

1 A bill to be entitled
2 An act relating to Sarasota County; creating the Town
3 of Siesta Key; providing a charter; providing
4 legislative intent; providing a commission-manager
5 form of government; providing boundaries; providing
6 the town fiscal year; providing the town commission
7 and composition thereof; providing terms, duties, and
8 powers; providing a mayor and vice mayor and their
9 terms and duties; providing compensation and
10 reimbursement of expenses of commission members;
11 providing scheduling requirements of commission
12 meetings; providing rulemaking authority; providing
13 quorum; providing commission's rights to make motions;
14 providing vote requirements; providing for filling of
15 vacancies and forfeiture of office; providing for
16 appointment of boards, other commissions, and
17 committees; providing a town manager, an acting town
18 manager, a town clerk, and a town attorney; providing
19 qualifications, compensation, powers, and duties of
20 the manager; providing the qualifications and duties
21 of the town clerk; providing qualifications, duties,
22 and compensation of the town attorney; providing
23 actions required to be taken by ordinance; providing
24 future amendments to the charter; providing charter
25 reviews; providing severability; providing procedures

26 | for the first election and the town transition
 27 | schedule; providing first-year expenses; providing
 28 | transitional ordinances and resolutions; providing a
 29 | transitional comprehensive plan and transitional land
 30 | development regulations; providing entitlement to
 31 | state-shared revenues; providing entitlement to all
 32 | local revenue sources allowed by general law;
 33 | providing the sharing of communications services tax
 34 | revenues; providing receipt and distribution of local
 35 | option gas tax revenues; providing waiver of specified
 36 | eligibility provisions; requiring a referendum;
 37 | providing effective dates.

38 |

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

40 |

41 | Section 1. Corporate name; purpose of charter; creation
 42 | and establishment of the Town of Siesta Key.—

43 | (1) CORPORATE NAME.—The municipality hereby established
 44 | shall be known as the Town of Siesta Key ("town").

45 | (2) PURPOSE OF THE CHARTER.—This act, together with any
 46 | future amendments thereto, may be known as the Charter of the
 47 | Town of Siesta Key ("charter").

48 | (a) It is in the best interests of the public health,
 49 | safety, and welfare of the residents of the unincorporated
 50 | Siesta Key area to form a separate municipality for the

51 unincorporated Siesta Key area with all the powers and authority
52 necessary to provide adequate and efficient municipal services
53 to its residents.

54 (b) It is intended that this charter and the incorporation
55 of the unincorporated Siesta Key area will serve to preserve and
56 protect the character, natural resources, and quality of life of
57 the community.

58 (c) It is the intent of this charter and the incorporation
59 of the unincorporated Siesta Key area to secure the benefits of
60 self-determination and affirm the values of representative
61 democracy, citizen participation, strong community leadership,
62 professional management, and regional cooperation.

63 (d) It is the intent of this charter and the incorporation
64 of the unincorporated Siesta Key area to maintain a financially
65 secure and sustainable municipal government and to responsibly
66 manage the municipality's debt obligations without causing the
67 state to incur any liability.

68 (3) CREATION AND ESTABLISHMENT OF THE TOWN OF SIESTA KEY.—

69 (a) This act shall take effect upon approval by a majority
70 vote of those qualified electors residing within the corporate
71 limits of the proposed town as described in section 3 voting in
72 a referendum election to be called by the Board of County
73 Commissioners of Sarasota County in conjunction with the
74 Supervisor of Elections of Sarasota County to be held November
75 5, 2024, in accordance with the provisions of law relating to

76 | elections currently in force.

77 | (b) For the purpose of compliance with s. 200.066, Florida
 78 | Statutes, relating to assessment and collection of ad valorem
 79 | taxes, the Town of Siesta Key is created and established
 80 | effective upon approval by a majority vote of those qualified
 81 | electors residing within the corporate limits as described in
 82 | section 3.

