

CHAMBER ACTION

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1 The Finance & Tax Committee 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

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

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

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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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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.



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

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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.

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

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

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) Notwithstanding the provisions of section 336.025,  
577 Florida Statutes, the City of Southport shall be entitled to  
578 receive local option gas tax revenues beginning October 1 of the  
579 first year that the city is eligible for state-shared revenues  
580 under subsection (9).

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

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