

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the City of Southport, Bay County;
7 creating the City of Southport; providing a charter;
8 providing legislative intent; providing for a commission-
9 manager form of government; providing municipal powers;
10 providing boundaries; providing for a city commission and
11 its composition and qualifications; providing terms of
12 office, powers, and duties of commissioners; providing for
13 a mayor and vice mayor and their powers and duties;
14 providing for compensation and expenses of the commission;
15 providing for vacancies, forfeiture of office, and filling
16 of vacancies; providing for commission meetings; providing
17 for a city manager and city attorney and their
18 qualifications, powers, and duties; providing for
19 elections; providing for elections to be held at large
20 until the commission creates voting districts; providing
21 for municipal services; providing for charter amendment
22 and review; providing for standards of conduct; providing
23 severability; providing a transition schedule, including

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24 | initial elections; providing for state-shared revenue;
25 | providing for gas tax revenues; requiring a referendum;
26 | providing an effective date.

27 |

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

29 |

30 | Section 1. Charter; creation.--This act shall be known and
31 | may be cited as the "City of Southport Charter" ("charter"), and
32 | the City of Southport ("city") is hereby created and
33 | established.

34 | Section 2. Legislative intent.--The Legislature hereby
35 | finds and declares that:

36 | (1) The Southport area of Bay County includes a compact
37 | and contiguous urban community amenable to separate municipal
38 | government.

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

44 | Section 3. Powers.--

45 | (1) CREATION.--The city shall have a commission-manager
46 | form of government.

47 | (2) MUNICIPAL POWERS.--The city shall be a body corporate
48 | and politic and shall have all the powers of a municipality
49 | under the State Constitution and laws of the state, as fully and
50 | completely as though such powers were specifically enumerated in
51 | this charter, unless otherwise prohibited by or contrary to the

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52 provisions of this charter. The city shall have all
 53 governmental, corporate, and proprietary powers necessary to
 54 enable it to conduct municipal government, perform municipal
 55 functions, and render municipal services and may exercise any
 56 power for municipal purposes unless expressly prohibited by law.
 57 The powers of this city shall be liberally construed in favor of
 58 this city.

59 Section 4. Corporate limits.--The following areas shall
 60 constitute the corporate limits of the City of Southport:

61
 62 BEGIN AT THE INTERSECTION OF THE NORTH LINE OF SECTION
 63 17, TOWNSHIP 2 SOUTH, RANGE 14 WEST, BAY COUNTY,
 64 FLORIDA WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD
 65 NO. 77. THENCE EAST ALONG THE NORTH LINE OF SECTIONS
 66 17, 16, AND 15 TO THE NORTHEAST CORNER OF SECTION 15,
 67 TOWNSHIP 2 SOUTH, RANGE 14 WEST, THENCE NORTH ALONG
 68 THE WEST LINE OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE
 69 14 WEST TO THE NORTHWEST CORNER OF SAID SECTION 11.
 70 THENCE EAST ALONG THE NORTH LINE OF SECTIONS 11 AND
 71 12, TOWNSHIP 2 SOUTH, RANGE 14 WEST AND THE NORTH LINE
 72 OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 13 WEST TO THE
 73 CENTER OF CEDAR CREEK. THENCE SOUTHERLY ALONG THE
 74 CENTER OF CEDAR CREEK AND DEER POINT LAKE TO THE
 75 MIDPOINT OF DEER POINT LAKE DAM, THENCE SOUTHWESTERLY
 76 ALONG THE CENTER OF NORTH BAY TO THE SOUTHERLY
 77 PROJECTION OF THE EAST LINE OF SECTION 4, TOWNSHIP 3
 78 SOUTH, RANGE 14 WEST, THENCE NORTH ALONG SAID EAST
 79 LINE TO THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 2

