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A bill to be entitled

An act relating to Lee County; creating the Village of Captiva Charter; providing a popular name; providing legislative intent; providing for incorporation; providing for a council-manager form of government and its powers and duties; providing for a village council and its membership, including mayor, vice-mayor, and mayor pro tem, qualifications and terms of office, powers and duties, absence of compensation, expenses, and prescribed procedures relating to vacancies, including forfeiture of office, suspension, and recall; providing for meetings; providing for recordkeeping; providing certain restrictions; providing for charter officers and their appointment, removal, compensation, filling of vacancies, qualifications, and powers and duties; establishing a fiscal year; providing for a budget, appropriations, amendments, and limitations; providing for elections and matters relating thereto; defining boundaries of the city; specifying general provisions relating to charter review and amendment and standards of conduct; providing for severability; providing for a referendum, initial election of council members, transition services and compensation, first-year expenses, specified transitional matters, and state shared and gas tax revenues; providing effective dates.

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

Section 1. Popular name.--This act, together with any future amendments thereto, may be known by the popular name the



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31 "Village of Captiva Charter," hereinafter referred to as "the
32 charter."

33 Section 2. Legislative intent.--The Legislature finds and
34 declares that:

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

38 (2) It is in the best interests of the public health,
39 safety, and welfare of the citizens of this community to form a
40 separate municipality for Captiva Island with all powers and
41 authority necessary to provide efficient and adequate municipal
42 services to its residents.

43 Section 3. Incorporation of municipality.--

44 (1) There is created, effective November 6, 2003, in Lee
45 County, Florida, a new municipality to be known as the Village
46 of Captiva.

47 (2) The corporate boundaries of the Village of Captiva
48 ("the Village") shall be as described in section 9.

49 (3) The Village of Captiva shall operate under a council-
50 manager form of government. The general duties of the village
51 council, as described in section 5, shall be to set policy. The
52 general duties of the village manager, as described in section
53 6, shall be to carry out those policies.

54 Section 4. Municipal powers.--The Village shall be a body
55 corporate and politic and shall have all the powers of a
56 municipality under the State Constitution and the laws of the
57 state, as fully and completely as though such powers were
58 specifically enumerated in this charter, unless otherwise
59 prohibited by or contrary to the provisions of this charter.

60 The Village shall have all governmental, corporate, and



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61 proprietary powers necessary to enable it to conduct municipal
62 government, perform municipal functions, and render municipal
63 services, and may exercise any power for municipal purposes
64 unless expressly prohibited by the Florida Constitution or by
65 law. The powers of the Village shall be liberally construed in
66 favor of the Village.

67 Section 5. Village council.--

68 (1) VILLAGE COUNCIL; COMPOSITION, QUALIFICATIONS FOR
69 OFFICE.--

70 (a) Composition.--

71 1. There shall be a village council consisting of 5
72 members who shall be electors of the village elected at large to
73 seats numbered 1, 2, 3, 4, and 5.

74 (b) Qualifications for office.--

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

77 2. Each individual seeking to qualify as a candidate for
78 one of the seats on the council, at the time of qualification:

79 a. Shall reside within the boundaries of the Village.

80 b. Shall submit a petition supporting his or her candidacy
81 to the village clerk containing the signatures of at least 1
82 percent of the electorate residing within the Village, as
83 identified in the most recent decennial census, from which he or
84 she seeks to run, or shall pay to the village clerk a qualifying
85 fee of \$60.

86 c. Shall designate by seat number not more than one seat
87 for which he or she seeks to run.

88 3. Additionally, for the initial election



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89 following the referendum approving the creation of the Village,
 90 candidates for office shall qualify as provided in subsection
 91 (3) of section 13.

92 (2) TERMS OF OFFICE.--

93 (a) The term of office for each member shall be 4 years.
 94 However, in order to provide for staggering of terms, the
 95 initial terms of office for Seats 1, 3, and 5 shall be 4 years,
 96 and those of Seats 2 and 4 shall be 2 years.

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

101 (3) POWERS AND DUTIES OF COUNCIL.--Except as otherwise
 102 prescribed herein or as provided by law, legislative and police
 103 powers of the Village shall be vested in the council. The
 104 council shall provide for the exercise of its powers and for the
 105 performance of all duties and obligations imposed on the Village
 106 by law.

