

## ENROLLED

HB 993, Engrossed 1

2006 Legislature

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

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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.

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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

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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

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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

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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.

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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

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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.



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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,

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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

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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

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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.

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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,

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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

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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.

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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



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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.

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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

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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

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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.

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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

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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.