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1 A bill to be entitled
2 An act relating to the Town of Casey Key, Sarasota County;
3 creating the town; providing a charter; providing
4 legislative intent; providing for a council-manager form
5 of government; providing municipal powers; providing for
6 vested uses; providing boundaries; providing for a town
7 council and its composition and qualifications; providing
8 terms of office, powers, and duties of council members;
9 providing for a mayor and vice mayor and their powers and
10 duties; providing for compensation and expenses of the
11 council; providing for vacancies, forfeiture of office,
12 and filling of vacancies; providing for council meetings;
13 providing for a town manager, town clerk, and town
14 attorney and their qualifications, powers, and duties;
15 providing for budget and appropriations; providing for
16 elections; providing for elections to be held at large
17 until the council creates voting districts; providing for
18 municipal services; providing for charter amendment and
19 review; providing for standards of conduct; providing
20 severability; providing a transition schedule, including
21 initial elections; providing for state-shared revenue;
22 requiring a referendum; 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 "Town of Casey Key Charter" ("charter"), and
28 the Town of Casey Key ("town") is hereby created and

29 established.

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

32 (1) The Casey Key area of Sarasota County includes a
 33 compact and contiguous urban community amenable to separate
 34 municipal government.

35 (2) The unique geographical features associated with Casey
 36 Key create a situation in which it is in the public interest to
 37 establish a municipal government for the purpose of managing the
 38 public affairs of the citizens of Casey Key.

39 (3) 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 Casey Key area with all powers and
 42 authority necessary to provide efficient and adequate municipal
 43 services to its residents. This power and authority includes,
 44 but is not limited to, the reasonable exercise of its police
 45 power to enhance public health, safety, and welfare, and to
 46 regulate traffic in and on the streets and highways within the
 47 jurisdiction of the town.

48 Section 3. Powers.--

49 (1) GOVERNMENT.--The town shall have a council-manager
 50 form of government.

51 (2) MUNICIPAL POWERS.--The town shall be a body corporate
 52 and politic and shall have all the powers of a municipality
 53 under the State Constitution and laws of the state, as fully and
 54 completely as though such powers were specifically enumerated in
 55 this charter, unless otherwise prohibited by or contrary to the
 56 provisions of this charter. The town shall have all

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57 governmental, corporate, and proprietary powers necessary to
58 enable it to conduct municipal government, perform municipal
59 functions, and render municipal services and may exercise any
60 power for municipal purposes unless expressly prohibited by law.
61 Beach access may not be impeded by any local rule or government.
62 All citizens are entitled to free access to the natural
63 resources of the town. Therefore, this charter does not allow
64 for toll booths or gates that block access to the beach by
65 citizens who do not live on Casey Key.

66 (3) VESTED USES.--This charter recognizes the vesting
67 associated with the ongoing public use of the Nokomis Public
68 Beach, South Jetty Park, and Blackburn Point Park within the
69 boundaries thereof existing as of the effective date of this
70 charter, and the public right of access thereto. This charter
71 also recognizes as vested commercial uses those motels existing
72 as of the effective date of this charter and lying within the
73 commercial motel district, beginning at 105 Casey Key Road and
74 ending inclusive of 433 Casey Key Road, and at 3905 Casey Key
75 Road, and the Casey Key Fish House. Nothing in this recognition
76 shall prevent the reasonable and legal regulation of such vested
77 areas and business establishments by the Town of Casey Key in
78 accordance with public policy and the laws and regulations of
79 the United States and the state.

80 (4) CONSTRUCTION.--The powers of the town shall be
81 construed liberally in favor of the town, limited only by the
82 State Constitution, general and special law, and specific
83 limitations in this charter.