83 | Section 2. Powers of town; form of government.-

84 | (1) POWERS OF THE TOWN.-The town shall have all available
 85 | governmental, corporate, and proprietary powers of a
 86 | municipality under the State Constitution and laws of this state
 87 | as fully and completely as though such powers were specifically
 88 | enumerated in this charter, and may exercise them, except where
 89 | prohibited by law. Through the adoption of this charter, it is
 90 | the intent of the electors of the town that the municipal
 91 | government established in this section shall have the broadest
 92 | exercise of home rule powers permitted under the State
 93 | Constitution and laws of the state.

94 | (2) CONSTRUCTION.-The powers of the town under this
 95 | charter shall be construed liberally in favor of the town, and
 96 | the specific mention of particular powers in the charter shall
 97 | not be construed as limiting the general powers granted in this
 98 | charter in any way.

99 | (3) FORM OF GOVERNMENT.-The town shall be a commission-
 100 | manager form of government.

101 Section 3. Corporate boundaries.—The territorial
 102 boundaries of the Town of Siesta Key upon the date of
 103 incorporation shall be as follows:

104
 105 The subject territory for the incorporation of Siesta
 106 Key, Sarasota County Florida bounded on the North by
 107 the South line of the City of Sarasota and bounded on
 108 the South by following legal description:

109
 110 Begin at the U.S. government Meander corner on the
 111 east shore of Casey key (now Siesta Key) between
 112 Section 33, Township 37 South, Range 18 East and
 113 Section 4, Township 38 South, Range 18 east, as
 114 restored in accordance with U. S. government Field
 115 Notes of the original survey of 1909 and represented
 116 by a 4" X4" concrete monument, thence using the
 117 Township line as an East bearing, run east along the
 118 Township line 103.58 feet, to the center line of an
 119 existing travelway, thence N30' 46'00" West along said
 120 center line of said travelway, 133.79 feet; thence S
 121 62'00'00" West, 211.89 feet to the ordinance line
 122 agreed upon per Ordinance No. 83-78, dated October 5,
 123 1983 Sarasota County, Florida: thence S32'38'08' East,
 124 85.28 feet; thence N 62'00'00" East, 120.00 feet to
 125 the meander corner.

126
 127 It includes all waters of the State surrounding Siesta
 128 Key except for the portion located in the City of
 129 Sarasota or adjacent to Sarasota County Beach parks,
 130 for one half mile offshore into the Gulf of Mexico
 131 from the mean high water line of the island; and for
 132 other waters, 150 feet offshore from the mean high
 133 water line.

134
 135 Section 4. Fiscal year.—The fiscal year of the town shall
 136 begin on the first day of October and end on the last day of
 137 September of the following calendar year.

138 Section 5. Elected officials.—

139 (1) GENERAL.—The Town of Siesta Key shall have a town
 140 commission ("commission") consisting of five commission members,
 141 who shall be elected in the manner provided in this charter. The
 142 commission shall constitute the governing body of the town.

143 (2) ELECTION; TERMS.—

144 (a) The commission members shall be elected by the
 145 qualified electors of the town at large for 4-year terms,
 146 staggered as set out in this section, until a successor takes
 147 office. Commencing with the initial election, the three
 148 commissioner candidates receiving the highest number of votes
 149 shall be elected for 4-year terms and the two commissioner
 150 candidates receiving the next-highest number of votes shall be

151 elected for 2-year terms. Thereafter, the elections shall be for
 152 full 4-year terms, conducted in conjunction with the state's
 153 general election. If necessary for coordination with the state
 154 and local elections requirements, the terms may be extended or
 155 shortened, but in no event by more than 1 year.

156 (b) No commission member may be elected for or serve more
 157 than two terms or portions of terms consecutively, except that
 158 the commission members elected for 2-year terms at the initial
 159 election may be elected for and serve two terms plus one
 160 additional term consecutively.

161 (3) CONDUCT OF ELECTIONS.—The Sarasota County Supervisor
 162 of Elections will conduct elections in accordance with state
 163 qualification and election laws and this charter.

