

1 A bill to be entitled
2 An act relating to the City of Southport, Bay County;
3 creating the City of Southport; providing a charter;
4 providing legislative intent; providing for a commission-
5 manager form of government; providing municipal powers;
6 providing boundaries; providing for a city commission and
7 its composition and qualifications; providing terms of
8 office, powers, and duties of commissioners; providing for
9 a mayor and vice mayor and their powers and duties;
10 providing for compensation and expenses of the commission;
11 providing for vacancies, forfeiture of office, and filling
12 of vacancies; providing for commission meetings; providing
13 for a city manager and city attorney and their
14 qualifications, powers, and duties; providing for
15 elections; providing for elections to be held at large
16 until the commission creates voting districts; providing
17 for municipal services; providing for charter amendment
18 and review; providing for standards of conduct; providing
19 severability; providing a transition schedule, including
20 initial elections; providing for state-shared revenue;
21 providing for gas tax revenues; requiring a referendum;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Charter; creation.--This act shall be known and
27 may be cited as the "City of Southport Charter" ("charter"), and

28 | the City of Southport ("city") is hereby created and
 29 | established.

30 | Section 2. Legislative intent.--The Legislature hereby
 31 | finds and declares that:

32 | (1) The Southport area of Bay County includes a compact
 33 | and contiguous urban community amenable to separate municipal
 34 | government.

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

40 | Section 3. Powers.--

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

43 | (2) MUNICIPAL POWERS.--The city shall be a body corporate
 44 | and politic and shall have all the powers of a municipality
 45 | under the State Constitution and laws of the state, as fully and
 46 | completely as though such powers were specifically enumerated in
 47 | this charter, unless otherwise prohibited by or contrary to the
 48 | provisions of this charter. The city shall have all
 49 | governmental, corporate, and proprietary powers necessary to
 50 | enable it to conduct municipal government, perform municipal
 51 | functions, and render municipal services and may exercise any
 52 | power for municipal purposes unless expressly prohibited by law.
 53 | The powers of this city shall be liberally construed in favor of
 54 | this city.

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

57
 58 BEGIN AT THE INTERSECTION OF THE NORTH LINE OF SECTION
 59 17, TOWNSHIP 2 SOUTH, RANGE 14 WEST, BAY COUNTY,
 60 FLORIDA WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD
 61 NO. 77. THENCE EAST ALONG THE NORTH LINE OF SECTIONS
 62 17, 16, AND 15 TO THE NORTHEAST CORNER OF SECTION 15,
 63 TOWNSHIP 2 SOUTH, RANGE 14 WEST, THENCE NORTH ALONG
 64 THE WEST LINE OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE
 65 14 WEST TO THE NORTHWEST CORNER OF SAID SECTION 11.
 66 THENCE EAST ALONG THE NORTH LINE OF SECTIONS 11 AND
 67 12, TOWNSHIP 2 SOUTH, RANGE 14 WEST AND THE NORTH LINE
 68 OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 13 WEST TO THE
 69 CENTER OF CEDAR CREEK. THENCE SOUTHERLY ALONG THE
 70 CENTER OF CEDAR CREEK AND DEER POINT LAKE TO THE
 71 MIDPOINT OF DEER POINT LAKE DAM, THENCE SOUTHWESTERLY
 72 ALONG THE CENTER OF NORTH BAY TO THE SOUTHERLY
 73 PROJECTION OF THE EAST LINE OF SECTION 4, TOWNSHIP 3
 74 SOUTH, RANGE 14 WEST, THENCE NORTH ALONG SAID EAST
 75 LINE TO THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 2
 76 SOUTH, RANGE 14 WEST, THENCE WEST ALONG THE SOUTH LINE
 77 OF SAID SECTION 33 TO THE SOUTHERLY PROJECTION OF A
 78 LINE PARALLEL WITH AND 202.50 FEET EAST OF THE WEST
 79 LINE OF LOT 97, ST. ANDREWS BAY PECAN & FIG GROVES
 80 COMPANY'S SUBDIVISION, THENCE NORTH PARALLEL WITH SAID
 81 WEST LINE OF LOT 97 TO A LINE PARALLEL WITH AND 175

