

By Representative Kottkamp

1 A bill to be entitled
2 An act relating to Lee County; creating the
3 Village of Captiva; providing a charter;
4 providing a short title; providing legislative
5 intent; providing for incorporation; providing
6 for a council-manager form of government;
7 providing powers and duties; providing for a
8 village council and its membership, including
9 mayor, vice mayor, and mayor pro tem,
10 qualifications and terms of office, powers and
11 duties, absence of compensation, expenses, and
12 prescribed procedures relating to vacancies,
13 including forfeiture of office, suspension, and
14 recall; providing for meetings; providing for
15 recordkeeping; providing certain restrictions;
16 providing for charter officers and their
17 appointment, removal, compensation, filling of
18 vacancies, qualifications, and powers and
19 duties; establishing a fiscal year; providing
20 for a budget, appropriations, amendments, and
21 limitations; providing for elections and
22 matters relating thereto; defining boundaries
23 of the Village; specifying general provisions
24 relating to charter review and amendment and
25 standards of conduct; providing for
26 severability; providing for a referendum,
27 initial election of council members, transition
28 services and compensation, first-year expenses,
29 specified transitional matters, and state
30 shared and gas tax revenues; providing a
31 contingent effective date.

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

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3 Section 1. Short title.--This act, together with any
4 future amendments thereto, may be cited as the "Village of
5 Captiva Charter," hereinafter referred to as "the charter."

6 Section 2. Legislative intent.--The Legislature finds
7 and declares that:

8 (1) The area in Lee County known as Captiva Island
9 includes a compact and contiguous urban community amenable to
10 separate municipal government.

11 (2) It is in the best interest of the public health,
12 safety, and welfare of the citizens of this community to form
13 a separate municipality for Captiva Island with all powers and
14 authority necessary to provide efficient and adequate
15 municipal services to its residents.

16 Section 3. Incorporation of municipality.--

17 (1) There is created, effective November 6, 2002, in
18 Lee County, a new municipality to be known as the Village of
19 Captiva.

20 (2) The corporate boundaries of the Village of
21 Captiva, hereinafter referred to as "the Village," shall be as
22 described in section 9.

23 (3) The Village of Captiva shall operate under a
24 council-manager form of government. The general duties of the
25 village council, as described in section 5, shall be to set
26 policy. The general duties of the village manager, as
27 described in section 6, shall be to carry out those policies.

28 Section 4. Municipal powers.--The Village shall be a
29 body corporate and politic and shall have all the powers of a
30 municipality under the State Constitution and the laws of
31 Florida, as fully and completely as though such powers were

1 specifically enumerated in this charter, unless otherwise
2 prohibited by or contrary to the provisions of this charter.
3 The Village shall have all governmental, corporate, and
4 proprietary powers necessary to enable it to conduct municipal
5 government, perform municipal functions, and render municipal
6 services, and may exercise any power for municipal purposes
7 unless expressly prohibited by the Florida Constitution or by
8 law. The powers of the Village shall be liberally construed in
9 favor of the Village.

10 Section 5. Village council.--

11 (1) VILLAGE COUNCIL; COMPOSITION; QUALIFICATIONS FOR
12 OFFICE.--

13 (a) Composition.--There shall be a village council
14 consisting of five members who shall be electors of the
15 Village elected at large, to seats numbered 1, 2, 3, 4, and 5.

16 (b) Qualifications for office.--

17 1. Each candidate for office shall be a qualified
18 elector, as defined in general law, of the Village.

19 2. Each individual seeking to qualify as a candidate
20 for one of the seats on the council, at the time of
21 qualification, shall:

22 a. Reside within the boundaries of the Village;

23 b. Submit a petition supporting his or her candidacy
24 to the village clerk containing the signatures of at least 1
25 percent of the electorate residing within the Village, as
26 identified in the most recent decennial census, from which he
27 or she seeks to run, or shall pay to the village clerk a
28 qualifying fee of \$60; and

29 c. Designate by seat number not more than one seat for
30 which he or she seeks to run.

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1 3. Additionally, for the initial election following
2 the referendum approving the creation of the Village,
3 candidates for office shall qualify as provided in subsection
4 (3) of section 13.