107 (4) POWERS AND DUTIES OF THE MAYOR, VICE-MAYOR, AND MAYOR
 108 PRO TEM.--

109 (a) Election of mayor.--The council shall elect from its
 110 members a mayor and a vice mayor. The election shall be held at
 111 the first regular meeting of the council after the regular city
 112 election in election years and at the first regular meeting in
 113 December in non-election years. The date of the election in
 114 non-election years may be amended by council by ordinance to
 115 coincide with changes in dates for regular elections.

116 (b) Powers.--The mayor and the vice mayor shall have the
 117 same powers and duties as any other council member. In



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118 addition to the regular powers invested in any other council
 119 member, the mayor and, in the absence of the mayor, the vice
 120 mayor, shall be recognized by the Governor for purposes of
 121 military law; shall have the power to declare an emergency
 122 situation; shall have the power for service of process, and
 123 execution of contracts, deeds, and other documents; and shall
 124 have the power to represent the Village in all agreements with
 125 other governmental entities or certifications to other
 126 governmental entities that the council has approved.

127 (c) Duties.--In addition to his or her regular duties, the
 128 mayor and, in the absence of the mayor, the vice mayor, shall
 129 preside at meetings of the council and be recognized as the head
 130 of Village government for all ceremonial occasions. The mayor or
 131 vice mayor shall have no administrative duties other than those
 132 necessary to accomplish these actions, or such other actions as
 133 may be authorized by the council, consistent with general or
 134 special law.

135 (d) Mayor Pro Tem.--In the absence of the mayor and vice
 136 mayor, the remaining council members shall select a council
 137 member to serve as mayor pro tem. The mayor pro tem shall have
 138 the same powers and duties as the mayor for the period of the
 139 absence.

140 (5) COMPENSATION AND EXPENSES.--

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

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

146 (6) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION; RECALL;
 147 FILLING OF VACANCIES.--



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148 (a) Vacancies.--A vacancy in the office any council member
149 shall occur upon the death of the incumbent, removal from office
150 as authorized by law, resignation, appointment to other public
151 office which creates dual office holding, judicially determined
152 incompetence, or forfeiture of office as described in paragraph
153 (b).

154 (b) Forfeiture of office.--A council member shall
155 forfeit the office upon determination by the council, acting as
156 a body, that he or she:

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

160 2. Is convicted of a felony, or enters a plea of guilty or
161 nolo contendere to a crime punishable as a felony, even if
162 adjudication of guilt has been withheld;

163 3. Is convicted of a first degree misdemeanor arising
164 directly out of his or her official conduct or duties, or enters
165 a plea of guilty or nolo contendere thereto, even if
166 adjudication of guilt has been withheld;

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

171 5. Is absent from three consecutive regular council
172 meetings without being excused by the council.

173 (c) Suspension from office.--The council member shall be
174 suspended from office by the council, acting as a body, upon
175 return of an indictment or issuance of an information charging
176 the council member or mayor with any crime which is punishable



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

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

182 2. If the council member is subsequently found not guilty
183 of the charge, or if the charge is otherwise dismissed or
184 altered so that suspension would no longer be required as
185 provided herein, the suspension shall be lifted by the council,
186 and the council member or mayor shall be entitled to receive
187 full back allowances and such other emoluments as he or she
188 would have been entitled to had the suspension not occurred.

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

192 (e) Filling of vacancies.--

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

195 2. If a vacancy occurs in the office of any council member
196 within the first 2 years of a term, the office shall be filled
197 by appointment within 30 days following the occurrence of such
198 vacancy by majority vote of the remaining council members. Such
199 appointment shall last until the next regularly scheduled
200 election, at which time the seat shall be declared open and an
201 election held for the remaining 2 years of the original term,
202 thus continuing the original staggering of seats.

203 3. If a vacancy occurs in the office of any council member
204 within the last 2 years of a term, the office shall be filled by
205 appointment within 30 days following the occurrence of such



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206 vacancy by majority vote of the remaining council members. Such
 207 appointments shall last until the next
 208 regularly scheduled election, at which time the seat shall be
 209 declared open and an election held for the regular 4-year term.