84 Section 4. Corporate limits.--The following described area

85 shall constitute the corporate boundary of the Town of Casey

86 Key:

87 An area encompassing the Key known as Casey Key,
 88 lying within Township 38 South, Range 18 East and
 89 Township 39 South, Range 18 East, Sarasota County,
 90 Florida and described as follows:

91 BEGIN at the break point in the center line of
 92 the right-of-way of the West Coast Inland Navigation
 93 District Intracoastal Waterway Canal as shown on the
 94 Record Maps, dated August 15, 1969, as it turns
 95 southeast from the south end of Blackburn Bay to enter
 96 Roberts Bay, said point being easterly of the center
 97 of the Venice Inlet; thence along said center line for
 98 the following ten (10) calls; (1) thence
 99 N.24°55'00"W., a distance of 2,865.68 feet; (2) thence
 100 N.08°25'36"W., a distance of 2,158.61 feet; (3) thence
 101 N.02°59'54"W., a distance of 3,157.42 feet; (4) thence
 102 N.06°36'33"W., a distance of 1,968.40 feet; (5) thence
 103 N.30°47'40"W., a distance of 8,147.28 feet; (6) thence
 104 N.20°39'54"W., a distance of 3,436.03 feet; (7) thence
 105 N.37°01'07"W., a distance of 3,471.73 feet; (8) thence
 106 N.05°49'26"W., a distance of 2,100.00 feet; (9) thence
 107 N.16°41'35"W., a distance of 7,718.83 feet; (10)
 108 thence N.09°11'55"W., a distance of 710.18 feet to the
 109 intersection with the center line of old Midnight
 110 Pass; thence along said center line of Midnight Pass
 111 for the following five (5) calls; (1) thence
 112 N.81°26'52"W., a distance of 1,430.50 feet; (2) thence

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113 N.58°02'12"W., a distance of 1,189.21 feet; (3) thence
114 N.67°30'27"W., a distance of 419.25 feet; (4) thence
115 N.41°02'14"W., a distance of 233.80 feet; (5) thence
116 S.59°45'29"W., a distance of 260 feet more or less to
117 the Mean High Water Line of the Gulf of Mexico; thence
118 southeasterly along said Mean High Water line, a
119 distance of 37,374 feet, more or less, to the north
120 side of the manmade structure known as the North
121 Jetty; thence S.75°35'14"W., along said north line of
122 the North Jetty structure, a distance of 352.73 feet;
123 thence S.14°29'13"E., a distance of 170 feet, more or
124 less to the center of the Venice Inlet (also known as
125 Caseys Pass); thence along said center line of the
126 Venice Inlet for the following two (2) calls; (1)
127 thence N.75°14'56"E., a distance of 810.15 feet; (2)
128 thence S.81°05'04"E., a distance of 678.31 feet;
129 thence N.32°44'32"E., a distance of 422 feet, more or
130 less to the southerly extension of the center line of
131 the above mentioned right-of-way of the West Coast
132 Inland Navigation District Intracoastal Waterway
133 Canal; thence N.24°55'00"W., along said southerly
134 extension, a distance of 253 feet to the POINT OF
135 BEGINNING.

136 Section 5. Town council.--

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

138 (a) Composition.--There shall be a five-member town
139 council, consisting of five council members each serving for a
140 4-year term, one of whom is elected by the members of the

141 council to serve as the mayor for a 1-year term. All council
 142 members are elected at large from within the boundaries of Casey
 143 Key. For purposes of proper interpretation of this charter,
 144 unless the context otherwise requires, the term "council member"
 145 shall include the mayor.

146 (b) Qualifications for office.--

147 1. Each candidate for the office of town council shall be
 148 a qualified elector of the town.

149 2. Each candidate for the office of town council shall
 150 have resided in the town for a minimum of 6 months immediately
 151 prior to qualifying.

152 3. At the time of qualification, each candidate for a seat
 153 on the council shall reside within the boundaries of the Town of
 154 Casey Key and shall remain a resident of the town for the length
 155 of his or her term.

156 4. For the initial election of council members and for
 157 each election thereafter, each individual seeking to qualify as
 158 a candidate for a seat on the council shall submit a petition or
 159 application supporting his or her candidacy to the town manager
 160 (or, for the initial election, to the Supervisor of Elections of
 161 Sarasota County) containing the signatures of 1 percent of the
 162 electors residing within the boundaries of the Town of Casey Key
 163 at large or payment of the required fee according to the Florida
 164 Election Code and declaring which seat he or she is endeavoring
 165 to obtain.

166 (2) TERMS OF OFFICE.--

167 (a) The term of office for each council member shall be 4
 168 years. In order to provide for the staggering of terms, the

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169 initial terms of office for seats two and four shall be for 2
170 years each.

171 (b) Each town council member shall remain in office until
172 his or her successor is elected and assumes the duties of the
173 position.