5 (2) TERMS OF OFFICE.--

6 (a) The term of office for each member shall be 4
7 years. However, in order to provide for staggering of terms,
8 the initial term of office for Seats 1, 3, and 5 shall be 4
9 years and that of Seats 2 and 4 shall be 2 years.

10 (b) Each council member shall remain in office until
11 his or her successor is elected and assumes the duties of the
12 position at the first regular meeting after the regular
13 election which shall be held in accordance with village
14 ordinance.

15 (3) POWERS AND DUTIES OF COUNCIL.--Except as otherwise
16 prescribed herein or as provided by law, legislative and
17 police powers of the Village shall be vested in the council.
18 The council shall provide for the exercise of its powers and
19 for the performance of all duties and obligations imposed on
20 the Village by law.

21 (4) POWERS AND DUTIES OF THE MAYOR, VICE MAYOR, AND
22 MAYOR PRO TEM.--

23 (a) Mayor and vice mayor.--The council shall elect
24 from its members a mayor and a vice mayor. The election shall
25 be held at the first regular meeting of the council after the
26 regular village election in election years and at the first
27 regular meeting in December in nonelection years. The date of
28 the election in nonelection years may be amended by council by
29 ordinance to coincide with changes in dates for regular
30 elections.

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1 (b) Powers.--The mayor and the vice mayor shall have
2 the same powers and duties as any other council member. In
3 addition to the regular powers invested in any other council
4 member, the mayor and, in the absence of the mayor, the vice
5 mayor shall be recognized by the Governor for purposes of
6 military law; shall have the power to declare an emergency
7 situation; shall have the power for service of process, and
8 execution of contracts, deeds, and other documents; and shall
9 have the power to represent the Village in all agreements with
10 other governmental entities or certifications to other
11 governmental entities that the council has approved.

12 (c) Duties.--In addition to his or her regular duties,
13 the mayor and, in the absence of the mayor, the vice mayor
14 shall preside at meetings of the council and be recognized as
15 the head of village government for all ceremonial occasions.
16 The mayor or vice mayor shall have no administrative duties
17 other than those necessary to accomplish these actions, or
18 such other actions as may be authorized by the council,
19 consistent with general or special law.

20 (d) Mayor pro tem.--In the absence of the mayor and
21 vice mayor, the remaining council members shall select a
22 council member to serve as mayor pro tem. The mayor pro tem
23 shall have the same powers and duties as the mayor for the
24 period of the absence.

25 (5) COMPENSATION AND EXPENSES.--

26 (a) Compensation.--The council members, including the
27 mayor, shall not receive compensation for their services.

28 (b) Expenses.--The council may provide for
29 reimbursement of actual and necessary expenses incurred by its
30 members while performing their official duties.

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1 (6) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;
2 RECALL; FILLING OF VACANCIES.--

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

9 (b) Forfeiture of office.--The council member shall
10 forfeit the office upon determination by the council, acting
11 as a body, that he or she:

12 1. Lacks at any time, or fails to maintain during the
13 term of office, any qualification for the office prescribed by
14 this charter or as otherwise required by law;

15 2. Has been convicted of a felony, or enters a plea of
16 guilty or nolo contendere to a crime punishable as a felony,
17 even if adjudication of guilt has been withheld;

18 3. Has been convicted of a first degree misdemeanor
19 arising directly out of his or her official conduct or duties,
20 or enters a plea of guilty or nolo contendere thereto, even if
21 adjudication of guilt has been withheld;

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

26 5. Is absent from three consecutive regular council
27 meetings without being excused by the council.

28 (c) Suspension from office.--The council member may be
29 suspended from office by the council, acting as a body, upon
30 return of an indictment or issuance of information charging
31 the council member with any crime which is punishable as a

1 felony or with any crime arising out of his or her official
2 conduct or duties which is punishable as a misdemeanor.

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

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

13 (d) Recall.--The electors, following the procedures
14 for recall established by general law or ordinance, may remove
15 any member of the council from office.

16 (e) Filling of vacancies.--

17 1. If a vacancy occurs in the office of mayor, the
18 vice mayor shall assume the position of mayor.

19 2. If a vacancy occurs in the office of any council
20 member within the first 2 years of a term, the office shall be
21 filled by appointment within 30 days following the occurrence
22 of such vacancy by majority vote of the remaining council
23 members. Such appointment shall last until the next regularly
24 scheduled election, at which time the seat shall be declared
25 open and an election held for the remaining 2 years of the
26 original term, thus continuing the original staggering of
27 district seats.