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80 SOUTH, RANGE 14 WEST, THENCE WEST ALONG THE SOUTH LINE
 81 OF SAID SECTION 33 TO THE SOUTHERLY PROJECTION OF A
 82 LINE PARALLEL WITH AND 202.50 FEET EAST OF THE WEST
 83 LINE OF LOT 97, ST. ANDREWS BAY PECAN & FIG GROVES
 84 COMPANY'S SUBDIVISION, THENCE NORTH PARALLEL WITH SAID
 85 WEST LINE OF LOT 97 TO A LINE PARALLEL WITH AND 175
 86 FEET SOUTH OF THE NORTH LINE OF SAID LOT 97, THENCE
 87 EAST PARALLEL WITH SAID NORTH LINE OF LOT 97 FOR 455
 88 FEET, MORE OR LESS, TO THE EAST LINE OF SAID LOT 97,
 89 THENCE NORTH 175 FEET TO THE NORTHEAST CORNER OF SAID
 90 LOT 97, THENCE WEST 647.5 FEET, MORE OR LESS, TO THE
 91 NORTHEAST CORNER OF LOT 98, SAID SUBDIVISION, THENCE
 92 WEST ALONG THE NORTH LINE OF SAID LOT 98 AND THE
 93 WESTERLY PROJECTION THEREOF TO THE NORTHEAST CORNER OF
 94 LOT 99, SAID SUBDIVISION, THENCE NORTH ALONG THE EAST
 95 LINE OF LOT 94, SAID SUBDIVISION TO THE NORTHEAST
 96 CORNER OF SAID LOT 94, THENCE WEST ALONG THE NORTH
 97 LINE OF SAID LOT 94 TO THE EAST LINE OF THE "LANGLEY"
 98 TRACT, SAID PLAT OF ST. ANDREWS BAY PECAN & FIG GROVES
 99 COMPANY'S SUBDIVISION, THENCE NORTH ALONG THE EAST
 100 LINE OF THE "LANGLEY" TRACT FOR 3.8 FEET TO THE NORTH
 101 LINE OF THE 15 FOOT STRIP DESCRIBED IN OFFICIAL
 102 RECORDS BOOK 1104, PAGE 666 OF THE PUBLIC RECORDS OF
 103 BAY COUNTY, FLORIDA, THENCE WEST FOR 15 FEET, THENCE
 104 SOUTH FOR 90 FEET, THENCE WEST ALONG THE NORTH LINE OF
 105 THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1104,
 106 PAGE 666 TO THE EDGE OF NORTH BAY, THENCE
 107 SOUTHWESTERLY ALONG THE RIPARIAN RIGHTS LINE OF SAID

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108 | PARCEL TO THE CENTER OF NORTH BAY, THENCE WESTERLY
 109 | ALONG THE CENTER OF NORTH BAY TO THE SOUTHERLY
 110 | PROJECTION OF THE WEST LINE OF THE EAST HALF OF THE
 111 | EAST HALF OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 14
 112 | WEST, THENCE NORTH ALONG SAID WEST LINE OF THE EAST
 113 | HALF OF THE EAST HALF OF SAID SECTION 31 AND THE
 114 | SOUTHERLY PROJECTION THEREOF TO THE NORTH LINE OF SAID
 115 | SECTION 31, THENCE NORTH ALONG THE WEST LINE OF THE
 116 | EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 30,
 117 | TOWNSHIP 2 SOUTH, RANGE 14 WEST TO THE NORTHWEST
 118 | CORNER OF SAID EAST HALF OF THE SOUTHEAST QUARTER,
 119 | THENCE EAST ALONG THE NORTH LINE OF SAID EAST HALF OF
 120 | THE SOUTHEAST QUARTER TO THE WEST LINE OF SECTION 29,
 121 | TOWNSHIP 2 SOUTH, RANGE 14 WEST, THENCE SOUTH ALONG
 122 | SAID WEST LINE OF SECTION 29 TO THE NORTHWEST CORNER
 123 | OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID
 124 | SECTION 29, THENCE EAST ALONG THE NORTH LINE OF SAID
 125 | SOUTH HALF OF THE SOUTHWEST QUARTER TO THE NORTHEAST
 126 | CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER,
 127 | THENCE NORTH ALONG THE WEST LINE OF THE EAST HALF OF
 128 | SAID SECTION 29 TO THE NORTHWEST CORNER OF THE
 129 | NORTHEAST QUARTER OF SAID SECTION 29, THENCE EAST
 130 | ALONG THE NORTH LINE OF SAID SECTION 29 TO THE
 131 | NORTHEAST CORNER OF SAID SECTION 29, THENCE NORTH
 132 | ALONG THE WEST LINE OF SECTION 21, TOWNSHIP 2 SOUTH,
 133 | RANGE 14 WEST TO THE NORTHWEST CORNER OF THE SOUTH
 134 | HALF OF THE SOUTH HALF OF SAID SECTION 21, THENCE EAST
 135 | ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTH

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136 HALF TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE
 137 OF STATE ROAD NO. 77 WITH THE NORTH LINE OF SAID SOUTH
 138 HALF OF THE SOUTH HALF OF SECTION 21, THENCE
 139 NORTHWESTERLY ALONG SAID WEST RIGHT OF WAY LINE TO THE
 140 POINT OF BEGINNING.

141
 142 Section 5. City commission.--

143 (1) COMPOSITION; QUALIFICATIONS FOR OFFICE.--

144 (a) Composition.--There shall be a five-member city
 145 commission, consisting of a mayor and four commissioners, all
 146 elected from the Southport area at large. For purposes of proper
 147 interpretation of this charter, unless the context otherwise
 148 requires, the term "commissioner" shall include the mayor.

149 (b) Qualifications for office.--

150 1. Each candidate for the office of city commissioner
 151 shall be a qualified elector of this city.

152 2. At the time of qualification, each candidate for a seat
 153 on the commission shall reside within the boundaries of the city
 154 of Southport and shall remain a resident of the city for the
 155 length of his or her term.

156 3. For the initial election of commissioners and mayor and
 157 for each election thereafter, each individual seeking to qualify
 158 as a candidate for a seat on the commission shall submit a
 159 petition or application supporting his or her candidacy to the
 160 city manager (or, for the initial election, to the Supervisor of
 161 Elections of Bay County) containing the signatures of 1 percent
 162 of the electors residing within the boundaries of the City of
 163 Southport at large or payment of the required fee according to

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164 | the Florida Election Code and declaring which seat he or she is
165 | endeavoring to obtain.

166 | (2) TERMS OF OFFICE.--The term of office for each
167 | commissioner shall be 4 years. In order to provide for
168 | staggering of terms, the initial terms of office for seats one
169 | and three and the mayor's seat shall be for 2 years each.

170 | (3) POWERS AND DUTIES OF COMMISSION.--Except as otherwise
171 | prescribed herein or provided by law, all legislative powers of
172 | the city shall be vested in the commission.

173 | (4) MAYOR.--

174 | (a) Powers.--There shall be a mayor who shall be elected
175 | at large and who shall have the same legislative powers and
176 | duties as any of the other commissioners, except as herein
177 | provided.

178 | (b) Duties.--The mayor shall preside at the meetings of
179 | the commission, be recognized as the head of city government for
180 | ceremonial matters, and sign and execute ordinances, contracts,
181 | deeds, bonds, and other instruments and documents. The mayor
182 | shall have no administrative duties other than those necessary
183 | to accomplish these actions, or such other actions as may be
184 | authorized by city commission, consistent with general or
185 | special law.

186 | (5) VICE MAYOR.--

187 | (a) Election.--There shall be a vice mayor elected
188 | annually by the commission from among the commissioners. Such
189 | election shall take place at the first meeting after each
190 | regular city general election.