174 (3) POWERS AND DUTIES OF COUNCIL.--

175 (a) The form of government of the Town of Casey Key shall
176 be the council form of government whereby the town council is
177 the head of the town government.

178 (b) Except as otherwise prescribed herein or provided by
179 law, all managerial, executive, legislative, and police powers
180 of the town shall be vested in the town council, including, but
181 not limited to, the following:

182 1. Enacting ordinances, establishing public policy, and
183 providing general direction for staff actions.

184 2. Reviewing and approving all policy and procedure
185 manuals.

186 3. Hiring and terminating employees and evaluating in
187 writing the town manager's job performance at the end of an
188 initial 6-month probationary period and at least yearly
189 thereafter.

190 4. Reviewing and approving all administrative
191 recommendations for staff promotions, demotions, position
192 classifications and reclassifications, and wage and salary
193 increases.

194 5. Approving payment of bills and contracts at town
195 council meetings.

196 (c) The town council shall provide for the exercise of its

197 powers and for the performance of all duties and obligations
 198 imposed on the town by ordinance, resolution, motion, policy
 199 directive, or other appropriate action and may delegate such
 200 powers as it deems advisable to the town administrator or the
 201 town attorney.

202 (d) The town council shall adopt a purchasing policies and
 203 procedures manual and a personnel policies and procedures
 204 manual.

205 (e) Meetings of the town council shall take place on a
 206 regular basis at a time and place established by the town
 207 council. If the town council deems it appropriate, attendance of
 208 individual council members via electronic means shall be
 209 permitted in accordance with rules of procedure to be
 210 established by the town council.

211 (4) MAYOR.--

212 (a) Election.--There shall be a mayor elected annually by
 213 the council from among the council members. Such election shall
 214 take place at the first meeting after each regular town general
 215 election. If a given calendar year does not have an election,
 216 then the town council meeting closest to a 12-month term of
 217 office for the incumbent mayor shall serve as the electoral
 218 meeting for the purpose of electing a mayor for the next 12
 219 months. There shall be no restriction upon consecutive terms of
 220 office for the mayor, subject only to the requirement that the
 221 mayor must also be an elected town council member.

222 (b) Powers.--The mayor shall have the same legislative
 223 powers and duties as any of the other council members, except as
 224 herein provided.

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225 (c) Duties.--The mayor shall preside at the meetings of
226 the council, shall be recognized as the head of town government
227 for ceremonial matters, and shall sign and execute ordinances,
228 contracts, deeds, bonds, and other instruments and documents.
229 The mayor shall have no administrative duties other than those
230 necessary to accomplish these actions, unless otherwise
231 authorized by the town council, consistent with general or
232 special law.

233 (5) VICE MAYOR.--

234 (a) Appointment.--There shall be a vice mayor elected
235 annually by the council from among the council members. Such
236 election shall take place at the first meeting after each
237 regular town general election.

238 (b) Powers and duties.--The vice mayor shall have the same
239 legislative powers and duties as any other council member,
240 except that he or she shall serve as acting mayor during the
241 absence or disability of the mayor and, during such period,
242 shall have the same duties as provided for in paragraphs (4) (b)
243 and (c). In the absence of the mayor and vice mayor, the
244 remaining council members shall elect a council member to serve
245 as acting mayor.

246 (6) COMPENSATION AND EXPENSES.--

247 (a) Compensation.--The annual salary of the mayor and
248 council members shall be \$10 per year. Any salary increase
249 adopted by ordinance during any term will become effective 91
250 days after the next term of office commences unless a later date
251 is established.

252 (b) Expenses.--The council may provide for reimbursement

253 of actual expenses incurred by council members while performing
 254 their official duties.

255 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF
 256 VACANCIES.--

257 (a) Vacancies.--A vacancy in the office of a council
 258 member shall occur upon the death of the incumbent, removal from
 259 office as authorized by law, resignation, appointment to other
 260 public office which creates dual officeholding, judicially
 261 determined incompetence, or forfeiture of office as herein
 262 described.