28 3. If a vacancy occurs in the office of any council
29 member within the last 2 years of a term, the office shall be
30 filled by appointment within 30 days following the occurrence
31 of such vacancy by majority vote of the remaining council

1 members. Such appointments shall last until the next regularly
2 scheduled election, at which time the seat shall be declared
3 open and an election held for the regular 4-year term.

4 4. If a vacancy occurs as a result of a recall
5 petition, such vacancy shall be filled by special election as
6 outlined in subparagraph 2. for the remainder of the term.

7 5. Any person appointed to fill a vacant seat on the
8 council is required to meet all the qualifications for office
9 except the petition requirement.

10 6. During the initial term of the council after
11 incorporation if, for any reason other than recall, a vacancy
12 occurs in the office of seats numbered 2 or 4, the office
13 shall be filled by appointment within 30 days following the
14 occurrence of such vacancy by majority vote of the remaining
15 council members. Such appointment shall last until the next
16 regularly scheduled election, at which time the seat shall be
17 declared open and an election held for the remainder of the
18 term, thus continuing the original staggering of district
19 seats.

20 (7) COUNCIL MEETINGS; ORGANIZATIONAL MEETING; QUORUM;
21 SPECIAL MEETINGS.--The council shall meet regularly at least
22 once a month at such times and places as the council may
23 prescribe by ordinance, except that it may, by ordinance,
24 provide for no regular meetings in any or all of the following
25 months: June, July, and August. Such meetings shall be public
26 meetings and shall be subject to notice and other requirements
27 of law applicable to public meetings.

28 (a) Organizational meeting.--The first meeting
29 following a general village election at which elected or
30 reelected council members are inducted into office shall be
31 held in accordance with village ordinances.

1 (b) Quorum.--A majority of the council shall
2 constitute a quorum. No action of the council shall be valid
3 unless adopted by an affirmative vote of the majority of the
4 council members in attendance, unless otherwise provided by
5 law or ordinance or as stated in this charter. All actions of
6 the council shall be by ordinance, resolution, or motion.

7 (c) Special meetings.--Special meetings may be held at
8 the call of the mayor or, in the absence of the mayor, at the
9 call of the vice mayor. Special meetings may also be called
10 upon the request of a majority of the council members. The
11 clerk shall provide not less than 24 hours' prior notice of
12 the meeting to the public, unless a declared emergency
13 situation exists.

14 (8) RECORDS.--The council shall, in a properly indexed
15 book kept for the purpose, provide for the authentication and
16 recording in full of all minutes of meetings, and all
17 ordinances and resolutions adopted by the council, and the
18 same shall at all times be a public record. In addition, the
19 council shall keep verbatim recordings of all meetings in
20 accordance with state law. The council shall further maintain
21 a current codification of all ordinances. Such codification
22 shall be printed and made available to the public on a
23 continuing basis.

24 (9) LIMIT OF EMPLOYMENT OF COUNCIL MEMBERS.--Council
25 members shall not be in the employment of the Village while in
26 office, nor shall any former council member be employed by the
27 Village until after the expiration of 1 year from the time of
28 leaving office.

29 (10) NONINTERFERENCE BY COUNCIL.--Except for the
30 purpose of inquiry and information, the council and its
31 members, including committees thereof, are expressly

1 prohibited from interfering directly or indirectly with the
2 supervisory powers of the village manager or village attorney.

3 Section 6. Charter officers.--The designated charter
4 officers shall be the village manager and the village
5 attorney.

6 (1) DESIGNATED CHARTER OFFICERS; APPOINTMENT; REMOVAL;
7 COMPENSATION; FILLING OF VACANCIES; CANDIDATE FOR OFFICE.--

8 (a) Appointment.--The charter officers shall be
9 appointed by a majority vote of the council and shall serve at
10 the pleasure of the council.

11 (b) Removal.--The charter officers shall be removed
12 from office only by a majority vote of the membership of the
13 council. If the vote is less than unanimous the charter
14 officer may, within 7 days after the dismissal motion by the
15 council, submit to the mayor a written request for
16 reconsideration. Any action taken by the council at the
17 reconsideration hearing shall be final.

18 (c) Compensation.--The compensation of the charter
19 officers shall be fixed by the council.