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

213 5. Any person appointed to fill a vacant seat on the
 214 council is required to meet all the qualifications for office
 215 except the petition requirement.

216 6. During the initial term of council after incorporation
 217 if, for any reason other than recall, a vacancy occurs in the
 218 office of seats numbered 2 or 4 the office shall be filled by
 219 appointment within 30 days following the occurrence of such
 220 vacancy by majority vote of the remaining council members. Such
 221 appointment shall last until the next regularly scheduled
 222 election, at which time the seat shall be declared open and an
 223 election held for the remainder of the term, thus continuing the
 224 original staggering of seats.

225 (7) COUNCIL MEETINGS; ORGANIZATIONAL MEETING, QUORUM,
 226 SPECIAL MEETINGS.--The council shall meet regularly at least
 227 once a month, except that it may, by ordinance, provide for no
 228 regular meetings in any or all of the following months: June,
 229 July, and August, at such times and places as the council may
 230 prescribe by ordinance. Such meetings shall be public meetings
 231 and shall be subject to notice and other requirements of law
 232 applicable to public meetings.

233 (a) Organizational meeting.--The first meeting following a
 234 general village election at which elected or reelected council



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235 members are inducted into office shall be held in accordance
236 with village ordinances.

237 (b) Quorum.--A majority of the council shall constitute a
238 quorum. No action of the council shall be valid unless adopted
239 by an affirmative vote of the majority of the council members in
240 attendance, unless otherwise provided by law or ordinance or as
241 stated in this charter. All actions of the council shall be by
242 ordinance, resolution, or motion.

243 (c) Special meetings.--Special meetings may be held at the
244 call of the mayor or, in the absence of the mayor, at the call
245 of the vice-mayor. Special meetings may also be called upon the
246 request of a majority of the council members. The clerk shall
247 provide not less than 24 hours' prior notice of the meeting to
248 the public, unless a declared emergency situation exists.

249 (8) RECORDS.--The council shall, in a properly indexed
250 book kept for the purpose, provide for the authentication and
251 recording in full of all minutes of meetings, and all ordinances
252 and resolutions adopted by the council, and the same shall at
253 all times be a public record. In addition, the council shall
254 keep verbatim recordings of all meetings in accordance with
255 state law. The council shall further maintain a current
256 codification of all ordinances. Such codification shall be
257 printed and made available to the public on a continuing basis.

258 All ordinances or resolutions of the council shall be signed by
259 the mayor or, in the mayor's absence, by the vice-mayor or, in
260 the absence of both, by the mayor pro tem, and attested to by
261 the clerk.

262 (9) LIMIT OF EMPLOYMENT OF COUNCIL MEMBERS.--Council
263 members shall not be in the employment of the Village while in
264 office, nor shall any former council be employed by the Village



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265 until after the expiration of 1 year from the time of leaving
 266 office.

267 (10) NONINTERFERENCE BY COUNCIL.--Except for the purpose
 268 of inquiry and information, the council and its
 269 members, including committees thereof, are expressly prohibited
 270 from interfering directly or indirectly with the supervisory
 271 powers of the village manager or village attorney.

272 Section 6. Charter officers.--The designated charter
 273 officers shall be the village manager and the village
 274 attorney.--

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

277 (a) Appointment.--The charter officers shall be appointed
 278 by a majority vote of the council and shall serve at the
 279 pleasure of the council.

280 (b) Removal.--The charter officers shall be removed from
 281 office only by a majority vote of the membership of council. If
 282 the vote is less than unanimous, the charter officer may, within
 283 7 days after the dismissal motion by the council, submit to the
 284 mayor a written request for reconsideration. A reconsideration
 285 hearing shall be held within 7 days after receipt of the
 286 request. Any action taken by the council at the reconsideration
 287 hearing shall be final.

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

290 (d) Filling of vacancies.--The council shall begin the
 291 process to fill a vacancy in the charter office of the village
 292 manager or village attorney within 90 days after the vacancy
 293 occurs. An acting village manager or acting village attorney



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294 shall be appointed by the council during a vacancy in office of
 295 the City village manager or village attorney

296 (e) Candidate for village office.--No charter officer
 297 shall be a candidate for any elected village office while
 298 holding a charter office position.