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191 (b) Powers and duties.--The vice mayor shall have the same
 192 legislative powers and duties as any other commissioner, except
 193 that he or she shall serve as acting mayor during the absence or
 194 disability of the mayor and, during such period, shall have the
 195 same duties as provided for in paragraph (4) (b). In the absence
 196 of the mayor and vice mayor, the remaining commissioners shall
 197 elect a commissioner to serve as acting mayor.

198 (6) COMPENSATION AND EXPENSES.--

199 (a) Compensation.--The mayor and commissioners shall serve
 200 without compensation for the first 3 months in office. The
 201 commission may determine an annual salary for commissioners or
 202 the mayor, but no ordinance providing for such salaries shall
 203 become effective until the date of commencement of the terms of
 204 the commissioners elected at the next regular election, except
 205 for any annual salary provided for after the initial election.
 206 Any salary provided for during the initial term will become
 207 effective 91 days after the commissioners take office unless a
 208 later date is established.

209 (b) Expenses.--The commission may provide for
 210 reimbursement of actual expenses incurred by members while
 211 performing their official duties.

212 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF
 213 VACANCIES.--

214 (a) Vacancies.--A vacancy in the office of a commissioner
 215 shall occur upon the incumbent's death, removal from office as
 216 authorized by law, resignation, appointment to other public
 217 office which creates dual officeholding, judicially determined
 218 incompetence, or forfeiture of office as herein described.

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219 (b) Forfeiture of office.--A commissioner shall forfeit
220 his or her office if he or she:

221 1. Is determined by the commission, acting as a body, to
222 lack at any time or fail to maintain during his or her term of
223 office any qualification for the office as prescribed by this
224 charter or otherwise required by law;

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

228 3. Is found by the commission, acting as a body, to have
229 violated any standard of conduct or code of ethics established
230 by law for public officials and has been suspended from office
231 by the Governor, unless subsequently reinstated as provided by
232 law; or

233 4. Is absent from three consecutive regular commission
234 meetings without being excused by the commission.

235 (c) Filling of vacancies.--

236 1. If a vacancy occurs in the office of mayor, the vice
237 mayor shall serve as mayor until a new mayor is elected at the
238 next regularly scheduled city election and assumes the duties of
239 his or her office. The commission shall fill the commissioner's
240 seat temporarily vacated by the vice mayor by appointment as
241 herein provided.

242 2. If a vacancy occurs in the office of any commissioner
243 other than mayor and the remainder of the unexpired term is less
244 than 2 years, the remaining commissioners shall, within 30 days
245 following the occurrence of such vacancy, by majority vote,
246 appoint a person to fill the vacancy for the remainder of the

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247 unexpired term. If the remainder of the unexpired term exceeds 2
248 years, the remaining commissioners shall, within 30 days
249 following the occurrence of such vacancy, by majority vote,
250 appoint a person to fill the vacancy until the next regularly
251 scheduled city election.

252 3. Any person appointed to fill a vacancy on the
253 commission is required to meet the qualifications of the seat to
254 which he or she is appointed, except the petition requirement.

255 (d) Extraordinary vacancies.--In the event that all
256 members of the council are removed by death, disability, law, or
257 forfeiture of office, the Governor shall appoint an interim
258 commission that shall call a special election to be held 60 to
259 90 days after the interim commission's appointment. Such
260 election shall be held in the same manner as the initial
261 election under this charter.

262 Section 6. City commission meetings.--The commission shall
263 meet regularly at least once a month at such times and places as
264 the commission may prescribe. Such meetings shall be public
265 meetings and shall be subject to notice and other requirements
266 of law applicable to public meetings.

267 (1) The first meeting following a general city election at
268 which elected or reelected commissioners are inducted into
269 office shall be held on the first Monday following such
270 election.

271 (2) A majority of the commission shall constitute a
272 quorum. No action of the commission shall be valid unless
273 adopted by an affirmative vote of a majority of the
274 commissioners in attendance, unless otherwise provided by law or

275 stated herein. All actions of the city commission shall be by
 276 ordinance, resolution, or motion.