82 | F E E T S O U T H O F T H E N O R T H L I N E O F S A I D L O T 9 7 , T H E N C E
 83 | E A S T P A R A L L E L W I T H S A I D N O R T H L I N E O F L O T 9 7 F O R 4 5 5
 84 | F E E T , M O R E O R L E S S , T O T H E E A S T L I N E O F S A I D L O T 9 7 ,
 85 | T H E N C E N O R T H 1 7 5 F E E T T O T H E N O R T H E A S T C O R N E R O F S A I D
 86 | L O T 9 7 , T H E N C E W E S T 6 4 7 . 5 F E E T , M O R E O R L E S S , T O T H E
 87 | N O R T H E A S T C O R N E R O F L O T 9 8 , S A I D S U B D I V I S I O N , T H E N C E
 88 | W E S T A L O N G T H E N O R T H L I N E O F S A I D L O T 9 8 A N D T H E
 89 | W E S T E R L Y P R O J E C T I O N T H E R E O F T O T H E N O R T H E A S T C O R N E R O F
 90 | L O T 9 9 , S A I D S U B D I V I S I O N , T H E N C E N O R T H A L O N G T H E E A S T
 91 | L I N E O F L O T 9 4 , S A I D S U B D I V I S I O N T O T H E N O R T H E A S T
 92 | C O R N E R O F S A I D L O T 9 4 , T H E N C E W E S T A L O N G T H E N O R T H
 93 | L I N E O F S A I D L O T 9 4 T O T H E E A S T L I N E O F T H E " L A N G L E Y "
 94 | T R A C T , S A I D P L A T O F S T . A N D R E W S B A Y P E C A N & F I G G R O V E S
 95 | C O M P A N Y ' S S U B D I V I S I O N , T H E N C E N O R T H A L O N G T H E E A S T
 96 | L I N E O F T H E " L A N G L E Y " T R A C T F O R 3 . 8 F E E T T O T H E N O R T H
 97 | L I N E O F T H E 1 5 F O O T S T R I P D E S C R I B E D I N O F F I C I A L
 98 | R E C O R D S B O O K 1 1 0 4 , P A G E 6 6 6 O F T H E P U B L I C R E C O R D S O F
 99 | B A Y C O U N T Y , F L O R I D A , T H E N C E W E S T F O R 1 5 F E E T , T H E N C E
 100 | S O U T H F O R 9 0 F E E T , T H E N C E W E S T A L O N G T H E N O R T H L I N E O F
 101 | T H E P A R C E L D E S C R I B E D I N O F F I C I A L R E C O R D S B O O K 1 1 0 4 ,
 102 | P A G E 6 6 6 T O T H E E D G E O F N O R T H B A Y , T H E N C E
 103 | S O U T H W E S T E R L Y A L O N G T H E R I P A R I A N R I G H T S L I N E O F S A I D
 104 | P A R C E L T O T H E C E N T E R O F N O R T H B A Y , T H E N C E W E S T E R L Y
 105 | A L O N G T H E C E N T E R O F N O R T H B A Y T O T H E S O U T H E R L Y
 106 | P R O J E C T I O N O F T H E W E S T L I N E O F T H E E A S T H A L F O F T H E
 107 | E A S T H A L F O F S E C T I O N 3 1 , T O W N S H I P 2 S O U T H , R A N G E 1 4
 108 | W E S T , T H E N C E N O R T H A L O N G S A I D W E S T L I N E O F T H E E A S T

109 HALF OF THE EAST HALF OF SAID SECTION 31 AND THE
 110 SOUTHERLY PROJECTION THEREOF TO THE NORTH LINE OF SAID
 111 SECTION 31, THENCE NORTH ALONG THE WEST LINE OF THE
 112 EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 30,
 113 TOWNSHIP 2 SOUTH, RANGE 14 WEST TO THE NORTHWEST
 114 CORNER OF SAID EAST HALF OF THE SOUTHEAST QUARTER,
 115 THENCE EAST ALONG THE NORTH LINE OF SAID EAST HALF OF
 116 THE SOUTHEAST QUARTER TO THE WEST LINE OF SECTION 29,
 117 TOWNSHIP 2 SOUTH, RANGE 14 WEST, THENCE SOUTH ALONG
 118 SAID WEST LINE OF SECTION 29 TO THE NORTHWEST CORNER
 119 OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID
 120 SECTION 29, THENCE EAST ALONG THE NORTH LINE OF SAID
 121 SOUTH HALF OF THE SOUTHWEST QUARTER TO THE NORTHEAST
 122 CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER,
 123 THENCE NORTH ALONG THE WEST LINE OF THE EAST HALF OF
 124 SAID SECTION 29 TO THE NORTHWEST CORNER OF THE
 125 NORTHEAST QUARTER OF SAID SECTION 29, THENCE EAST
 126 ALONG THE NORTH LINE OF SAID SECTION 29 TO THE
 127 NORTHEAST CORNER OF SAID SECTION 29, THENCE NORTH
 128 ALONG THE WEST LINE OF SECTION 21, TOWNSHIP 2 SOUTH,
 129 RANGE 14 WEST TO THE NORTHWEST CORNER OF THE SOUTH
 130 HALF OF THE SOUTH HALF OF SAID SECTION 21, THENCE EAST
 131 ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTH
 132 HALF TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE
 133 OF STATE ROAD NO. 77 WITH THE NORTH LINE OF SAID SOUTH
 134 HALF OF THE SOUTH HALF OF SECTION 21, THENCE

135 NORTHWESTERLY ALONG SAID WEST RIGHT OF WAY LINE TO THE
136 POINT OF BEGINNING.

137
138 Section 5. City commission.--

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

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

145 (b) Qualifications for office.--

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

148 2. At the time of qualification, each candidate for a seat
149 on the commission shall reside within the boundaries of the city
150 of Southport and shall remain a resident of the city for the
151 length of his or her term.