299 (2) VILLAGE MANAGER; QUALIFICATIONS, POWERS AND
 300 DUTIES.--The village manager shall be the chief administrative
 301 officer
 302 of the Village. The village manager may be retained full or part
 303 time, either as an employee or as an independent contractor, as
 304 determined by the council.

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

308 (b) Power and duties.--The village manager shall:

309 1. Attend all meetings of the village council, unless
 310 excused by council.

311 2. Draw and sign vouchers upon depositories and keep, or
 312 cause to be kept, a true and accurate account of same. Such
 313 vouchers shall be countersigned by the mayor or by the vice-
 314 mayor in the event the office of mayor is vacant. If both the
 315 mayor and vice mayor offices are vacant, the mayor pro tem shall
 316 countersign such vouchers.

317 3. Be responsible for signature and issuance of all
 318 licenses issued by the Village, issuance of receipts for all
 319 moneys paid to the Village, and deposit of said moneys in the
 320 proper depositories on the first banking day after receipt.

321 4. Provide administrative services as required by the
 322 council.



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- 5. Act as village clerk or, with council approval, designate another person to act as city clerk.
 - 6. Appoint, suspend, or remove any employee of the Village, except those employed by the village attorney. Such appointments, suspensions, and removals shall be within the guidelines of stated personnel policies and procedures.
 - 7. Direct and supervise the administration of all departments, offices, and agencies of the Village, except as otherwise provided by this charter or by law.
 - 8. See that all laws, provisions of this charter, and acts of the council are faithfully executed.
 - 9. Prepare and submit annually a balanced budget, budget message, and capital program to the council.
 - 10. Keep the council fully advised as to the financial condition and future needs of the Village and make recommendations to the council concerning the affairs of the Village.
 - 11. Submit to the council, and make available to the public, a complete report on finances and administrative activities of the Village as of the end of each fiscal year.
 - 12. Sign contracts on behalf of the Village, if delegated by the council.
 - 13. Perform other such duties as are specified in this charter or as may be directed by the council.
- (3) VILLAGE ATTORNEY; QUALIFICATIONS, POWERS AND DUTIES.--The village attorney shall be the chief legal officer of the Village. The village attorney may be retained full time or part time, either as an employee or as an independent contractor, as determined by the council.



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

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

355 1. Shall serve as chief legal advisor to the council, the
356 village manager, and all departments, offices, advisory boards,
357 and agencies.

358 2. Shall attend all council meetings, unless excused by
359 the council, or unless a designee or alternate is approved by
360 the council, and shall perform such professional
361 duties as may be required by law or by the council in
362 furtherance of the law.

363 3. Shall prepare an annual budget for the operation of the
364 office of the village attorney and shall submit this budget to
365 the village manager for inclusion in the annual budget, in
366 accordance with uniform procedures.

367 4. Shall prepare or review, and approve as to form,
368 ordinances, resolutions, and contracts.

369 Section 7. Budget and appropriations.--

370 (1) FISCAL YEAR.--The Village fiscal year shall begin on
371 October 1 of each year and end on September 30 of the succeeding
372 year.

373 (2) BUDGET ADOPTION.--The council shall, by resolution,
374 adopt a millage rate and budget on or before September 30 of
375 each year. A resolution adopting the annual budget shall
376 constitute appropriation of the amounts specified therein as
377 expenditures from funds indicated.

378 (3) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR;
379 SUPPLEMENTAL APPROPRIATIONS, REDUCTION OF APPROPRIATIONS, AND
380 TRANSFER OF APPROPRIATIONS; LIMITATIONS; EFFECTIVE DATE.



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381 (a) Supplemental appropriations.--If, during the fiscal
382 year, revenues in excess of those estimated in the budget are
383 available for appropriation, the council may, by resolution,
384 make supplemental appropriations for the year in an amount not
385 to exceed such excess.

386 (b) Reduction of appropriations.--Consistent with general
387 law, if, at any time during the fiscal year, it appears probable
388 to the village manager that the revenues available will be
389 insufficient to meet the amount appropriated, he or she shall so
390 report to the council without delay, indicating the estimated
391 amount of the deficit, any remedial action to be taken, and
392 recommendations as to any other steps that should be taken. The
393 council shall then take such further action as it deems
394 necessary to prevent any deficit and, for that purpose, the
395 council may by resolution reduce one or more appropriations
396 accordingly.

