

By the Committee on Finance & Taxation and Representative
Sorensen

1 A bill to be entitled
2 An act relating to Monroe County; creating the
3 "Village of 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;

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 severability; providing a referendum;
19 providing effective dates.

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

22
23 Section 1. LEGISLATIVE INTENT.--The Legislature hereby
24 finds that the Village of the Lower Keys area in Monroe County
25 includes a compact and contiguous community in excess of 5,000
26 residents susceptible to urban services, and constitutes a
27 community amenable to separate municipal government. It is in
28 the best interests of the public health, safety, and welfare
29 of the residents of the Village of the Lower Keys area to form
30 a separate municipality for the area with all the powers and
31 authority necessary to provide adequate and efficient

1 municipal services to its residents. It is intended that this
2 charter and the incorporation of the Village of the Lower Keys
3 area will serve to preserve and protect the distinctive
4 characteristics of the individual communities within the
5 boundaries of the Village of the Lower Keys.

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

14 Section 3. SHORT TITLE.--This act, together with any
15 future amendments thereto, shall be known and may be cited as
16 the "Village of the Lower Keys," hereinafter referred to as
17 "the charter." The charter of the Village of the Lower Keys
18 is created to read:

19 Section 1. MUNICIPAL POWERS.--The Village shall be a
20 body corporate and politic and shall have all the powers of a
21 municipality under the State Constitution and laws of this
22 state, as fully and completely as though such powers were
23 specifically enumerated in this charter, unless otherwise
24 prohibited by or contrary to the provisions of this charter.
25 The Village shall have all governmental, corporate, and
26 proprietary powers necessary to enable it to conduct municipal
27 government, perform municipal functions, and render municipal
28 services, and may exercise and be liberally construed in favor
29 of the Village.

30 Section 2. VILLAGE BOUNDARIES--The corporate
31 boundaries of the Village shall be as follows: All the Florida

1 Keys north, south and east of a line projected north and south
2 at the east end of Bow Channel Bridge up to a line projected
3 north and south at the east end of the South Pine Channel
4 Bridge, including Summerland Key, Ramrod Key, The Torch Keys,
5 and Cudjoe Key, and all land filled in between the islands,
6 all connected by U.S. 1, Overseas Highway, all above within
7 Monroe County. These corporate boundaries are distinct in the
8 Monroe County Comprehensive Plan and described as Planning
9 Area Enumeration District 4.

10 Section 3. VILLAGE COMMISSION.--

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

13 (a) There shall be a five-member Village commission,
14 consisting of four commissioners and a mayor. Two
15 commissioners shall be elected from precinct 14 and two
16 commissioners shall be elected from precinct 15, as defined by
17 resolution No. 044-1996 by the Board of County Commissioners
18 of Monroe County, as modified by section 9 of this charter, or
19 as defined in the future by a Resolution by the Village
20 Commission. The mayor shall be elected at large by all Village
21 electors.

22 (b) To qualify for office:

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

29 2. At the time of qualification, each candidate for a
30 commission seat shall reside within the boundaries of his or
31 her respective precinct and, if elected, shall maintain such

1 residency throughout his or her term of office. For the
2 initial election following the referendum approving the
3 creation of the Village, candidates for office shall qualify
4 as provided in section 7(2) of this charter. Thereafter,
5 candidates shall qualify as provided in section 6(3) of this
6 charter or section 9 of this charter, if applicable.

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

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

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

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

30 (c) The mayor shall preside at the meetings of the
31 commission and shall be recognized as the head of the Village

1 government for service of process, ceremonial matters, and the
2 signature or execution of ordinances, contracts, deeds, bonds,
3 and other instruments and documents. The mayor shall have no
4 administrative duties other than those necessary to accomplish
5 these actions, or such actions as may be authorized by the
6 Village commission, consistent with general or special act.

7 (4) THE VICE MAYOR.--The Village commission, at its
8 first regular meeting in December of each year, shall elect
9 from its membership a vice mayor, who shall serve at the
10 pleasure of the Village commission, unless modified by section
11 9 of this charter. The vice mayor shall serve as acting mayor
12 during the absence or disability of the mayor. In the absence
13 of the mayor and the vice mayor, the commissioners shall
14 select a commission member to serve as acting mayor.