263 (b) Forfeiture of office.--A council member shall forfeit
 264 his or her office if he or she:

265 1. Is determined by the unanimous vote of the other
 266 members of the council, acting as a body, to lack at any time,
 267 or fails to maintain during his or her term of office, any
 268 qualification for the office as prescribed by this charter or
 269 otherwise required by law;

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

273 3. Is found by the other members of the council, acting as
 274 a body, to have violated any standard of conduct or code of
 275 ethics established by law for public officials and has been
 276 suspended from office by the Governor, unless subsequently
 277 reinstated as provided by law;

278 4. Is absent from three consecutive regular council
 279 meetings without being excused by the council; or

280 5. Is removed from office by the electors of the town

281 following the recall procedures established by this charter.

282 (c) Filling of vacancies.--

283 1. If a vacancy occurs in the office of mayor, the vice
 284 mayor shall serve as mayor until a new mayor is elected after
 285 the next regularly scheduled town election and assumes the
 286 duties of his or her office. The council shall fill the council
 287 member's seat temporarily vacated by the vice mayor by
 288 appointment as herein provided.

289 2. If a vacancy occurs in the office of any council member
 290 other than mayor and the remainder of the unexpired term is less
 291 than 2 years, the remaining council members shall, within 30
 292 days after the occurrence of such vacancy, by majority vote,
 293 appoint a person to fill the vacancy for the remainder of the
 294 unexpired term. If the remainder of the unexpired term exceeds 2
 295 years, the remaining council members shall, within 30 days after
 296 the occurrence of such vacancy, by majority vote, appoint a
 297 person to fill the vacancy until the next regularly scheduled
 298 town election.

299 3. Any person appointed to fill a vacancy on the council
 300 is required to meet the qualifications of the seat to which he
 301 or she is appointed, except the petition requirement.

302 (d) Extraordinary vacancies.--In the event that all
 303 members of the council are removed by death, disability, law, or
 304 forfeiture of office, the Governor shall appoint an interim
 305 council that shall call a special election to be held 60 to 90
 306 days after the interim council's appointment. Such election
 307 shall be held in the same manner as the initial election under
 308 this charter.

309 Section 6. Town council meetings.--The council shall meet
310 regularly at least once a quarter at such times and places as
311 the council may prescribe by rule. Such meetings shall be public
312 meetings and shall be subject to notice and other requirements
313 of law applicable to public meetings.

314 (1) The first meeting after a general town election at
315 which elected or reelected council members are inducted into
316 office shall be held on the first Monday after such election.

317 (2) A majority of the council shall constitute a quorum.
318 Once a quorum is reached, no action of the council shall be
319 valid unless adopted by an affirmative vote of a majority of the
320 council members in attendance, unless otherwise provided by law
321 or stated herein. All actions of the town council shall be by
322 ordinance, resolution, or motion.

323 (3) Special meetings may be held at the call of the mayor
324 or, in his or her absence, the vice mayor. Special meetings may
325 also be called upon the request of a majority of the council
326 members. The town manager shall provide not less than 24 hours'
327 notice of the meeting to the public, when practical.

328 (4) Voting on ordinances and resolutions shall be by roll
329 call and shall be recorded by the town clerk in the journal. The
330 town council shall determine its own rules and order of
331 business.

332 Section 7. Designated charter officers.--

333 (1) DESIGNATED CHARTER OFFICERS.--The initial designated
334 charter officers shall be the town manager, town clerk, and town
335 attorney. Other charter officers may be appointed by majority
336 vote of the council.

337 (a) Appointment.--The charter officers shall be appointed
338 by a majority vote of the full council and shall serve at the
339 pleasure of the council.

340 (b) Removal.--The charter officers shall be removed from
341 office by a majority vote of the full council. If the vote is
342 not unanimous, the charter officer may, within 7 days after the
343 dismissal motion by the council, submit to the mayor a written
344 request for reconsideration. Any action taken by the council at
345 the reconsideration hearing shall be final.

346 (c) Compensation.--The compensation of the charter
347 officers shall be fixed by the town council.

348 (d) Filling of vacancies.--The town council shall begin
349 the process to fill a vacancy in the charter office of the town
350 manager or the town attorney within 90 days after the vacancy
351 occurs. An acting town manager or acting town attorney may be
352 appointed by the town council during a vacancy in office.

353 (e) Candidate for town office.--No charter officer shall
354 be a candidate for any elected office while holding his or her
355 charter office position.