20 (d) Filling of vacancy.--The council shall begin the
21 process to fill a vacancy in the charter office of the village
22 manager or village attorney within 90 days after the vacancy
23 occurs. An acting village manager or acting village attorney
24 may be appointed by the council during a vacancy in office.

25 (e) Candidate for village office.--No charter officer
26 shall be a candidate for any elected office while holding a
27 charter office position.

28 (2) VILLAGE MANAGER; QUALIFICATIONS; POWERS AND
29 DUTIES.--The village manager shall be the chief administrative
30 officer of the Village. The village manager may be retained
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1 full time or part time, either as an employee or as an
2 independent contractor, as determined by the council.

3 (a) Qualifications.--The village manager shall be
4 selected on the basis of experience, expertise, and management
5 ability as it pertains to running municipal government.

6 (b) Powers and duties.--The village manager shall:

7 1. Attend all meetings of the village council, unless
8 excused by the council.

9 2. Draw and sign vouchers upon depositories and keep,
10 or cause to be kept, a true and accurate account of same. Such
11 vouchers shall be countersigned by the mayor or by the vice
12 mayor in the event the office of mayor is vacant. If both the
13 mayor and vice mayor offices are vacant, the mayor pro tem
14 shall countersign such vouchers.

15 3. Be responsible for signature and issuance of all
16 licenses issued by the Village, issuance of receipts for all
17 moneys paid to the Village, and deposit of said moneys in the
18 proper depositories on the first banking day after receipt.

19 4. Provide administrative services as required by the
20 council.

21 5. Act as village clerk or, with council approval,
22 designate another person to act as village clerk.

23 6. Appoint and suspend or remove any employee of the
24 Village, except those employed by a charter officer, who is
25 subject to his or her direction and supervision to exercise
26 these powers with respect to subordinates in that officer's
27 department, office, or agency within the guidelines of stated
28 personnel policies and procedures.

29 7. Direct and supervise the administration of all
30 departments, offices, and agencies of the Village, except as
31 otherwise provided by this charter or by law.

1 8. See that all laws, provisions of this charter, and
2 acts of the council are faithfully executed.

3 9. Prepare and submit annually a balanced budget,
4 budget message, and capital program to the council.

5 10. Keep the council fully advised as to the financial
6 condition and future needs of the Village and make
7 recommendations to the council concerning the affairs of the
8 Village.

9 11. Submit to the council, and make available to the
10 public, a complete report on finances and administrative
11 activities of the Village as of the end of each fiscal year.

12 12. Sign contracts on behalf of the Village, if
13 delegated by the council.

14 13. Perform such other duties as are specified in this
15 charter or as may be directed by the council.

16 (3) VILLAGE ATTORNEY; QUALIFICATIONS; POWERS AND
17 DUTIES.--The village attorney shall be the chief legal officer
18 of the Village. The village attorney may be retained full time
19 or part time, either as an employee or as an independent
20 contractor, as determined by the council.

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

23 (b) Powers and duties.--The village attorney:

24 1. Shall serve as chief legal advisor to the council,
25 the village manager, and all departments, offices, advisory
26 boards, and agencies.

27 2. Shall attend all council meetings, unless excused
28 by the council, or unless a designee is approved by the
29 council, and shall perform such professional duties as may be
30 required by law or by the council in furtherance of the law.

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1 3. Shall prepare an annual budget for the operation of
2 the office of the village attorney and shall submit this
3 budget to the village manager for inclusion in the annual
4 budget, in accordance with uniform procedures.

5 4. Shall prepare or review, and approve as to form,
6 ordinances, resolutions, and contracts.

7 Section 7. Budget and appropriations.--

8 (1) FISCAL YEAR.--The Village's fiscal year shall
9 begin on October 1 of each year and end on September 30 of the
10 succeeding year.

11 (2) BUDGET ADOPTION.--The council shall, by
12 resolution, adopt a millage rate and budget on or before the
13 30th day of September of each year. A resolution adopting the
14 annual budget shall constitute appropriation of the amounts
15 specified therein as expenditures from funds indicated.