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

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

30 (a) Except as otherwise prescribed herein or provided
31 by law, legislative and police powers of the Village shall be

1 vested in the commission. The commission shall provide for the
2 exercise of its powers and for the performance of all duties
3 and obligations imposed on the Village by law.

4 (b) Neither the commission nor any of its members
5 shall in any manner dictate the appointment or removal of any
6 Village employees whom the manager or any of his or her
7 subordinates are empowered to appoint, except as provided in
8 this charter, but the commission may express its views and
9 fully and freely discuss with the manager anything pertaining
10 to appointment and removal of such employees.

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

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

30 (7) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;
31 FILLING OF VACANCIES.--

1 (a) A vacancy in the office of a commission member
2 shall occur upon the death of the incumbent, removal from
3 office as authorized by law, resignation, appointment to other
4 public office which creates dual office holding within the
5 Village, judicially determined incompetence, or forfeiture of
6 office as described in paragraph (b).

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

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

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

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

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

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

30 (c) A commission member shall be automatically
31 suspended from office upon return of an indictment or issuance

1 of any information charging the commission member with any
2 crime which is punishable as a felony or with any crime
3 arising out of his or her official commission duties which is
4 punishable as a first degree misdemeanor. Pursuant thereto:

5 1. During the period of suspension, the commission
6 member shall not perform any official act, duty, or function
7 or receive any pay, allowance, emolument, or privilege of
8 office.

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

17 (d) Vacancies shall be filled as follows:

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

22 2. If any vacancy occurs in the office of any
23 commission member, the remaining commissioners shall, within
24 30 days following the occurrence of such vacancy, by a
25 majority plus one vote, appoint a person to fill the vacancy
26 for the remainder of the unexpired term.

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

30 (8) VILLAGE COMMISSION MEETINGS.--The commission shall
31 conduct regular semi-monthly meetings which shall not begin

1 before 6 p.m. at such times and places as the commission shall
2 prescribe by resolution. Such meetings shall be public
3 meetings within the meaning of section 286.011, Florida
4 Statutes, and shall be subject to notice and other
5 requirements of law applicable to public meetings. The
6 commission shall adopt the current version of Robert's Rules
7 of Order, determine other rules of business, and keep a
8 journal of its proceedings. Pursuant thereto:

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

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

28 (c) A majority of the commission shall constitute a
29 quorum. No action of the commission shall be valid unless
30 adopted by an affirmative vote of the majority of the
31 commissioners in attendance, unless otherwise provided by law.

1 All actions of the Village commission shall be by ordinance,
2 resolution, or motion. All ordinances shall be advertised at
3 least 10 days prior to the first reading of that ordinance.
4 (9) VILLAGE RECORDS.--The commission shall, in a
5 properly indexed book and/or electronically kept for that
6 purpose, provide for the authentication and recording in full
7 of all minutes of the meetings, and all ordinances and
8 resolutions adopted by the commission, and the same shall, at
9 all times, be a public record. The commission shall further
10 maintain a current codification of all ordinances. Such
11 codification shall be printed and shall be made available for
12 distribution to the public on a continuing basis. All
13 ordinances or resolutions of the commission shall be signed by
14 the mayor, or by the acting mayor in the absence or disability
15 of both the mayor and vice mayor, and attested to by the
16 Village clerk. All meetings of the Village commission and of
17 the committees thereof shall be public meetings within the
18 meaning of section 286.011, Florida Statutes, and any citizens
19 shall have access to the minutes and records thereof at all
20 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 after written notification. The lease of
20 Village-owned real property in areas of the Village for a term
21 greater than 10 years shall be considered a conveyance
22 requiring a referendum. This provision shall not be applicable
23 to the following:

24 (a) Any property valued under \$50,000 as determined by
25 the average of three appraisals performed by Village-approved
26 appraisers, with the appraisals to be paid for by the
27 recipient of the property.

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

30 (13) RIGHT OF INDIVIDUAL TO BE HEARD.--All residents
31 or agents for citizens shall have the right to be heard at all

1 Village commission meetings within the meaning of section
2 286.011, Florida Statutes, subject to rules established by the
3 Village commission.

