. Section  
12 218.26(3), Florida Statutes, is waived for the 2000-2001 state  
13 fiscal year, and the apportionment factors for the  
14 municipalities and counties shall be recalculated pursuant to  
15 section 218.245, Florida Statutes. Initial population  
16 estimates for calculating eligibility for shared revenues  
17 shall be determined from the census statistics based upon the  
18 1999 projected report.

19 (8) GAS TAX REVENUES.--Notwithstanding the  
20 requirements of section 336.025, Florida Statutes, to the  
21 contrary, the Village of the Lower Keys shall be entitled to  
22 receive local option gas tax revenues beginning December 1,  
23 2000.

24 (9) INFRASTRUCTURE SURTAX REVENUES.--The Village shall  
25 be entitled to receive surtax revenues beginning December 1,  
26 2000.

27 Section 10. LAND DESCRIPTION.--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

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 11. ADDITIONAL BOUNDARIES AND ANNEXATION.--The  
8 initial boundaries as set forth in Section 10 of this charter  
9 and therefore adopted by the electors are exclusive of other  
10 areas wishing to participate within the corporate boundaries.  
11 Therefore, within 90 days of adoption of the referendum for  
12 incorporation, the Village commission shall put forth a  
13 resolution to annex Upper and Lower Sugarloaf Keys and  
14 Saddlebunch Key which is described as Planning Area  
15 Enumeration District 3 in the Monroe County Comprehensive  
16 Plan. The commission shall hold a referendum for annexation at  
17 the earliest possible date.

18 Section 12. 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 Village commission shall, no later than 6  
30 months from the effective date of incorporation, establish by  
31 ordinance a code of ethics for officials and employees of the

1 Village which may be supplemental to general law. The intent  
2 of this provision of the charter is to require more stringent  
3 standards than those provided under general law.

4 Section 13. SEVERABILITY.--If any provision of this  
5 act, or the application thereof to any person or circumstance,  
6 is held invalid, the invalidity shall not affect other  
7 provisions or applications of this act which can be given  
8 effect without the invalid provision or application, and to  
9 this end the provisions of this act are declared severable.

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

18 (1) This section and Section 9(1) shall take effect  
19 upon this act becoming a law.

20 (2) If a majority of the qualified voters residing in  
21 the area defined in Section 10 of this charter do not approve  
22 this act, this act shall not take effect.

23 (3) If approved by the majority electorate residing in  
24 the area defined in this charter, Section 3, Section 9(2), and  
25 Section 9(3) shall take effect upon certification of the  
26 election results by the Monroe County Supervisor of Elections,  
27 and the remainder of this act shall take effect April 1, 2001,  
28 or as decided by the commission.

29  
30  
31