152 3. For the initial election of commissioners and mayor and
153 for each election thereafter, each individual seeking to qualify
154 as a candidate for a seat on the commission shall submit a
155 petition or application supporting his or her candidacy to the
156 city manager (or, for the initial election, to the Supervisor of
157 Elections of Bay County) containing the signatures of 1 percent
158 of the electors residing within the boundaries of the City of
159 Southport at large or payment of the required fee according to
160 the Florida Election Code and declaring which seat he or she is
161 endeavoring to obtain.

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

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

169 (4) MAYOR.--

170 (a) Powers.--There shall be a mayor who shall be elected
171 at large and who shall have the same legislative powers and
172 duties as any of the other commissioners, except as herein
173 provided.

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

182 (5) VICE MAYOR.--

183 (a) Election.--There shall be a vice mayor elected
184 annually by the commission from among the commissioners. Such
185 election shall take place at the first meeting after each
186 regular city general election.

187 (b) Powers and duties.--The vice mayor shall have the same
188 legislative powers and duties as any other commissioner, except

189 that he or she shall serve as acting mayor during the absence or
 190 disability of the mayor and, during such period, shall have the
 191 same duties as provided for in paragraph (4) (b). In the absence
 192 of the mayor and vice mayor, the remaining commissioners shall
 193 elect a commissioner to serve as acting mayor.

194 (6) COMPENSATION AND EXPENSES.--

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

205 (b) Expenses.--The commission may provide for
 206 reimbursement of actual expenses incurred by members while
 207 performing their official duties.

208 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF
 209 VACANCIES.--

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

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

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

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

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

229 4. Is absent from three consecutive regular commission
230 meetings without being excused by the commission.

231 (c) Filling of vacancies.--

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

238 2. If a vacancy occurs in the office of any commissioner
239 other than mayor and the remainder of the unexpired term is less
240 than 2 years, the remaining commissioners shall, within 30 days
241 following the occurrence of such vacancy, by majority vote,

242 appoint a person to fill the vacancy for the remainder of the
243 unexpired term. If the remainder of the unexpired term exceeds 2
244 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 until the next regularly
247 scheduled city election.

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

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

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

263 (1) The first meeting following a general city election at
264 which elected or reelected commissioners are inducted into
265 office shall be held on the first Monday following such
266 election.

267 (2) A majority of the commission shall constitute a
268 quorum. No action of the commission shall be valid unless

269 adopted by an affirmative vote of a majority of the
 270 commissioners in attendance, unless otherwise provided by law or
 271 stated herein. All actions of the city commission shall be by
 272 ordinance, resolution, or motion.

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

278 Section 7. Designated charter officers.--

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

282 (a) Appointment.--The charter officers shall be appointed
 283 by a majority vote of the full commission and shall serve at the
 284 pleasure of the commission.

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

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

293 (d) Filling of vacancies.--The city commission shall begin
 294 the process to fill a vacancy in the charter office of the city
 295 manager or the city attorney within 90 days after the vacancy

296 occurs. An acting city manager or acting city attorney may be
 297 appointed by the city commission during a vacancy in office.

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

301 (2) CITY MANAGER.--The city manager shall be the chief
 302 administrative officer of the city and shall serve at the
 303 direction and discretion of the city commission.

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

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

310 1. Attend all meetings of the city commission.

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

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

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

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

321 1. Attend all city commission meetings unless excused by
 322 the city commission.

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

325 3. Be the chief legal officer of the city and serve as
326 chief legal advisor to the commission, the city manager, and all
327 city departments, offices, city advisory boards, and agencies.

328 Section 8. Elections.--

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

333 (2) NONPARTISAN ELECTIONS.--All elections for the office
334 of mayor or other city commissioners shall be conducted on a
335 nonpartisan basis without any designation of political party
336 affiliation.

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

342 (4) PROCEDURE FOR REGULAR ELECTIONS AND RUNOFF
343 ELECTIONS.--

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

349 shall be held on the third Tuesday after the third Monday in May
350 in the same year.

351 (b) No later than noon Friday, 3 weeks before the election
352 for office, any individual who wishes to run for one of the five
353 initial seats on the commission shall qualify as a candidate
354 with the Bay County Supervisor of Elections in accordance with
355 the provisions of this charter and general law. Each candidate
356 must specify for which of the seats he or she desires to
357 campaign and serve.