397 (c) Transfer of appropriations.--Consistent with general
398 law, at any time during the fiscal year, the village manager may
399 transfer all or part of any unencumbered appropriation balance
400 within a department, office, or agency of the Village to other
401 programs within the same department, office, or agency. Further,
402 upon written request of the village manager, the council may
403 transfer part or all of any unencumbered appropriation balance
404 from one department, office, or agency to another.

405 (d) Limitations; effective date.--No appropriation for
406 debt service may be reduced or transferred, no appropriation may
407 be reduced below any amount required by law to be appropriated,
408 and no appropriation may be reduced by more than the amount of
409 the unencumbered balance thereof. The transfer of



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410 appropriations authorized by this section may be made effective
 411 immediately upon
 412 adoption.

413 Section 8. Elections.--

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

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

421 (3) QUALIFYING FOR OFFICE.--Any person who wishes to
 422 become a candidate for a village elective office shall qualify
 423 with the clerk no sooner than 45 calendar days and no later than
 424 35 calendar days prior to the second Tuesday in September of
 425 each even-numbered year. In addition, candidates shall qualify
 426 as provided in paragraph (1)(b) of section 5.

427 (4) SCHEDULE FOR REGULAR ELECTIONS.--

428 (a) The regular village election shall be the first
 429 Tuesday after the first Monday in November of each even-numbered
 430 year. Such village elections shall be general village elections.
 431 These dates as well as qualification dates may be amended by
 432 council by ordinance to correspond to municipal qualification
 433 and election dates that may be established by law or as a result
 434 of agreement with the supervisor of elections. In such event,
 435 terms shall be extended to correspond to the new election dates.

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

438 (5) SCHEDULE FOR SPECIAL ELECTIONS.--Special municipal
 439 elections shall be held in the same manner as regular elections



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440 and the council shall, by resolution or, if required, by
 441 ordinance fix the time for holding of such elections.

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

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

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

450 (c) The candidate receiving the highest number of votes
 451 cast for the office in the general village election shall be
 452 elected to such office. If the vote at the general village
 453 election results in a tie, the outcome shall be determined as
 454 follows:

455 1. At the first regularly scheduled council meeting after
 456 the election, the Supervisor of Elections of Lee County shall
 457 toss a coin. In alphabetical order, the two candidates shall
 458 call the coin.

459 2. The candidate whose call matches the coin toss shall be
 460 declared the winner.

461 (7) VILLAGE CANVASSING BOARD.--For purposes of certifying
 462 absentee ballots and election results, council shall be known as
 463 the canvassing board. At the close of the polls of any village
 464 election, the canvassing board shall ensure that the absentee
 465 ballots are delivered to the Lee County Supervisor of Elections,
 466 and shall meet at the county election headquarters and proceed
 467 to certify the ballots and open them in the presence of a
 468 representative of the supervisor of elections office. In
 469 addition, after final election results are certified by the Lee



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470 County Supervisor of Elections, the canvassing board shall
 471 immediately report the results back to a meeting of the council
 472 held for the purpose of final certification and filing with the
 473 clerk as required law.

474 Section 9. Land description.--

475 VILLAGE BOUNDARIES.--The initial corporate boundaries shall
 476 be as hereinafter described. At any time after incorporation,
 477 boundaries may be changed in accordance with general laws
 478 regarding annexation without amendments to the charter.

479 A corporate limits line lying offshore from Captiva
 480 Island in Portions of Townships 45 & 46 South, Range
 481 21 East,
 482 Lee County, Florida, which line is described as
 483 follows: From a point designated "A" on the centerline
 484 of Blind Pass and 2,640 feet offshore from the mean
 485 high tide line of Sanibel Island and lying in the Gulf
 486 of Mexico, said point having an approximate position
 487 of Latitude 26° 28' 26" North and Longitude 082° 11'
 488 13" West and being referenced in the Corporate Limits
 489 description of the City of Sanibel in Article II,
 490 Section 2.01, of the Sanibel Charter, run
 491 northeasterly along said centerline for 2,280 feet,
 492 more or less to a point designated "B" lying in said
 493 Gulf and 500 feet offshore from the mean high tide
 494 line of said Captiva Island having an approximate
 495 position of Latitude 26° 28' 47" North and Longitude
 496 082° 11' 03" West and the Point of Beginning. From said
 497 Point of Beginning run northwesterly, northerly and
 498 Northwesterly long a line in said Gulf and being 500