4 Section 4. BUDGET AND APPROPRIATIONS.--

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

8 (2) BUDGET ADOPTION.--The commission shall, by
9 resolution, adopt for the succeeding fiscal year a budget on
10 or before the 1st day of September of each year, following a
11 minimum of two public hearings on the proposed budget. A
12 resolution adopting the annual budget shall constitute
13 appropriation of the amounts specified therein as expenditures
14 from funds indicated. The budget will consist of an operating
15 expense budget and a capital budget for the next fiscal year
16 and will include estimated expense and capital budgets for the
17 succeeding 3 years. Accounting procedures used shall be in
18 accordance with generally accepted government accounting
19 principles and within the requirements of state law.

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

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

26 (b) If, at any time during the fiscal year, it appears
27 probable to the Village manager that the revenues available
28 will be insufficient to meet the amount appropriated, the
29 Village manager shall report same to the commission without
30 delay, indicating the estimated amount of the deficit, any
31 remedial action taken, and recommendations as to any other

1 steps that should be taken. The commission shall then take
2 such further action as it deems necessary to prevent or
3 minimize any deficit and, for that purpose, the commission may
4 by resolution reduce one or more appropriations accordingly.
5 Issuance of bonds shall occur in accordance with state law.
6 Short-term debt may be authorized by the commission.

7 (c) No appropriation for debt service may be reduced
8 or transferred, and no appropriation may be reduced below any
9 amount required by law to be appropriated, or by more than the
10 unencumbered balance thereof. Other provisions of law to the
11 contrary notwithstanding, the supplemental and emergency
12 appropriations and reduction or transfer of appropriation
13 authorized by this section may be effective immediately upon
14 adoption, providing that such revenues are expended in
15 accordance with state law.

16 Section 5. CHARTER OFFICERS.--

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

21 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
22 VACANCIES.--

23 (a) The charter officers shall be appointed by a
24 majority vote of the full commission and shall serve at the
25 pleasure of the commission.

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

30 (c) The compensation of the charter officers shall be
31 fixed by the commission.

1 (d) The commission shall begin the process to fill a
2 vacancy in the charter office within 90 days of a vacancy. An
3 acting city manager or an acting city attorney may be
4 appointed by the commission during a vacancy in such charter
5 office.

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

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

14 (4) VILLAGE MANAGER; QUALIFICATIONS; POWERS AND
15 DUTIES.--The Village manager shall be the chief administrative
16 officer of the Village.

17 (a) The Village manager shall be selected from, but
18 not limited to, the following criteria: experience, expertise,
19 management ability, and education. The foregoing criteria
20 shall be used in determining the ability as it pertains to
21 running municipal government.

22 (b) The Village manager shall:

23 1. As the chief administrative officer of the Village,
24 direct and supervise the administration of all departments,
25 offices, and agencies of the Village, except the office of
26 Village attorney, and except as may otherwise be provided by
27 this charter or by law.

28 2. Appoint, suspend, or remove any employee of the
29 Village or appointive administrative employee provided for,
30 by, or under this charter, except the office of Village
31 attorney, and except as may otherwise be provided by law, this

1 charter, or personnel rules adopted pursuant to the charter.
2 The Village manager may authorize any administrative employee
3 who is subject to his or her direction and supervision to
4 exercise these powers with respect to subordinates in that
5 officer's department, office, or agency.
6 3. Provide an administrative package to each
7 commissioner prior to each commission meeting. This package of
8 information shall contain the following:
9 a. The activity that the commission will take action
10 on.
11 b. The administrative review (comprehensive).
12 c. An executive summary, comprised of and solely for
13 the purposes of discussion within the commission with respect
14 to the electorate of the Village, and pertinent to the issue
15 at hand.
16 d. A list of agenda items that will come before the
17 commissioners no later than 5 working days prior to a
18 commission meeting, which shall have been properly advertised,
19 and shall have documentation attached thereto from the manager
20 and shall be inclusive of the following: economic impacts of
21 such resolution, ordinance, or any other action brought forth
22 to the commission, recommendations to the commission and
23 reasons therefor, recommendations from all charter officers
24 and reasons therefor, and an executive summary from both the
25 Village manager and Village attorney.
26 e. Establish performance review processes for all
27 departments.
28 4. Ensure all laws, provisions of this charter, and
29 acts of the commission are faithfully executed.
30
31