277 (3) Special meetings may be held at the call of the mayor
 278 or, in his or her absence, the vice mayor. Special meetings may
 279 also be called upon the request of a majority of the
 280 commissioners. The city manager shall provide no less than 12
 281 hours' notice of the meeting to the public, when practical.

282 Section 7. Designated charter officers.--

283 (1) DESIGNATED CHARTER OFFICERS.--The initial designated
 284 charter officer shall be the city manager. Other charter
 285 officers may be appointed by majority vote of the commission.

286 (a) Appointment.--The charter officers shall be appointed
 287 by a majority vote of the full commission and shall serve at the
 288 pleasure of the commission.

289 (b) Removal.--The charter officers shall be removed from
 290 office by a majority vote of the full commission. If the vote is
 291 not unanimous, the charter officer may, within 7 days after the
 292 dismissal motion by the commission, submit to the mayor a
 293 written request for reconsideration. Any action taken by the
 294 commission at the reconsideration hearing shall be final.

295 (c) Compensation.--The compensation of the charter
 296 officers shall be fixed by the city commission.

297 (d) Filling of vacancies.--The city commission shall begin
 298 the process to fill a vacancy in the charter office of the city
 299 manager or the city attorney within 90 days after the vacancy
 300 occurs. An acting city manager or acting city attorney may be
 301 appointed by the city commission during a vacancy in office.

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302 (e) Candidate for city office.--No charter officer shall
303 be a candidate for any elected office while holding his or her
304 charter office position.

305 (2) CITY MANAGER.--The city manager shall be the chief
306 administrative officer of the city and shall serve at the
307 direction and discretion of the city commission.

308 (a) Qualifications.--The city manager shall be selected on
309 the basis of qualifications the commissioners deem appropriate,
310 including, but not limited to, experience, expertise, and
311 management ability as they pertain to running municipal
312 government.

313 (b) Powers and duties.--The city manager shall:

314 1. Attend all meetings of the city commission.

315 2. Be responsible to the commission for the administration
316 of all city affairs placed in his or her charge by majority vote
317 of the commission or under this charter.

318 (3) CITY ATTORNEY.--The commission members may contract
319 with a city attorney.

320 (a) Qualifications.--The city attorney shall be a member
321 in good standing of The Florida Bar.

322 (b) Powers and duties.--The city attorney or his or her
323 designee, who shall be a lawyer and a member in good standing of
324 The Florida Bar, shall:

325 1. Attend all city commission meetings unless excused by
326 the city commission.

327 2. Perform such professional duties as may be required by
328 law or by the commission in furtherance of the law.

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329 3. Be the chief legal officer of the city and serve as
330 chief legal advisor to the commission, the city manager, and all
331 city departments, offices, city advisory boards, and agencies.

332 Section 8. Elections.--

333 (1) ELECTORS.--Any person who is a resident of the city,
334 who has qualified as an elector of the state, and who registers
335 in the manner prescribed by law shall be an elector of this
336 city.

337 (2) NONPARTISAN ELECTIONS.--All elections for the office
338 of mayor or other city commissioners shall be conducted on a
339 nonpartisan basis without any designation of political party
340 affiliation.

341 (3) QUALIFICATIONS.--Candidates for the office of city
342 commission member or mayor shall qualify for office by filing a
343 written notice of candidacy with the designated official at such
344 time and in such manner as may be prescribed by the Florida
345 Election Code and as otherwise provided in this charter.

346 (4) PROCEDURE FOR REGULAR ELECTIONS AND RUNOFF
347 ELECTIONS.--

348 (a) The regular election of the city commission members
349 and mayor shall be held on the third Tuesday after the third
350 Monday in April in each even-numbered year when the 4-year term
351 for each respective seat has expired, in the manner provided for
352 by this charter and general law. Runoff elections, if necessary,
353 shall be held on the third Tuesday after the third Monday in May
354 in the same year.