356 (2) TOWN MANAGER.--The town council members may contract
357 with a town manager. The town manager shall be the chief
358 administrative officer of the town and shall serve at the
359 direction and discretion of the town council. The town manager
360 when necessary shall appoint, suspend, demote, or dismiss any
361 town employee under his or her jurisdiction in accordance with
362 law and the personnel rules, and may authorize any department
363 head to exercise these powers with respect to subordinates in
364 that department. The town manager shall direct and supervise the

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365 administration of all departments of the town except the offices
366 of town clerk and town attorney and shall attend all council
367 meetings unless excused by the town council and shall have the
368 right to take part in discussions, but not vote. He or she shall
369 see that all laws, charter provisions, ordinances, resolutions,
370 and other acts of the council subject to enforcement by him or
371 her are faithfully executed, and he or she shall act as the
372 town's director of emergency management with all of the
373 authority of that position granted by the town's emergency
374 management plan, the town council, state law, or town or county
375 ordinance. The town manager shall also prepare and submit the
376 annual budget, budget message, and capital program to the
377 council, and shall keep the council fully advised as to the
378 financial condition and future needs of the town, and shall make
379 such recommendations to the council concerning the affairs of
380 the town as he or she deems desirable. The town manager shall
381 designate a qualified town employee to exercise the powers and
382 perform the duties of town manager during any temporary absence
383 or disability of the town manager. The council may revoke such
384 designation at any time and appoint another eligible person,
385 other than a currently sitting council member, to serve as
386 acting town manager.

387 (3) TOWN CLERK.--The town council members may contract
388 with a town clerk. The town clerk shall give notice of all town
389 meetings to the town council and the public as required by law
390 and shall attend all such meetings in person or by designee and
391 shall keep minutes of the proceedings. The town clerk shall
392 authenticate by signature and be custodian of this charter, all

393 ordinances, resolutions, and other town documents and shall
 394 perform such other duties as required by law or by the council.
 395 The town clerk shall be the supervisor of elections for the
 396 town. The town clerk when necessary shall appoint, suspend,
 397 demote, or dismiss any employee in the office of the town clerk
 398 in accordance with law and the personnel rules of the town. The
 399 town clerk shall prepare annual budgets for the operation of the
 400 office of the town clerk and the town council and shall submit
 401 these budgets to the town manager for inclusion in the annual
 402 town budget in accordance with uniform town procedures.

403 (4) TOWN ATTORNEY.--The town council members may contract
 404 with a town attorney. The town attorney shall be the chief legal
 405 officer and advisor of the town. The town attorney may either be
 406 retained in house or be retained part time under contract. The
 407 town attorney shall be a member of The Florida Bar. The town
 408 attorney or his or her designee shall attend all town council
 409 meetings and perform such professional duties as may be required
 410 of him or her by law or by the council. The town attorney when
 411 necessary shall appoint, suspend, demote, or dismiss any
 412 employee in the office of the town attorney in accordance with
 413 law and the personnel rules of the town. The town attorney shall
 414 prepare an annual budget for the operation of the office of the
 415 town attorney and shall submit this budget to the town manager
 416 for inclusion in the annual town budget in accordance with
 417 uniform town procedures.

418 Section 8. Budget and appropriations.--

419 (1) The town council shall adopt an annual budget by
 420 ordinance before October 1 of each year, and set tax rates in

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421 accordance with state law. An ordinance adopting an annual
422 budget shall constitute appropriations of the amounts specified
423 as expenditures from the funds indicated and shall constitute a
424 levy of the property tax proposed.

425 (2) The town council shall have all powers of local
426 government vested in it by state law relative to fiscal
427 processes and procedures.

428 (3) The town council shall adopt a financial policy at
429 such times as it deems appropriate to provide for financial
430 management policies of the town.

431 (4) The town council shall enact a purchasing code to
432 regulate the procurement of goods and services.

433 (5) No single expenditure or indebtedness in excess of \$1
434 million may be made without an affirmative vote of the majority
435 of the qualified electors of the Town of Casey Key.

436 Section 9. Elections.--

437 (1) ELECTORS.--Any person who is a resident of the town,
438 who has qualified as an elector of the state, and who registers
439 in the manner prescribed by law shall be an elector of the town.

440 (2) NONPARTISAN ELECTIONS.--All elections for town council
441 members shall be conducted on a nonpartisan basis without any
442 designation of political party affiliation.