- 1 5. Prepare and submit the annual budget,
2 recommendations, and a review that shall include the
3 following:
- 4 a. Identification of areas of fiscal growth.
5 b. Reasons for fiscal growth.
6 c. A full accounting review of all departmental
7 spending and sources of revenue.
- 8 6. Attend commission meetings.
9 7. Draw and sign vouchers not in excess of \$10,000
10 upon depositories as provided by ordinance, and keep, or cause
11 to be kept, a true and accurate account of same.
- 12 8. Sign all licenses issued by the Village, and issue
13 receipts for all moneys paid to the Village, and deposit said
14 moneys in the proper depositories on the first banking day
15 after receipt. The Village manager may delegate the
16 responsibilities of this subparagraph to an appropriate
17 Village employee who shall be bonded.
- 18 9. Provide administrative services in support of the
19 official duties of the mayor and commission.
- 20 10. Keep the commission advised as to the financial
21 condition and future needs of the Village and make
22 recommendations to the commission concerning the affairs of
23 the Village on a quarterly basis, or as prescribed by the
24 commission.
- 25 11. Submit to the commission, and make available to
26 the public, a complete report on finances and administrative
27 activities of the Village as of the end of each fiscal year.
- 28 12. Sign contracts on behalf of the Village to the
29 extent authorized by ordinance.
- 30 13. Perform such other duties as are specified in this
31 charter or as may be required by the commission.

1 14. By letter filed with the clerk, the manager shall
2 designate, subject to approval of the commission, a qualified
3 Village administrative officer to exercise the powers and
4 perform the duties of manager during his or her temporary
5 absence or disability. During such absence or disability, the
6 commission may revoke such designation at any time and appoint
7 another officer of the Village to serve until the manager
8 returns or his or her disability ceases.

9 15. The Village manager shall at all times provide
10 support, analysis, and recommendations to the commissioners,
11 including pros and cons regarding codes, ordinances,
12 resolutions, and commitments of the Village.

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

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

21 (c) The Village manager shall appoint a Village clerk,
22 referred to as the "clerk." The clerk shall be the liaison
23 between the public and Village departments, shall inquire into
24 records and transactions of all Village departments, offices,
25 or officers, and, for these purposes, submit reports to the
26 Village manager or commission. The clerk shall be the
27 official keeper of all records, and shall be the keeper of all
28 ledgers, financial records, transactions, and budgets. The
29 clerk shall give notice of commission meetings to its members
30 and the public, shall keep minutes of its proceedings, and
31 shall perform such other duties as the commission or manager

1 may prescribe from time to time. The clerk shall report to
2 the Village manager.

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

11 (5) VILLAGE ATTORNEY; QUALIFICATIONS; POWERS AND
12 DUTIES.--The Village attorney shall be the chief legal officer
13 of the Village.

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

16 (b) The Village attorney:

17 1. Shall serve as chief legal officer to the Village
18 commission, the charter officers, and all Village departments,
19 offices, and agencies.

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

22 3. Shall attend Village commission meetings unless
23 excused by the commission, and shall perform such professional
24 duties as may be required by law or by the commission in
25 furtherance of the law.

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

1 5. Shall review all proposed ordinances prior to a
2 commission meeting, provide an executive summary, make
3 recommendations, and provide the commissioners with data
4 showing legal sufficiency.

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

8 Section 6. ELECTIONS.--

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

13 (2) NONPARTISAN ELECTIONS.--All elections for the
14 Village commission members and the mayor shall be conducted on
15 a nonpartisan basis without any designation of political party
16 affiliation.

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

27 (4) SCHEDULE FOR GENERAL ELECTIONS.--The regular
28 Village elections shall be biannually on the first Tuesday
29 after the first Monday in November of each election year. The
30 two commission candidates receiving the highest number of
31 votes in each district shall be the elected Village commission

1 members, the districts shall be Monroe County precincts 14 and
2 15 as drawn as of the time of the passage of this charter. The
3 mayoral candidate receiving the highest total number of votes
4 from all Village electors shall be elected mayor. All ties in
5 any election shall be decided by lot in the presence of the
6 candidates concerned, under the direction of the Village
7 commission other than any Village commissioner involved in the
8 tie. However, should a tie vote occur in the initial election
9 of the Village commission or the mayor, the tie vote shall be
10 decided by lot supervised by the Monroe County Supervisor of
11 Elections.