355 (b) No later than noon Friday, 3 weeks before the election
356 for office, any individual who wishes to run for one of the five

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357 initial seats on the commission shall qualify as a candidate
358 with the Bay County Supervisor of Elections in accordance with
359 the provisions of this charter and general law. Each candidate
360 must specify for which of the seats he or she desires to
361 campaign and serve.

362 (c)1. The Bay County Commission shall appoint a canvassing
363 board of three members who are not candidates, which shall
364 certify the results of the election. At least one citizen from
365 the area or municipality of Southport shall be appointed to
366 serve on the canvassing board.

367 2. After the initial election, the city commissioners
368 shall decide how results are certified by ordinance.

369 3. If two or more persons qualify for a seat and none
370 receive a majority of the votes cast for that seat, the two
371 candidates receiving the highest number of votes shall face each
372 other in a runoff election. The person receiving the highest
373 number of votes at said runoff election shall be elected. The
374 canvass of returns for said runoff election shall be the same as
375 for a general election.

376 (d) In the event of a tie vote for any seat, the names of
377 the candidates who tied shall be placed in a box and one name
378 shall be drawn by a member of the canvassing board. The
379 candidate whose name is drawn from the box shall be the winning
380 candidate.

381 (e) The result of the voting, when ascertained, shall be
382 certified by a return in duplicate, signed by two of the members
383 of the canvassing board. One copy shall be delivered to the city
384 attorney and the other copy shall be delivered to the city

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385 manager. Both returns are to be delivered to the city commission
386 at a meeting to be held at noon on the day following
387 certification of the election results. At such meeting, the city
388 commission shall convey the return and announce the results of
389 the election on the official record.

390 (5) INDUCTION INTO OFFICE.--

391 (a) Those candidates who are elected shall be inducted
392 into office and take office at a meeting held at the regular
393 meeting place of the commission no more than 30 days after the
394 final election requirements are determined to be in compliance.

395 (b) Initial elections shall be held after the referendum
396 for incorporation as stated in section 12.

397 (6) RECALL OF CITY COMMISSIONERS.--Any member of the city
398 commission may be removed from office by the electors of the
399 city following the procedures of recall established in general
400 law.

401 (7) DISTRICT BOUNDARIES.--

402 (a) Elections shall be held at large until such time as
403 the commissioners pass an ordinance providing for voting
404 districts.

405 (b) In the event that the commissioners pass an ordinance
406 providing for voting districts, such districts shall come up for
407 review every 5 years after the first election they are in use,
408 unless an earlier review is determined necessary by the
409 supervisor of elections and the commission.

410 Section 9. Southport area municipal services.--After the
411 first general election, the city commissioners may authorize the
412 city manager to enter into contracts for municipal services on

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413 behalf of the City of Southport. Before a city manager is hired,
 414 the mayor is authorized to enter into contracts for services on
 415 behalf of the city.

416 Section 10. General provisions.--

417 (1) CHARTER AMENDMENT.--This charter may be amended in
 418 accordance with the provisions of the Municipal Home Rule Powers
 419 Act, chapter 166, Florida Statutes, or as may otherwise be
 420 provided by general law. The form, content, and certification of
 421 any petition to amend the charter shall be established by
 422 ordinance.

423 (2) CHARTER REVIEW.--The standards for charter review
 424 shall be established by ordinance.

425 (3) INITIATIVE AND REFERENDUM.--At least 25 percent of the
 426 qualified electorate of the city shall have the power to
 427 petition to propose an ordinance or to require reconsideration
 428 of an adopted ordinance, and if the commission fails to adopt
 429 such ordinance so proposed or to repeal such adopted ordinance
 430 without any change in substance, then the commission shall place
 431 the proposed ordinance or the repeal of the adopted ordinance on
 432 the ballot at the next general election.