443 (3) QUALIFICATIONS.--Candidates for the office of town
444 council member shall qualify for office by filing a written
445 notice of candidacy with the designated official at such time
446 and in such manner as may be prescribed by the Florida Election
447 Code and as otherwise provided in this charter.

448 (4) PROCEDURE FOR REGULAR ELECTIONS AND RUNOFF

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449 ELECTIONS.--

450 (a) The regular election of the town council members shall
451 be held on the third Tuesday after the third Monday in April in
452 each even-numbered year when the 4-year term for each respective
453 seat has expired, in the manner provided for by this charter.
454 Runoff elections, if necessary, shall be held on the third
455 Tuesday after the third Monday in May in the same year.

456 (b) No later than noon Friday, 3 weeks before the election
457 for office, any individual who wishes to run for one of the five
458 initial seats on the council shall qualify as a candidate with
459 the Sarasota County Supervisor of Elections in accordance with
460 the provisions of this charter and general law. Each candidate
461 must specify which of the seats he or she desires to campaign
462 for and serve. The candidate must also follow the procedures
463 delineated in section 5.

464 (c) The town canvassing board shall be composed of the
465 charter officers and at least one citizen from the area or
466 municipality of Casey Key, and the town attorney shall act as
467 chairperson. The board shall certify the results of the
468 election.

469 (d) After the initial election, the town council members
470 shall decide how results are certified by ordinance.

471 (e) If two or more persons qualify for a seat and none
472 receives a majority of the votes cast for that seat, the two
473 candidates receiving the highest number of votes or all
474 candidates receiving the highest and equal number of votes shall
475 face each other in a runoff election. The person receiving the
476 highest number of votes in the runoff election shall be elected.

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477 The canvass of returns for a runoff election shall be the same
478 as for a general election.

479 (f) In the event of a tie vote for any seat at the runoff
480 election, the names of the candidates who tied shall be placed
481 in a box and one name shall be drawn by a member of the
482 canvassing board. The candidate whose name is drawn from the box
483 shall be the winning candidate.

484 (g) The result of the voting, when ascertained, shall be
485 certified by a return in duplicate, signed by two of the members
486 of the canvassing board. One copy shall be delivered to the town
487 attorney and the other copy shall be delivered to the town
488 manager. Both returns are to be delivered to the town council at
489 a meeting to be held at noon on the day after certification of
490 the election results. At such meeting, the town council shall
491 convey the return and announce the results of the election on
492 the official record. The certificate shall be placed on file
493 with the town clerk.

494 (5) INDUCTION INTO OFFICE.--

495 (a) Those candidates who are elected shall be inducted
496 into office and take office at a meeting held at the regular
497 meeting place of the council no more than 30 days after the
498 final election requirements are determined to be in compliance.

499 (b) After election or appointment and before taking office
500 each council member or charter officer of the town shall swear
501 or affirm: "I do solemnly swear (or affirm) that I will support,
502 honor, protect, and defend the Constitution and government of
503 the United States and of the State of Florida; that I am duly
504 qualified to hold office under the Constitution of the State and

505 under the Charter of the Town of Casey Key; and that I will well
 506 and faithfully perform the duties of (title of office) on which
 507 I am now about to enter so help me God."

508 (c) Initial elections shall be held after the referendum
 509 for incorporation as stated in section 13.

510 (6) RECALL OF TOWN COUNCIL MEMBERS.--Any member of the
 511 town council may be removed from office by the electors of the
 512 town following the procedures of recall established in general
 513 law.

514 (7) DISTRICT BOUNDARIES.--

515 (a) Elections shall be held at large until such time as
 516 the council members pass an ordinance providing for voting
 517 districts.

518 (b) In the event that the council members pass an
 519 ordinance providing for voting districts, such districts shall
 520 come up for review every 5 years after the first election the
 521 districts are in use, unless an earlier review is determined
 522 necessary by the supervisor of elections and the council.

523 Section 10. Casey Key area municipal services.--After the
 524 first general election, the town council members may authorize
 525 the town manager to enter into contracts for municipal services
 526 on behalf of the Town of Casey Key. Before a town manager is
 527 hired, the mayor is authorized to enter into contracts for
 528 services on behalf of the town.