12 (5) SCHEDULE FOR OTHER ELECTIONS.--

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

15 (b) Special municipal elections shall be held in the
16 same manner as regular elections, except that the Village
17 commission, by ordinance, shall fix the time for holding such
18 elections.

19 (6) DETERMINATION OF ELECTION TO OFFICE.--If only one
20 candidate qualifies for the office of mayor, or if only two
21 candidates qualify for the office of commissioner in precincts
22 14 and 15, respectively, said candidate shall be deemed to be
23 elected. If two or more candidates qualify for the office of
24 mayor, or three or more candidates qualify for commissioner
25 seats in precincts 14 and 15, respectively, the names of those
26 candidates shall be placed on the ballot at the general
27 election. In the event not more than one person qualifies as a
28 candidate for the office of mayor, or, if not more than two
29 persons qualify as candidates for the Village commission seats
30 for precincts 14 and 15, respectively, those seats or that
31 office shall not be listed on the Village election ballot,

1 because each candidate is deemed to have voted for himself or
2 herself and shall be declared the winner.

3 (7) CERTIFICATION OF ELECTIONS.--The Monroe County
4 Supervisor of Elections shall certify the candidates by a
5 tally of all ballots and certify the prevailing candidates for
6 offices of commissioner and mayor.

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

11 (9) INITIATIVE AND REFERENDUM.--

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

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

21 1. The Village commission shall have the power, by
22 resolution, to call for a referendum vote by the electors of
23 the Village at any time, provided that the purpose of such
24 referendum is presented to the Village at a public hearing at
25 least 60 days prior to the adoption of said resolution. Any
26 resolution calling for a referendum vote of the electors of
27 the Village must be passed by the affirmative vote of not less
28 than a majority plus one vote of the commission.

29 2. The electors of the Village shall have the power to
30 require reconsideration by the Village commission of any
31 adopted ordinance and, if the Village commission fails to

1 repeal an ordinance so reconsidered, to approve or reject it
2 at a Village election, provided that such power shall not
3 extend to the annual budget or capital program or any
4 ordinance appropriating money, levying taxes, or setting
5 salaries of Village officers or employees.

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

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

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

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

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

20 5. Referendum and initiative petitions seeking a
21 special municipal election under subparagraph 1. shall be
22 titled "Proposed Special Municipal Election." Immediately
23 after the title, the petition shall state the following: "By
24 signing this petition, I am requesting that a special election
25 be held for this question, instead of the scheduling of this
26 question for the next general municipal or statewide election.
27 I 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 (e) 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 whereby 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 (d)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 is submitted to the Village commission for review
24 under subparagraph 2. within the time required, the Village
25 clerk shall promptly present a certificate to the Village
26 commission and such certificate shall then be a final
27 determination as to 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 (f) 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 for its repeal.
19 If the Village commission fails to adopt a proposed initiative
20 ordinance without any change in substance within 45 days or
21 fails to repeal the referendum ordinance within 30 days,
22 within 5 days after the date on which the petition is
23 determined to be sufficient, the Village commission shall
24 submit the proposed initiative or referendum ordinance to the
25 electors of the Village. If the Village commission fails to
26 act on a proposed ordinance or an initiative referendum
27 ordinance to the electors of the Village within the time
28 period specified, the Village commission shall be deemed to
29 have failed to adopt the proposed initiative ordinance or
30 failed to repeal the referendum ordinance on the last day that
31 the Village commission was authorized to act on such matter.