499 feet offshore from the mean high tide line of said
 500 from the mean high tide line of said Captiva Island
 501 for 5.3 miles, more or less to a point designated "C"
 502 at an intersection with the centerline of Redfish
 503 Pass, said point having an approximate position of
 504 Latitude 26° 33' 15" North and Longitude 082° 12' 20"
 505 West; thence run easterly along said centerline for
 506 0.5 miles, more or less to a point designated "D" at
 507 an intersection with a line in Pine Island Sound that
 508 is 500 feet offshore from the mean high tide line of
 509 said Captiva Island, said point having an approximate
 510 position of Latitude 26° 33' 15" North and Longitude
 511 082° 11' 49" West; thence run southeasterly along said
 512 line, being offshore from said mean high water and
 513 shoals lying offshore and easterly of said Captiva
 514 Island for 2 miles, more or less to a point designated
 515 "E" having an approximate position of Latitude 26° 31'
 516 50" North and Longitude 082° 10' 45" West; thence run
 517 southwesterly for 1.5 miles, more or less to a point
 518 designated "F" on the centerline of Roosevelt Channel,
 519 said point having an approximate position of Latitude
 520 26° 30' 38" North and Longitude 082° 11' 16" West;
 521 thence run southeasterly, southwesterly and
 522 southeasterly for 1.8 miles, more or less to a point
 523 designated "G" at an intersection with the centerline
 524 of said Blind Pass, said point having an approximate
 525 position of Latitude 26° 29' 12" North and Longitude
 526 082° 10' 51" West; thence run southwesterly for 0.5
 527 miles, more or less to the Point of Beginning.



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528 Section 10. No effect on special districts.--Nothing in
529 this charter shall affect the status of special districts
530 existing on the effective date of this act within the territory
531 encompassed by the Village.

532 Section 11. General provisions.--

533 (1) CHARTER AMENDMENT.--This charter may be amended in
534 accordance with the provisions of the Municipal Home Rule Powers
535 Act, chapter 166, Florida Statutes, as the same may be amended
536 from time to time, or as may otherwise be provided by general
537 law. The form, content, and certification of any petition to
538 amend shall be established by ordinance.

539 (2) CHARTER REVIEW; SCHEDULE, CHARTER REVIEW COMMITTEE.--

540 (a) Schedule.--The charter shall be subjected to a
541 mandatory review no sooner than 5 years or later than 10 years
542 after the creation of the Village of Captiva and thereafter it
543 shall be reviewed at least every 10 years.

544 (b) Charter review committee.--The council shall appoint a
545 charter review committee consisting of 5 members. Each council
546 member including the mayor shall recommend for appointment one
547 member. The council shall fund this committee. The charter
548 review committee shall be appointed at least 1 year before the
549 next scheduled general election and complete its work and
550 present any recommendations for change no later than 120 days
551 before the general election. The council shall hold a minimum of
552 1 public hearing on the proposed changes to the charter prior to
553 placing the proposed changes on the scheduled general election
554 ballot.

555 (3) INITIATIVE AND REFERENDUM.--Except as prohibited by
556 general law, at least 10 percent of the qualified electorate of
557 the Village shall have the power to petition the council to



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558 propose an ordinance (initiative petition) or to require
559 reconsideration of an adopted ordinance (referendum petition),
560 or to propose an amendment to this charter. If the council fails
561 to adopt such ordinance without any change in substance, or
562 amendment so proposed or to repeal or amend such adopted
563 ordinance, then the council shall place the proposed ordinance
564 or amendment to the charter, or the repeal or amendment of the
565 adopted ordinance, on the ballot no later than the next general
566 election, or 1 year from certification by council of the
567 petition, whichever occurs first. A referendum petition shall
568 be filed within 30 days after adoption by council.

569 (4) STANDARDS OF CONDUCT.--All elected officials and
570 employees of the Village shall be subject to the standards of
571 conduct for public officers and employees set by general law. In
572 addition, the council may, by ordinance, establish a code of
573 ethics for officials and employees of the Village, which may be
574 supplemental to general law, but in no case may such an
575 ordinance diminish the provisions of general law.

