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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 addition
 118 to the regular powers invested in any other council member, the



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119 mayor and, in the absence of the mayor, the vice mayor, shall be
120 recognized by the Governor for purposes of military law; shall
121 have the power to declare an emergency situation; shall have the
122 power for service of process, and execution of contracts, deeds,
123 and other documents; and shall have the power to represent the
124 Village in all agreements with other governmental entities or
125 certifications to other governmental entities that the council
126 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 of any council
149 member shall occur upon the death of the incumbent, removal from
150 office as authorized by law, resignation, appointment to other
151 public office which creates dual office holding, judicially
152 determined incompetence, or forfeiture of office as described in
153 paragraph (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
206 vacancy by majority vote of the remaining council members. Such



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207 appointments shall last until the next regularly scheduled
208 election, at which time the seat shall be declared open and an
209 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
235 members are inducted into office shall be held in accordance
236 with village ordinances.



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



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267 (10) NONINTERFERENCE BY COUNCIL.--Except for the purpose
268 of inquiry and information, the council and its members,
269 including committees thereof, are expressly prohibited from
270 interfering directly or indirectly with the supervisory powers
271 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
294 shall be appointed by the council during a vacancy in office of
295 the City village manager or village attorney



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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 of the Village. The village manager may be retained full
302 or part time, either as an employee or as an independent
303 contractor, as determined by the council.

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

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

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

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

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

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

322 5. Act as village clerk or, with council approval,
323 designate another person to act as city clerk.

324 6. Appoint, suspend, or remove any employee of the
325 Village, except those employed by the village attorney. Such



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326 appointments, suspensions, and removals shall be within the
 327 guidelines of stated personnel policies and procedures.

328 7. Direct and supervise the administration of all
 329 departments, offices, and agencies of the Village, except as
 330 otherwise provided by this charter or by law.

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

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

335 10. Keep the council fully advised as to the financial
 336 condition and future needs of the Village and make
 337 recommendations to the council concerning the affairs of the
 338 Village.

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

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

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

346 (3) VILLAGE ATTORNEY; QUALIFICATIONS, POWERS AND
 347 DUTIES.--The village attorney shall be the chief legal officer
 348 of the Village. The village attorney may be retained full time
 349 or part time, either as an employee or as an independent
 350 contractor, as determined by the council.

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

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



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

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

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

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

368 Section 7. Budget and appropriations.--

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

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

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

380 (a) Supplemental appropriations.--If, during the fiscal
 381 year, revenues in excess of those estimated in the budget are
 382 available for appropriation, the council may, by resolution,



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383 make supplemental appropriations for the year in an amount not
384 to exceed such excess.

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

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

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

412 Section 8. Elections.--



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

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

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

426 (4) SCHEDULE FOR REGULAR ELECTIONS.--

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

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

437 (5) SCHEDULE FOR SPECIAL ELECTIONS.--Special municipal
438 elections shall be held in the same manner as regular elections
439 and the council shall, by resolution or, if required, by
440 ordinance fix the time for holding of such elections.

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

442 (a) If only one candidate qualifies for an office, i.e.,



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443 a council seat, that candidate shall be deemed to be elected and
444 shall not be placed on either the general or the primary ballot.

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

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

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

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

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



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473 Section 9. Land description.--
474 VILLAGE BOUNDARIES.--The initial corporate boundaries shall
475 be as hereinafter described. At any time after incorporation,
476 boundaries may be changed in accordance with general laws
477 regarding annexation without amendments to the charter.

478 A corporate limits line lying offshore from Captiva
479 Island in Portions of Townships 45 & 46 South, Range
480 21 East,
481 Lee County, Florida, which line is described as
482 follows: From a point designated "A" on the centerline
483 of Blind Pass and 2,640 feet offshore from the mean
484 high tide line of Sanibel Island and lying in the Gulf
485 of Mexico, said point having an approximate position
486 of Latitude 26° 28' 26" North and Longitude 082° 11'
487 13" West and being referenced in the Corporate Limits
488 description of the City of Sanibel in Article II,
489 Section 2.01, of the Sanibel Charter, run
490 northeasterly along said centerline for 2,280 feet,
491 more or less to a point designated "B" lying in said
492 Gulf and 500 feet offshore from the mean high tide
493 line of said Captiva Island having an approximate
494 position of Latitude 26° 28' 47" North and Longitude
495 082° 11' 03" West and the Point of Beginning. From said
496 Point of Beginning run northwesterly, northerly and
497 Northwesterly long a line in said Gulf and being 500
498 feet offshore from the mean high tide line of said
499 from the mean high tide line of said Captiva Island
500 for 5.3 miles, more or less to a point designated "C"
501 at an intersection with the centerline of Redfish



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

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



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531 Section 11. General provisions.--

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

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

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

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

554 (3) INITIATIVE AND REFERENDUM.--Except as prohibited by
 555 general law, at least 10 percent of the qualified electorate of
 556 the Village shall have the power to petition the council to
 557 propose an ordinance (initiative petition) or to require
 558 reconsideration of an adopted ordinance (referendum petition),
 559 or to propose an amendment to this charter. If the council fails
 560 to adopt such ordinance without any change in substance, or



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561 amendment so proposed or to repeal or amend such adopted
562 ordinance, then the council shall place the proposed ordinance
563 or amendment to the charter, or the repeal or amendment of the
564 adopted ordinance, on the ballot no later than the next general
565 election, or 1 year from certification by council of the
566 petition, whichever occurs first. A referendum petition shall
567 be filed within 30 days after adoption by council.

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

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

581 Section 13. Transition schedule.--

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

585 SHALL CHAPTER 2003..., LAWS OF FLORIDA, CREATING THE
586 VILLAGE OF CAPTIVA AND PROVIDING ITS HOME RULE CHARTER BE
587 APPROVED? In the event this question is answered affirmatively
588 by a majority of voters voting in the referendum, the provisions
589 of this charter shall take effect as provided herein.



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

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

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

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

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

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

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



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

628 (4) TRANSITION SERVICES AND COMPENSATION.--

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

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

646 (5) FIRST-YEAR EXPENSES.--The council, in order to provide
647 additional moneys needed for the expenses and support of the
648 Village, shall have the power to borrow money necessary for the



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649 operation of government until such time as a budget is adopted
650 and revenues are raised in accordance with the provisions of
651 this charter. The county shall, by January 15, 2004, provide the
652 Village with the share of the unincorporated Municipal Services
653 Taxing Unit taxes and All-Hazard Municipal Taxing Unit taxes
654 allocable to the Village for the then current year prorated from
655 the effective date of incorporation.

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

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



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

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

703 Should the bureau be unable to provide an appropriate
704 population estimate, the Lee County Department of Community
705 Services shall provide an appropriate estimate. For purposes of
706 meeting the provisions of section 218.23(1), Florida Statutes,
707 relating to ad valorem taxation, the millage levied by Captiva
708 Island Fire Control District and the Captiva Erosion Prevention



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709 District may be used for an indefinite period of time. The
 710 Village shall be entitled to receive local option gas tax
 711 revenues beginning October 1, 2004, in accordance with an
 712 interlocal agreement if executed prior to June 1, 2004. If said
 713 interlocal agreement is not executed prior to June 1, 2004, the
 714 distributions shall be in accordance with the lane mile formula
 715 contained in section 336.025(4)(b)1., Florida Statutes.

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

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

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