16 (3) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR;
17 SUPPLEMENTAL APPROPRIATIONS; REDUCTION OF APPROPRIATIONS;
18 TRANSFER OF APPROPRIATIONS; LIMITATIONS; EFFECTIVE DATE.--

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

24 (b) Reduction of appropriations.--Consistent with
25 general law if, at any time during the fiscal year, it appears
26 probable to the village manager that the revenues available
27 will be insufficient to meet the amount appropriated, he or
28 she shall so report to the council without delay, indicating
29 the estimated amount of the deficit, any remedial action to be
30 taken, and recommendations as to any other steps that should
31 be taken. The council shall then take such further action as

1 it deems necessary to prevent any deficit and, for that
2 purpose, the council may by resolution reduce one or more
3 appropriations accordingly.

4 (c) Transfer of appropriations.--Consistent with
5 general law, at any time during the fiscal year, the village
6 manager may transfer all or part of any unencumbered
7 appropriation balance within a department, office, or agency
8 of the Village to other programs within the same department,
9 office, or agency. Further, upon written request of the
10 village manager, the council may transfer part or all of any
11 unencumbered appropriation balance from one department,
12 office, or agency to another.

13 (d) Limitations; effective date.--No appropriation for
14 debt service may be reduced or transferred, no appropriation
15 may be reduced below any amount required by law to be
16 appropriated, and no appropriation may be reduced by more than
17 the amount of the unencumbered balance thereof. The transfer
18 of appropriations authorized by this section may be made
19 effective immediately upon adoption.

20 Section 8. Elections.--

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

25 (2) NONPARTISAN ELECTIONS.--All elections for village
26 elective office shall be conducted on a nonpartisan basis
27 without any designation of political party affiliation.

28 (3) QUALIFYING FOR OFFICE.--Any person who wishes to
29 become a candidate for a village elective office shall qualify
30 with the clerk no sooner than 45 calendar days nor later than
31 35 calendar days prior to the second Tuesday in September of

1 each even-numbered year. In addition, candidates shall qualify
2 as provided in paragraph (1)(b) of section 5.

3 (4) SCHEDULE FOR REGULAR ELECTIONS.--

4 (a) The regular village election shall be the first
5 Tuesday after the first Monday in November of each
6 even-numbered year. Such village elections shall be general
7 village elections. These dates as well as qualification dates
8 may be amended by council by ordinance to correspond to
9 municipal qualification and election dates that may be
10 established by law or as a result of agreement with the
11 supervisor of elections. In such event, terms shall be
12 extended to correspond to the new election dates.

13 (b) An election to fill a vacant council seat shall be
14 held as outlined in paragraph (6)(e) of section 5.

15 (5) SCHEDULE FOR SPECIAL ELECTIONS.--Special municipal
16 elections shall be held in the same manner as regular
17 elections and the council shall by resolution or, if required,
18 by ordinance fix the time for holding such elections.

19 (6) DETERMINATION OF ELECTION TO OFFICE.--

20 (a) If only one candidate qualifies for an office;
21 i.e., a council seat, that candidate shall be deemed to be
22 elected and shall not be placed on either the general or the
23 primary ballot.

24 (b) If two or more candidates qualify for an office,
25 the names of those candidates shall be placed on the ballot at
26 the general village election. The candidate receiving the
27 majority of the votes cast shall be deemed to be elected.

28 (c) The candidate receiving the highest number of
29 votes cast for the office in the general village election
30 shall be elected to such office. If the vote at the general
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1 village election results in a tie, the outcome shall be
2 determined as follows:

3 1. At the first regularly scheduled council meeting
4 after the election, the Supervisor of Elections of Lee County
5 shall toss a coin. In alphabetical order, the two candidates
6 shall call the coin.

7 2. The candidate whose call matches the coin toss
8 shall be declared the winner.

9 (7) VILLAGE CANVASSING BOARD.--For purposes of
10 certifying absentee ballots and election results, the council
11 shall be known as the canvassing board. At the close of the
12 polls of any village election, the canvassing board shall
13 ensure that the absentee ballots are delivered to the Lee
14 County Supervisor of Elections, and shall meet at the county
15 election headquarters and proceed to certify the ballots and
16 open them in the presence of a representative of the
17 supervisor of elections' office. In addition, after final
18 election results are certified by the Lee County Supervisor of
19 Elections, the canvassing board shall immediately report the
20 results back to a meeting of the council held for the purpose
21 of final certification and filing with the clerk as required
22 by law.