576 Section 12. Severability.--If any provision of this act,
577 or the application thereof to any person or circumstance, is
578 held invalid, the invalidity shall not affect other provisions
579 or applications of this act which can be given effect without
580 the invalid provision or application, and to this end the
581 provisions of this act are declared severable.

582 Section 13. Transition schedule.--

583 (1) REFERENDUM.--The referendum election called for by
584 this act shall be held on November 4, 2003, at which time the
585 following question shall be placed upon the ballot:

586 SHALL CHAPTER 2003..., LAWS OF FLORIDA, CREATING THE
587 VILLAGE OF CAPTIVA AND PROVIDING ITS HOME RULE CHARTER BE



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588 APPROVED? In the event this question is answered affirmatively
589 by a majority of voters voting in the referendum, the provisions
590 of this charter shall take effect as provided herein.

591 (2) CREATION AND ESTABLISHMENT OF THE VILLAGE OF
592 CAPTIVA.--

593 For the purpose of compliance with Florida Statutes relating to
594 assessment and collection of ad valorem taxes, and for the
595 purpose of subsection (2) of section 11, the Village of Captiva
596 is hereby created and established effective November 6, 2003.

597 (3) INITIAL ELECTION OF COUNCIL MEMBERS; DATES, QUALIFYING
598 PERIOD, CERTIFICATION OF ELECTION RESULTS, INDUCTION INTO
599 OFFICE.--

600 (a) Dates.--Following the adoption of this charter in
601 accordance with subsection (1), the Lee County Commission shall
602 call a special election for the election of the council members
603 to be held on Tuesday, December 9, 2003.

604 (b) Qualifying period.--Between 12:00 Noon on Tuesday,
605 November 11, 2003, and 12:00 noon on Friday, November 14, 2003,
606 any individual who wishes to run for one of the seats on the
607 council shall qualify as a candidate with the Lee County
608 Supervisor of Elections in accordance with the provisions of
609 general law and paragraph (1)(b) of section 5 of this charter.

610 (c) Certification of election results.--For the initial
611 election, the Lee County Board of County Commissioners shall
612 appoint a canvassing board which shall certify the results of
613 the election. The candidate who receives the most votes for the
614 office, i.e., the council seat, for which the candidate has
615 qualified shall be declared the winner and shall be deemed
616 elected to that office.



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617 (d) Induction into office.--Those candidates who are
618 elected on December 9, 2003, shall take office at the initial
619 village council meeting.

620 (e) Initial council meeting.--The initial village council
621 meeting shall be held at 9:00 A.M. on Tuesday, December 16,
622 2003, at the Captiva Civic Association, 11550 Chapin Lane,
623 Captiva Island, Florida 33924; or at another place within the
624 Village designated by the Lee County Board of County
625 Commissioners. The chair of the Board of County Commissioners,
626 or designee, shall preside for the purpose of calling the
627 meeting to order and electing a Mayor, after which the mayor
628 shall preside.

629 (4) TRANSITION SERVICES AND COMPENSATION.--

630 (a) It is the intent of this section that Lee County shall
631 provide and be compensated for the provision of services to the
632 Village of Captiva as budgeted for in the fiscal year 2003-2004
633 Lee County Budget during the 60-day transition period set forth
634 in subsection (6), or until such earlier time as the Village
635 shall make other arrangements for the services. The level of
636 services to be provided will be consistent with the level upon
637 which the fiscal year 2003-2004 expense budget was predicated
638 and in accordance with adopted revenues.

639 (b) It is the responsibility of the Village to adopt
640 appropriate ordinances, resolutions, or agreements as required
641 to ensure the continued collection of budgeted revenues with
642 which to fund services beginning December 16, 2003. Any revenues
643 adopted or received by the Village upon which delivery of
644 services was not predicated within the Lee County Commission's
645 fiscal year 2003-2004 adopted budget shall accrue to the
646 Village.