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

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

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

372 (d) In the event of a tie vote for any seat, the names of
373 the candidates who tied shall be placed in a box and one name
374 shall be drawn by a member of the canvassing board. The

375 candidate whose name is drawn from the box shall be the winning
376 candidate.

377 (e) The result of the voting, when ascertained, shall be
378 certified by a return in duplicate, signed by two of the members
379 of the canvassing board. One copy shall be delivered to the city
380 attorney and the other copy shall be delivered to the city
381 manager. Both returns are to be delivered to the city commission
382 at a meeting to be held at noon on the day following
383 certification of the election results. At such meeting, the city
384 commission shall convey the return and announce the results of
385 the election on the official record.

386 (5) INDUCTION INTO OFFICE.--

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

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

393 (6) RECALL OF CITY COMMISSIONERS.--Any member of the city
394 commission may be removed from office by the electors of the
395 city following the procedures of recall established in general
396 law.

397 (7) DISTRICT BOUNDARIES.--

398 (a) Elections shall be held at large until such time as
399 the commissioners pass an ordinance providing for voting
400 districts.

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

406 Section 9. Southport area municipal services.--After the
 407 first general election, the city commissioners may authorize the
 408 city manager to enter into contracts for municipal services on
 409 behalf of the City of Southport. Before a city manager is hired,
 410 the mayor is authorized to enter into contracts for services on
 411 behalf of the city.

412 Section 10. General provisions.--

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

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

421 (3) INITIATIVE AND REFERENDUM.--At least 25 percent of the
 422 qualified electorate of the city shall have the power to
 423 petition to propose an ordinance or to require reconsideration
 424 of an adopted ordinance, and if the commission fails to adopt
 425 such ordinance so proposed or to repeal such adopted ordinance
 426 without any change in substance, then the commission shall place

427 the proposed ordinance or the repeal of the adopted ordinance on
428 the ballot at the next general election.

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

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

442 Section 12. Transition schedule.--

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

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

458 (3) INITIAL ELECTION OF COMMISSIONERS; DATES, QUALIFYING
459 PERIOD, CERTIFICATION OF ELECTION RESULTS; INDUCTION INTO
460 OFFICE.--

461 (a) Following the adoption of this charter in accordance
462 with section 13, the Bay County Commission shall call a special
463 election of a mayor and the other four city commissioners to be
464 held as soon as possible but no more than 90 days after an
465 affirmative vote to incorporate by referendum at the convenience
466 of the supervisor of elections. Any necessary runoff elections
467 shall be held as soon as possible but no sooner than 14 days and
468 no more than 60 days after the special election at the
469 convenience of the supervisor of elections.

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

477 (c)1. The Bay County Commission shall appoint a canvassing
478 board of three members who are not candidates which shall
479 certify the results of the election. At least one citizen from

480 the area or municipality of Southport shall be appointed to
481 serve on the canvassing board.

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

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

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

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

502 (5) TRANSITION SERVICES AND COMPENSATION.--It is intended
503 that Bay County provide and be compensated for the provision of
504 services for the City of Southport as budgeted for in the fiscal
505 year 2006-2007 Bay County Budget as far as the revenue will
506 provide. The level of services to be provided will be consistent

507 with the level upon which the fiscal year 2006-2007 expense
508 budget was predicted and in accordance with adopted revenue. It
509 is the responsibility of the city to adopt appropriate
510 ordinances, resolutions, or agreements as required to ensure the
511 continued collection of budgeted revenues with which to fund
512 services beginning January 1, 2007. Any revenues adopted or
513 received by the City of Southport upon which delivery of
514 services was not predicted within the county's fiscal year 2006-
515 2007 adopted budget shall accrue to the City of Southport.
516 Services that the county shall provide under the terms of this
517 agreement include all services provided to the Southport
518 municipal district as adopted by the Bay County Commission prior
519 to the City of Southport becoming operational.

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

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

534 (8) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
 535 REGULATION.--

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

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

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

558 (9) STATE-SHARED REVENUES; CITY PARTICIPATION IN STATE-
 559 SHARED REVENUES PROGRAMS.--The City of Southport shall be
 560 entitled to participate in the state-shared revenues programs

561 effective on the first day of the month occurring after the
 562 first meeting of the commission. The provisions of section
 563 218.23, Florida Statutes, shall be waived for the purpose of
 564 eligibility to receive revenue sharing funds from the date of
 565 incorporation through the state fiscal year 2006-2007. Initial
 566 population estimates for calculating eligibility for shared
 567 revenues shall be determined by the University of Florida Bureau
 568 of Economic and Business Research. Should the bureau be unable
 569 to provide an appropriate population estimate, the Bay County
 570 Planning Department shall provide an appropriate estimate.

571 (10) GAS TAX REVENUES.--

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

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

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