23 Section 9. Land description.--The initial corporate
24 boundaries shall be as hereinafter described. At any time
25 after incorporation, boundaries may be changed in accordance
26 with general laws regarding annexation without amendments to
27 the charter. A corporate limits line lying offshore from
28 Captiva Island in Portions of Townships 45 & 46 South, Range
29 21 East, Lee County, Florida, which line is described as
30 follows:

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1 From a point designated "A" on the centerline
2 of Blind Pass and 2,640 feet offshore from the
3 mean high tide line of Sanibel Island and lying
4 in the Gulf of Mexico, said point having an
5 approximate position of Latitude 26° 28' 26"
6 North and Longitude 082° 11' 13" West and being
7 referenced in the Corporate Limits description
8 of the City of Sanibel in Article II, Section
9 2.01, of the Sanibel Charter, run northeasterly
10 along said centerline for 2,280 feet, more or
11 less to a point designated "B" lying in said
12 Gulf and 500 feet offshore from the mean high
13 tide line of said Captiva Island having an
14 approximate position of Latitude 26° 28' 47"
15 North and Longitude 082° 11' 03" West and the
16 Point of Beginning. From said Point of
17 Beginning run northwesterly, northerly and
18 northwesterly along a line in said Gulf and
19 being 500 feet offshore from the mean high tide
20 line of said Captiva Island for 5.3 miles, more
21 or less to a point designated "C" at an
22 intersection with the centerline of Redfish
23 Pass, said point having an approximate position
24 of Latitude 26° 33' 15" North and Longitude
25 082° 12' 20" West; thence run easterly along
26 said centerline for 0.5 miles, more or less to
27 a point designated "D" at an intersection with
28 a line in Pine Island Sound that is 500 feet
29 offshore from the mean high tide line of said
30 Captiva Island, said point having an
31 approximate position of Latitude 26° 33' 15"

1 North and Longitude 082° 11' 49" West; thence
2 run southeasterly along said line, being
3 offshore from said mean high water and shoals
4 lying offshore and easterly of said Captiva
5 Island for 2 miles, more or less to a point
6 designated "E" having an approximate position
7 of Latitude 26° 31' 50" North and Longitude
8 082° 10' 45" West; thence run southwesterly for
9 1.5 miles, more or less to a point designated
10 "F" on the centerline of Roosevelt Channel,
11 said point having an approximate position of
12 Latitude 26° 30' 38" North and Longitude 082°
13 11' 16" West; thence run southeasterly,
14 southwesterly and southeasterly for 1.8 miles,
15 more or less to a point designated "G" at an
16 intersection with the centerline of said Blind
17 Pass, said point having an approximate position
18 of Latitude 26° 29' 12" North and Longitude
19 082° 10' 51" West; thence run southwesterly for
20 0.5 miles, more or less to the Point of
21 Beginning.

22
23 Section 10. No effect on special districts.--Nothing
24 in this charter shall affect the status of special districts
25 existing on the effective date of this act within the
26 territory encompassed by the Village.

27 Section 11. General provisions.--

28 (1) CHARTER AMENDMENT.--This charter may be amended in
29 accordance with the provisions of the Municipal Home Rule
30 Powers Act, chapter 166, Florida Statutes, as the same may be
31 amended from time to time, or as may otherwise be provided by

1 general law. The form, content, and certification of any
2 petition to amend shall be established by ordinance.

3 (2) CHARTER REVIEW; SCHEDULE; CHARTER REVIEW
4 COMMITTEE.--

5 (a) Schedule.--The charter shall be subject to a
6 mandatory review no sooner than 5 years or later than 10 years
7 after the creation of the Village of Captiva and thereafter it
8 shall be reviewed at least every 10 years.

9 (b) Charter review committee.--The council shall
10 appoint a charter review committee. Each council member shall
11 appoint one member. The council shall fund this committee. The
12 charter review committee shall be appointed at least 1 year
13 before the next scheduled general election and complete its
14 work and present any recommendations for change no later than
15 60 days before the general election. The council shall hold a
16 minimum of one public hearing on the proposed changes to the
17 charter prior to placing the proposed changes on the scheduled
18 general election ballot.