529 Section 11. General provisions.--

530 (1) CHARTER AMENDMENT.--This charter may be amended in
 531 accordance with the provisions of the Municipal Home Rule Powers
 532 Act, chapter 166, Florida Statutes, or as may otherwise be

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533 provided by general law. The form, content, and certification of
534 any petition to amend the charter shall be established by
535 ordinance.

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

538 (3) INITIATIVE AND REFERENDUM.--At least 25 percent of the
539 qualified electorate of the town shall have the power to
540 petition to propose an ordinance or to require reconsideration
541 of an adopted ordinance, and if the council fails to adopt such
542 ordinance so proposed or to repeal such adopted ordinance
543 without any change in substance, then the council shall place
544 the proposed ordinance or the repeal of the adopted ordinance on
545 the ballot at the next general election.

546 (4) STANDARDS OF CONDUCT.--All elected officials and
547 employees of the town shall be subject to the standards of
548 conduct for public officials and employees set by general law.
549 In addition, the town council may by ordinance establish a code
550 of ethics for officials and employees of the town which may be
551 supplemental to the general law, but in no case may such an
552 ordinance diminish the provisions of general law.

553 Section 12. Severability.--If any provision of this act or
554 the application thereof to any person or circumstance is held
555 invalid, the invalidity shall not affect other provisions or
556 applications of this act which can be given effect without the
557 invalid provision or application, and to this end the provisions
558 of this act are declared severable.

559 Section 13. Transition schedule.--

560 (1) REFERENDUM.--The referendum election called for the

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561 purposes of this act shall be held on November 3, 2009. At such
562 time, the issue of whether to incorporate the Town of Casey Key
563 shall be placed upon the ballot. In the event the electorate
564 votes affirmatively by a majority of electors voting in the
565 referendum to incorporate and establish the Town of Casey Key,
566 the provisions of this charter shall take effect as provided
567 herein.

568 (2) CREATION AND ESTABLISHMENT OF TOWN.--For the purpose
569 of compliance with general law relating to assessment and
570 collection of ad valorem taxes, the Town of Casey Key is hereby
571 created and established effective the date this charter becomes
572 law.

573 (3) INITIAL ELECTION OF COUNCIL MEMBERS; DATES, QUALIFYING
574 PERIOD, CERTIFICATION OF ELECTION RESULTS; INDUCTION INTO
575 OFFICE.--

576 (a) After the adoption of this charter in accordance with
577 this section, the Sarasota County Commission shall call a
578 special election of the five town council members to be held as
579 soon as possible but no more than 90 days after an affirmative
580 vote to incorporate by referendum at the convenience of the
581 supervisor of elections. Any necessary runoff elections shall be
582 held as soon as possible but no sooner than 14 days and no more
583 than 60 days after the special election at the convenience of
584 the supervisor of elections.

585 (b) No later than noon Friday, 3 weeks before the election
586 of council members, any individual who wishes to run for one of
587 the five initial seats on the council shall qualify as a
588 candidate with the Sarasota County Supervisor of Elections in

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589 accordance with the provisions of this charter and general law.
590 Each candidate must specify for which of the seats he or she
591 desires to campaign and serve.

592 (c)1. The Sarasota County Commission shall appoint a
593 canvassing board of three members who are not candidates which
594 shall certify the results of the election. At least one citizen
595 from the area or municipality of Casey Key shall be appointed to
596 serve on the canvassing board.

597 2. After the initial election, the town council members
598 shall decide how results are certified by ordinance.

599 3. If two or more persons qualify for a seat and none
600 receives a majority of the votes cast for that seat, the two
601 candidates receiving the highest number of votes or all
602 candidates receiving the highest and equal number of votes shall
603 face each other in a runoff election. The person receiving the
604 highest number of votes at the runoff election shall be elected.
605 The canvass of returns for the runoff election shall be the same
606 as for a general election.

607 4. In the event of a tie vote for any seat at the runoff
608 election, the names of the candidates who tied shall be placed
609 in a box and one name shall be drawn by a member of the
610 canvassing board. The candidate whose name is drawn from the box
611 shall be the winning candidate.