433 (4) STANDARDS OF CONDUCT.--All elected officials and
 434 employees of the city shall be subject to the standards of
 435 conduct for public officials and employees set by general law.
 436 In addition, the city commission may by ordinance establish a
 437 code of ethics for officials and employees of the city which may
 438 be supplemental to the general law, but in no case may such an
 439 ordinance diminish the provisions of general law.

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440 Section 11. Severability.--If any provision of this act or
441 the application thereof to any person or circumstance is held
442 invalid, the invalidity shall not affect other provisions or
443 applications of this act which can be given effect without the
444 invalid provision or application, and to this end the provisions
445 of this act are declared severable.

446 Section 12. Transition schedule.--

447 (1) REFERENDUM.--The referendum election called for the
448 purposes of this act shall be held no later than 90 days from
449 the date of legislative approval of this act, unless there is
450 established a different municipal election date, in which case
451 the election shall be on the date so established. At such time,
452 the issue of whether to incorporate the City of Southport shall
453 be placed upon the ballot. In the event the electorate votes
454 affirmatively by a majority of electors voting in the referendum
455 to incorporate and establish the City of Southport, the
456 provisions of this charter shall take effect as provided herein.

457 (2) CREATION AND ESTABLISHMENT OF CITY.--For the purpose
458 of compliance with general law, relating to assessment and
459 collection of ad valorem taxes, the City of Southport is hereby
460 created and established effective the date this charter becomes
461 law.

462 (3) INITIAL ELECTION OF COMMISSIONERS; DATES, QUALIFYING
463 PERIOD, CERTIFICATION OF ELECTION RESULTS; INDUCTION INTO
464 OFFICE.--

465 (a) Following the adoption of this charter in accordance
466 with section 13, the Bay County Commission shall call a special
467 election of a mayor and the other four city commissioners to be

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468 held as soon as possible but no more than 90 days after an
469 affirmative vote to incorporate by referendum at the convenience
470 of the supervisor of elections. Any necessary runoff elections
471 shall be held as soon as possible but no sooner than 14 days and
472 no more than 60 days after the special election at the
473 convenience of the supervisor of elections.

474 (b) No later than noon Friday, 3 weeks before the election
475 of commissioners, any individual who wishes to run for one of
476 the five initial seats on the commission shall qualify as a
477 candidate with the Bay County Supervisor of Elections in
478 accordance with the provisions of this charter and general law.
479 Each candidate must specify for which of the seats he or she
480 desires to campaign and serve.

481 (c)1. The Bay County Commission shall appoint a canvassing
482 board of three members who are not candidates which shall
483 certify the results of the election. At least one citizen from
484 the area or municipality of Southport shall be appointed to
485 serve on the canvassing board.

486 2. After the initial election, the city commissioners
487 shall decide how results are certified by ordinance.

488 3. If two or more persons qualify for a seat and none
489 receives a majority of the votes cast for that seat, the two
490 candidates receiving the highest number of votes shall face each
491 other in a runoff election. The person receiving the highest
492 number of votes at said runoff election shall be elected. The
493 canvass of returns for said runoff election shall be the same as
494 for a general election.

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495 4. In the event of a tie vote for any seat, the names of
496 the candidates who tied shall be placed in a box and one name
497 shall be drawn by a member of the canvassing board. The
498 candidate whose name is drawn from the box shall be the winning
499 candidate.

500 (4) INDUCTION INTO OFFICE.--Those candidates who are
501 elected shall be inducted into office and take office at the
502 initial city commission meeting, which shall be held no more
503 than 30 days after the final election requirements are
504 determined to be in compliance at the Southport Community
505 Center, located at 7334 Franklin Street, Southport, Florida.