19 (3) INITIATIVE AND REFERENDUM.--Except as prohibited
20 by general law, at least 10 percent of the qualified
21 electorate of the Village shall have the power to petition the
22 council to propose an ordinance or to require reconsideration
23 of an adopted ordinance, or to propose an amendment to this
24 charter. If the council fails to adopt such ordinance or
25 amendment so proposed or to repeal such adopted ordinance,
26 without any change in substance, then the council shall place
27 the proposed ordinance or amendment, or the repeal of the
28 adopted ordinance, on the ballot no later than the next
29 general election, or 1 year after certification by the council
30 of the petition, whichever occurs first. A referendum petition
31 shall be filed within 30 days after adoption by the council.

1 (4) STANDARDS OF CONDUCT.--All elected officials and
2 employees of the Village shall be subject to the standards of
3 conduct for public officers and employees set by general law.
4 In addition, the council may, by ordinance, establish a code
5 of ethics for officials and employees of the Village, which
6 may be supplemental to general law, but in no case may such an
7 ordinance diminish the provisions of general law.

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

14 Section 13. Transition schedule.--

15 (1) REFERENDUM.--The referendum election called for by
16 this act shall be held on November 5, 2002, at which time the
17 following question shall be placed upon the ballot:

18
19 SHALL CHAPTER 02....., LAWS OF FLORIDA, CREATING THE VILLAGE
20 OF CAPTIVA AND PROVIDING ITS HOME RULE CHARTER BE APPROVED?

21
22 In the event this question is answered affirmatively by a
23 majority of voters voting in the referendum, the provisions of
24 this charter shall take effect as provided herein.

25 (2) CREATION AND ESTABLISHMENT OF THE VILLAGE OF
26 CAPTIVA.--For the purpose of compliance with Florida Statutes
27 relating to assessment and collection of ad valorem taxes, and
28 for the purpose of subsection (2) of section 11, the Village
29 of Captiva is hereby created and established effective
30 November 6, 2002.

1 (3) INITIAL ELECTION OF COUNCIL MEMBERS; DATES;
2 QUALIFYING PERIOD; CERTIFICATION OF ELECTION RESULTS;
3 INDUCTION INTO OFFICE.--

4 (a) Dates.--Following the adoption of this charter in
5 accordance with subsection (1), the Lee County Commission
6 shall call a special election for the election of the council
7 members to be held on Tuesday, December 10, 2002.

8 (b) Qualifying period.--Between 12 noon on Tuesday,
9 November 12, 2002, and 12 noon on Friday, November 15, 2002,
10 any individual who wishes to run for one of the seats on the
11 council shall qualify as a candidate with the Lee County
12 Supervisor of Elections in accordance with the provisions of
13 general law and paragraph (1)(b) of section 5 of this charter.

14 (c) Certification of election results.--For the
15 initial election, the Lee County Board of County Commissioners
16 shall appoint a canvassing board which shall certify the
17 results of the election. The candidate who receives the most
18 votes for the office; i.e., the council seat, for which the
19 candidate has qualified shall be declared the winner and shall
20 be deemed elected to that office.

21 (d) Induction into office.--Those candidates who are
22 elected on December 10, 2002, shall take office at the initial
23 village council meeting.

24 (e) Initial council meeting.--The initial village
25 council meeting shall be held at 9 A.M. on Tuesday, December
26 17, 2002, at the Captiva Civic Association, 11550 Chapin Lane,
27 Captiva Island, Florida 33924; or at another place within the
28 Village designated by the Lee County Board of County
29 Commissioners. The Chair of the Board of County Commissioners,
30 or designee, shall preside for the purpose of calling the
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1 meeting to order and electing a mayor, after which the mayor
2 shall preside.

3 (4) TRANSITION SERVICES AND COMPENSATION.--
4 (a) It is the intent of this section that Lee County
5 shall provide and be compensated for the provision of services
6 to the Village of Captiva as budgeted for in the fiscal year
7 2002-2003 Lee County Budget during the 60-day transition
8 period set forth in subsection (6), or until such earlier time
9 as the Village shall make other arrangements for the services.
10 The level of services to be provided will be consistent with
11 the level upon which the fiscal year 2002-2003 expense budget
12 was predicated and in accordance with adopted revenues.

13 (b) It is the responsibility of the Village to adopt
14 appropriate ordinances, resolutions, or agreements as required
15 to ensure the continued collection of budgeted revenues with
16 which to fund services beginning December 17, 2002. Any
17 revenues adopted or received by the Village upon which
18 delivery of services was not predicated within the Lee County
19 Commission's fiscal year 2002-2003 adopted budget shall accrue
20 to the Village.