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

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

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

27 Section 7. TRANSITION SCHEDULE.--

28 (1) REFERENDUM.--The referendum election called for by
29 this act shall be held on November 7, 2000, at which time the
30 following question shall be placed on the ballot: "SHALL
31 CHAPTER , LAWS OF FLORIDA, CREATING THE VILLAGE OF THE

1 LOWER KEYS AND PROVIDING ITS CHARTER BE APPROVED? YES NO" In
2 the event this question is answered affirmatively by a
3 majority of voters voting in the referendum, the provisions of
4 this charter will take effect as provided in section 5.
5 (2) INITIAL ELECTION OF MAYOR AND COMMISSIONERS.--
6 (a) The Monroe County Commission shall call a very
7 special election or include in a general election for the
8 election of four Village commissioners and a mayor to be held
9 on December 19, 2000.
10 (b) Any individual who wishes to run for one of the
11 four initial seats on the commission or for the office of
12 mayor shall qualify as a candidate with the Monroe County
13 Supervisor of Elections between noon November 13, 2000, and
14 noon November 22, 2000.
15 (c) Those candidates who are elected December 19,
16 2000, shall take office at the initial Village commission
17 meeting which shall be held at 7:00 p.m., on December 21,
18 2000, at the former Barnett Bank Building on Summerland Key.
19 (3) FIRST YEAR EXPENSES.--The Village commission, in
20 order to provide moneys for the expenses and support of the
21 Village, shall have the power to borrow money necessary for
22 the operation of Village government until such time as a
23 budget is adopted and revenues are raised in accordance with
24 the provisions of this charter.
25 (4) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The
26 Village commission shall adopt ordinances and resolutions
27 required to effect the transition. Ordinances adopted within
28 60 days after the first commission meeting may be passed as
29 emergency ordinances. These transitional ordinances, passed as
30 emergency ordinances, shall be effective for no longer than 90
31 days after adoption, and thereafter may be readopted, renewed,

1 or otherwise continued only in a manner normally prescribed by
2 law.

3 (5) TRANSITIONAL COMPREHENSIVE PLAN AND LAND
4 DEVELOPMENT REGULATIONS.--

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

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

1 December 21, 2000, be vested in the Village Commission of the
2 Village of the Lower Keys until such time as the Village
3 commission delegates all or a portion thereof to another
4 entity.

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

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

29 Section 8. REVENUES--

30 (1) STATE SHARED REVENUES.--The Village of the Lower
31 Keys shall be entitled to participate in all revenue sharing

1 programs of the State of Florida effective January 1, 2001.
2 The provisions of section 218.23(1), Florida Statutes, shall
3 be waived for the purpose of eligibility to receive revenue
4 sharing funds from January 1, 2001, through the state fiscal
5 year 2002-2003. The provisions of section 218.26(3), Florida
6 Statutes, shall be waived for fiscal year 2000-2001, and the
7 apportionment factors for the municipalities and counties
8 shall be recalculated pursuant to section 218.245, Florida
9 Statutes, as of January 1, 2001.

10 For the purposes of meeting the provisions of section
11 218.23(1), Florida Statutes, relating to ad valorem taxation,
12 the millage levied by Monroe County Fire and EMS and the
13 Independent Mosquito Control District districts may be used
14 for an indefinite period of time. Initial revised population
15 estimates for calculating eligibility for shared revenues
16 shall be determined by the University of Florida Bureau of
17 Economic and Business Research. Should the Bureau be unable
18 to provide an appropriate population estimate, the Monroe
19 County Planning Division estimate should be utilized.

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

31

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

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

17 Section 9. ADDITIONAL BOUNDARIES AND ANNEXATION.--The
18 initial boundaries as set forth in section 2 of this charter
19 and therefore adopted by the electors are exclusive of other
20 areas wishing to participate within the corporate boundaries.
21 Therefore, within 90 days of adoption of the referendum for
22 incorporation, the Village commission shall, pursuant to
23 chapter 171, Florida Statutes, put forth a resolution to
24 annex Upper and Lower Sugarloaf Keys and Saddlebunch Key which
25 is described as Planning Area Enumeration District 3 in the
26 Monroe County Comprehensive Plan. The commission shall hold a
27 referendum for annexation at the earliest possible date.

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

31

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 (3) Entitlement of all state-shared revenues shall
15 commence on April 1, 2001, for the proposed annexed area (PAED
16 3).

17 Section 10. GENERAL PROVISIONS.--

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

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

1 of this provision of the charter is to require more stringent
2 standards than those provided under general law.

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

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

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

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

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

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31