506 (5) TRANSITION SERVICES AND COMPENSATION.--It is intended
507 that Bay County provide and be compensated for the provision of
508 services for the City of Southport as budgeted for in the fiscal
509 year 2006-2007 Bay County Budget as far as the revenue will
510 provide. The level of services to be provided will be consistent
511 with the level upon which the fiscal year 2006-2007 expense
512 budget was predicted and in accordance with adopted revenue. It
513 is the responsibility of the city to adopt appropriate
514 ordinances, resolutions, or agreements as required to ensure the
515 continued collection of budgeted revenues with which to fund
516 services beginning January 1, 2007. Any revenues adopted or
517 received by the City of Southport upon which delivery of
518 services was not predicted within the county's fiscal year 2006-
519 2007 adopted budget shall accrue to the City of Southport.
520 Services that the county shall provide under the terms of this
521 agreement include all services provided to the Southport

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522 municipal district as adopted by the Bay County Commission prior
523 to the City of Southport becoming operational.

524 (6) FIRST-YEAR EXPENSES.--The commission, in order to
525 provide moneys for the expenses and support of this city, shall
526 have the power to borrow money necessary for the operation of
527 city government until such time as a budget is adopted and
528 revenues are raised in accordance with the provisions of this
529 charter.

530 (7) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The city
531 commission shall adopt ordinances and resolutions required to
532 effect the transition. Ordinances adopted within 60 days after
533 the first commission meeting shall be passed as emergency
534 ordinances. These transitional ordinances shall be effective for
535 no longer than 90 days after adoption and thereafter may be
536 readopted, renewed, or otherwise continued only in the manner
537 normally prescribed for ordinances.

538 (8) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
539 REGULATION.--

540 (a) Until such time as the city adopts a comprehensive
541 plan, the applicable provisions of the Comprehensive Plan of Bay
542 County, as the same exists on the day the city commences
543 corporate existence, shall remain in effect as the city's
544 transitional comprehensive plan. However, all planning
545 functions, duties, and authority shall thereafter be vested in
546 the City Commission of Southport, which shall be deemed the
547 local planning agency until the commission establishes a
548 separate local planning agency.

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549 (b) All powers and duties of the Bay County Planning and
 550 Land Development Regulations Commission, any boards of
 551 adjustment and appeals created pursuant to statutory trade
 552 codes, and the Bay County Commission, as set forth in these
 553 traditional zoning and land use regulations, shall be vested in
 554 the City Commission of Southport until such time as the city
 555 commission delegates all or a portion hereof to another entity.

556 (c) Upon the city's incorporation, the city shall use Bay
 557 County's Comprehensive Plan and land development regulations.
 558 However, after the city's incorporation, any amendment to the
 559 county's comprehensive plan and land development regulations
 560 shall not apply to the city unless approved by the city
 561 commission.

562 (9) STATE-SHARED REVENUES; CITY PARTICIPATION IN STATE-
 563 SHARED REVENUES PROGRAMS.--The City of Southport shall be
 564 entitled to participate in the state-shared revenues programs
 565 effective on the first day of the month occurring after the
 566 first meeting of the commission. The provisions of section
 567 218.23, Florida Statutes, shall be waived for the purpose of
 568 eligibility to receive revenue sharing funds from the date of
 569 incorporation through the state fiscal year 2006-2007. Initial
 570 population estimates for calculating eligibility for shared
 571 revenues shall be determined by the University of Florida Bureau
 572 of Economic and Business Research. Should the bureau be unable
 573 to provide an appropriate population estimate, the Bay County
 574 Planning Department shall provide an appropriate estimate.

575 (10) GAS TAX REVENUES.--

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576 | (a) The City of Southport shall be entitled to receive a
577 | local option gas tax revenue beginning the first full fiscal
578 | year following incorporation.

579 | (b) The gas tax distribution shall be made in accordance
580 | with an interlocal agreement entered into prior to June 1, 2007.

581 | Section 13. This act shall take effect only upon its
582 | approval by a majority vote of those qualified electors residing
583 | within the proposed corporate limits of the proposed City of
584 | Southport voting in a referendum election to be called by the
585 | Bay County Commission and to be held in accordance with the
586 | provisions of law currently in force, except that this section
587 | shall take effect upon becoming a law.