21 (5) FIRST-YEAR EXPENSES.--The council, in order to
22 provide additional moneys needed for the expenses and support
23 of the Village, shall have the power to borrow money necessary
24 for the operation of government until such time as a budget is
25 adopted and revenues are raised in accordance with the
26 provisions of this charter. The county shall, by January 15,
27 2003, provide the Village with the share of the unincorporated
28 Municipal Services Taxing Unit taxes and All-Hazard Municipal
29 Taxing Unit taxes allocable to the Village for the then
30 current year prorated from the effective date of
31 incorporation.

1 (6) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The
2 council shall adopt ordinances and resolutions required to
3 effect the transition. Ordinances adopted within 60 days after
4 the first council meeting may be passed as emergency
5 ordinances. These transitional ordinances shall be effective
6 for no longer than 90 days after adoption, and thereafter may
7 be readopted, renewed, or otherwise continued only in the
8 manner normally prescribed for ordinances.

9 (7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND
10 DEVELOPMENT REGULATION.--Until such time as the Village shall
11 adopt or amend a comprehensive plan or land development
12 regulation, the applicable provisions of the comprehensive
13 plan of Lee County, Florida (Lee Plan) and the Lee County Land
14 Development Code, as the same exist on the day the Village
15 commences corporate existence, shall remain in effect as the
16 Village transitional comprehensive plan and land development
17 regulation. However, all planning functions, duties, and
18 authority shall thereafter be vested in the council, which
19 shall be deemed the local planning agency until the council
20 establishes a separate local planning agency. All powers and
21 duties of the Lee County Board of County Commissioners, any
22 boards of adjustment and appeals or other applicable boards or
23 commissions, and the Office of the Lee County Hearing
24 Examiner, as set forth in these transitional zoning and land
25 development regulations, shall be vested in the council of the
26 Village until such time as the council delegates all or a
27 portion thereof to another entity. Subsequent to the
28 commencement of the Village's corporate existence, no
29 amendment of the comprehensive plan or land development
30 regulations enacted by the Lee County Commission shall be
31 deemed an amendment of the Village's transitional

1 comprehensive plan or land development regulations or shall
2 otherwise take effect within the Village's corporate limits
3 unless approved by the council, and all pending applications
4 for permits shall be subject to review and approval by the
5 council.

6 (8) SHARED REVENUES.--The Village shall be entitled to
7 participate in all shared revenue programs of the state
8 effective on the date of incorporation. The provisions of
9 section 218.23(1), Florida Statutes, shall be waived for the
10 purpose of eligibility to receive revenue sharing funds from
11 the date of incorporation through the state fiscal year 2005.
12 The provisions of section 218.26(3), Florida Statutes, shall
13 be waived through fiscal year 2005 and apportionment factors
14 for the municipalities and counties shall be recalculated
15 pursuant to section 218.245, Florida Statutes, upon the date
16 of incorporation. Initial population estimates for calculating
17 eligibility for shared revenues shall be determined by the
18 University of Florida Bureau of Economic and Business
19 Research. Should the Bureau be unable to provide an
20 appropriate population estimate, the Lee County Department of
21 Community Services shall provide an appropriate estimate. For
22 purposes of meeting the provisions of section 218.23(1),
23 Florida Statutes, relating to ad valorem taxation, the millage
24 levied by Captiva Island Fire Control District and the Captiva
25 Erosion Prevention District may be used for an indefinite
26 period of time. The Village shall be entitled to receive local
27 option gas tax revenues beginning October 1, 2003, in
28 accordance with an interlocal agreement if executed prior to
29 June 1, 2003. If said interlocal agreement is not executed
30 prior to June 1, 2003, the distributions shall be in
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1 accordance with the lane-mile formula contained in section
2 336.025(4)(b)1., Florida Statutes.
3 Section 14. This act shall take effect as provided
4 herein only upon its approval by a majority vote of those
5 qualified electors residing within the proposed corporate
6 limits of the proposed Village of Captiva, as described in
7 section 9, voting in a referendum election to be called by the
8 Lee County Commission and to be held in accordance with
9 subsection (1) of section 13, and the provisions of general
10 law relating to elections currently in force, except this
11 section shall take effect upon becoming a law.
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