612 (4) INDUCTION INTO OFFICE.--Those candidates who are
613 elected shall be inducted into office and take office at the
614 initial town council meeting, which shall be held no more than
615 30 days after the final election requirements are determined to
616 be in compliance at the Sarasota County facilities located at

617 800 Blackburn Point Road, Casey Key.

618 (5) TRANSITION SERVICES AND COMPENSATION.--It is intended
 619 that Sarasota County provide and be compensated for the
 620 provision of services for the Town of Casey Key as budgeted for
 621 in the fiscal year 2009-2010 Sarasota County Budget as far as
 622 the revenue will provide. The level of services to be provided
 623 will be consistent with the level upon which the fiscal year
 624 2009-2010 expense budget was predicted and in accordance with
 625 adopted revenue. It is the responsibility of the town to adopt
 626 appropriate ordinances, resolutions, or agreements as required
 627 to ensure the continued collection of budgeted revenues with
 628 which to fund services beginning January 1, 2010. Any revenues
 629 adopted or received by the Town of Casey Key upon which delivery
 630 of services was not predicted within the county's fiscal year
 631 2009-2010 adopted budget shall accrue to the Town of Casey Key.
 632 Services that the county shall provide under the terms of this
 633 agreement include all services provided to the Casey Key
 634 municipal district as adopted by the Sarasota County Commission
 635 prior to the Town of Casey Key becoming operational.

636 (6) FIRST-YEAR EXPENSES.--The council, in order to provide
 637 moneys for the expenses and support of this town, shall have the
 638 power to borrow money necessary for the operation of town
 639 government until such time as a budget is adopted and revenues
 640 are raised in accordance with the provisions of this charter.

641 (7) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The town
 642 council shall adopt ordinances and resolutions required to
 643 effect the transition. Ordinances adopted within 60 days after
 644 the first council meeting shall be passed as emergency

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645 ordinances. These transitional ordinances shall be effective for
646 no longer than 90 days after adoption and thereafter may be
647 readopted, renewed, or otherwise continued only in the manner
648 normally prescribed for ordinances.

649 (8) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
650 REGULATION.--

651 (a) Until such time as the town adopts a comprehensive
652 plan, the applicable provisions of the Comprehensive Plan of
653 Sarasota County, as the same exists on the day the town
654 commences corporate existence, shall remain in effect as the
655 town's transitional comprehensive plan. However, all planning
656 functions, duties, and authority shall thereafter be vested in
657 the Town Council of Casey Key, which shall be deemed the local
658 planning agency until the council establishes a separate local
659 planning agency.

660 (b) All powers and duties of the Sarasota County Planning
661 and Land Development Regulations Commission, any boards of
662 adjustment and appeals created pursuant to statutory trade
663 codes, and the Sarasota County Commission, as set forth in these
664 traditional zoning and land use regulations, shall be vested in
665 the Town Council of Casey Key until such time as the town
666 council delegates all or a portion hereof to another entity.

667 (c) Subsequent to the commencement of the town's corporate
668 existence, no amendment of the town's land development
669 regulations enacted by the Sarasota County Commission shall be
670 deemed as an amendment of the town's transitional comprehensive
671 plan or land development regulations or shall otherwise take
672 effect within the town's corporate limits unless approved by the

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673 | town council.

674 | (9) STATE-SHARED REVENUES; TOWN PARTICIPATION IN STATE
675 | SHARED REVENUES PROGRAMS.--The Town of Casey Key shall be
676 | entitled to participate in the state-shared revenues programs
677 | effective immediately on the date of incorporation. The
678 | provisions of section 218.23, Florida Statutes, shall be waived
679 | for the purpose of eligibility to receive revenue sharing funds
680 | from the date of incorporation through the state fiscal year
681 | 2009-2010. Initial population estimates for calculating
682 | eligibility for shared revenues shall be determined by the
683 | University of Florida Bureau of Economic and Business Research.
684 | Should the bureau be unable to provide an appropriate population
685 | estimate, the Sarasota County Planning Department shall provide
686 | an appropriate estimate.

687 | Section 14. This act shall take effect only upon its
688 | approval by a majority vote of those qualified electors residing
689 | within the proposed corporate limits of the proposed Town of
690 | Casey Key voting in a referendum election to be called by the
691 | Sarasota County Commission and to be held in accordance with the
692 | provisions of law currently in force, except that this section
693 | shall take effect upon becoming a law.