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647 (5) FIRST-YEAR EXPENSES.--The council, in order to provide
648 additional moneys needed for the expenses and support of the
649 Village, shall have the power to borrow money necessary for the
650 operation of government until such time as a budget is adopted
651 and revenues are raised in accordance with the provisions of
652 this charter. The county shall, by January 15, 2004, provide the
653 Village with the share of the unincorporated Municipal Services
654 Taxing Unit taxes and All-Hazard Municipal Taxing Unit taxes
655 allocable to the Village for the then current year prorated from
656 the effective date of incorporation.

657 (6) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The council
658 shall adopt ordinances and resolutions required to effect the
659 transition. Ordinances adopted within 60 days after the first
660 council meeting may be passed as emergency ordinances. These
661 transitional ordinances shall be effective for no longer than 90
662 days after adoption and thereafter may be readopted, renewed, or
663 otherwise continued only in the manner normally prescribed for
664 ordinances.

665 (7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
666 REGULATION.--Until such time as the Village shall adopt or amend
667 a comprehensive plan or land development regulation, the
668 applicable provisions of the comprehensive plan of Lee County
669 (Lee Plan) and the Lee County Land Development Code, as the same
670 exist on the day the Village commences corporate existence,
671 shall remain in effect as the Village transitional comprehensive
672 plan and land development regulation. However, all planning
673 functions, duties, and authority shall thereafter be vested in
674 the council, which shall be deemed the local planning agency
675 until the council establishes a separate local planning agency.
676 All powers and duties of the Lee County Board of County



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677 Commissioners, any boards of adjustment and appeals, or other
678 applicable boards or commissions and the Office of the Lee
679 County Hearing Examiner, as set forth in these transitional
680 zoning and land development regulations, shall be vested in the
681 council of the Village until such time as the council delegates
682 all or a portion thereof to another entity. Subsequent to the
683 commencement of the Village's corporate existence, no amendment
684 of the comprehensive plan or land development regulations
685 enacted by the Lee County Commission shall be deemed an
686 amendment of the Village's transitional comprehensive plan or
687 land development regulations or shall otherwise take effect
688 within the Village's corporate limits unless approved by the
689 council, and all pending applications for permits shall be
690 subject to review and approval by the council.

691 (8) SHARED REVENUES.--The Village shall be entitled to
692 participate in all shared revenue programs of the state
693 effective on the date of incorporation. The provisions of
694 section 218.23(1), Florida Statutes, shall be waived for the
695 purpose of eligibility to receive Revenue sharing funds from the
696 date of incorporation through the state fiscal year 2006. The
697 provisions of section 218.26(3), Florida Statutes, shall be
698 waived through fiscal year 2006 and apportionment factors for
699 the municipalities and counties shall be recalculated pursuant
700 to section 218.245, Florida Statutes, upon the date of
701 incorporation. Initial population estimates for calculating
702 eligibility for shared revenues shall be determined by the
703 University of Florida Bureau of Economic and Business Research.
704 Should the bureau be unable to provide an appropriate
705 population estimate, the Lee County Department of Community
706 Services shall provide an appropriate estimate. For purposes of



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707 meeting the provisions of section 218.23(1), Florida Statutes,
708 relating to ad valorem taxation, the millage levied by Captiva
709 Island Fire Control District and the Captiva Erosion Prevention
710 District may be used for an indefinite period of time. The
711 Village shall be entitled to receive local option gas tax
712 revenues beginning October 1, 2004, in accordance with an
713 interlocal agreement if executed prior to June 1, 2004. If said
714 interlocal agreement is not executed prior to June 1, 2004, the
715 distributions shall be in accordance with the lane mile formula
716 contained in section 336.025(4)(b)1., Florida Statutes.

717 (9) The new municipality will honor all existing solid
718 waste contracts in the affected geographic area subject to
719 incorporation, provided that such contracts may be honored only
720 for 5 years from the date of incorporation or the remainder of
721 the contract term, whichever is less.

722 Section 14. This act shall take effect as provided herein
723 only upon its approval by a majority vote of those qualified
724 electors residing within the proposed corporate limits of the
725 proposed Village of Captiva, as described in subsection (1) of
726 section 9, voting in a referendum election to be called by the
727 Lee County Commission and to be held in accordance with
728 subsection (1) of section 13, and the provisions of general law
729 relating to elections currently in force, except that this
730 section shall take effect upon becoming a law.