164 (4) POWERS AND DUTIES OF COMMISSION.—All powers of the
 165 town shall be vested in the commission, except as otherwise
 166 provided by the State Constitution, general or local laws, or
 167 this charter. The commission shall comply with and provide for
 168 the exercise of power and for the performance of all duties and
 169 obligations imposed on the town by law and by this charter.
 170 Without limitation, the commission has full powers to conduct
 171 the town business; to adopt ordinances, resolutions,
 172 administrative codes, regulations, and motions; to appoint a
 173 chief administrative officer to be known as the town manager; to
 174 provide oversight into and be responsible for the town budgeting
 175 process; to adopt a comprehensive plan and land development

176 regulations; and to exercise all other powers provided to, and
 177 perform all duties required of, a governing body by the State
 178 Constitution, general or local laws, or this charter.

179 (5) INVESTIGATIONS.—The commission has the power to
 180 investigate and penalize with civil sanctions misconduct of
 181 commission members, appointed citizens, officials, employees,
 182 and those persons or firms providing contract work for the town.
 183 The commission may engage the services of independent
 184 investigators to provide information and recommendations and may
 185 engage the services of an independent special magistrate to hear
 186 cases and make recommendations. The commission has the power to
 187 enforce the gathering of documentary evidence and to compel
 188 witness testimony through the subpoena power.

189 (6) MAYOR; VICE MAYOR.—At the first regularly scheduled
 190 meeting after the town's first election and each regular
 191 election thereafter and after receiving the certified results of
 192 the election, the commission, by a majority vote, shall select
 193 from its membership a mayor. Upon selection of the mayor, the
 194 newly selected mayor shall preside over the selection of a vice
 195 mayor. The vice mayor shall be selected in the same manner as
 196 the mayor. The mayor and vice mayor shall serve in such
 197 capacities for 1 year or until the first regular commission
 198 meeting occurring after 1 year after the date of the previous
 199 selection. The mayor shall preside at meetings of the
 200 commission, shall be recognized as the head of town government

201 for all ceremonial purposes, and shall be recognized by the
202 Governor for military law and for service of process but shall
203 have no administrative duties. The vice mayor shall act as mayor
204 during the absence or disability of the mayor. If the office of
205 mayor becomes vacant upon death, incapacitation due to long-term
206 illness, resignation, removal from office in any manner
207 authorized by law, or forfeiture of office, the vice mayor shall
208 serve as acting mayor until the next regular commission meeting,
209 at which time the commission shall elect a mayor and, if the
210 vice mayor is elected mayor, a vice mayor.

211 (7) COMPENSATION.— An ordinance is required to set or
212 modify compensation of the commission members. The initial
213 commission shall not be compensated and will take the matter up
214 in due course at a regularly scheduled meeting. If the
215 commission at any point takes action to install or adjust
216 compensation of its members, the salary shall not be adjusted
217 until after the first day after the next regular municipal
218 election. The commission shall be entitled to receive their
219 actual and necessary expenses incurred in the performance of
220 their official duties in accordance with general law.

221 (8) COMMISSION MEETINGS; CONDUCT OF BUSINESS; QUORUM.—

222 (a) The commission shall meet regularly at least once a
223 month at such times and places as the commission may prescribe
224 by ordinance. By majority vote, the commission may elect to
225 forego regular meetings in July and August. Special meetings may

226 be held at the call of the mayor or, in the absence of the
 227 mayor, the vice mayor or by request of a majority of the
 228 commission members.

229 (b) The town clerk shall provide notice of all public
 230 meetings as required by law and this charter at least 24 hours
 231 before a meeting unless a declared emergency exists.

232 (c) The commission may adopt rules for the conduct of its
 233 business and meetings, consistent with general law.

234 (d) A quorum to conduct any business consists of a
 235 majority of the commission membership. Conduct of business means
 236 any business, not just action items. If a quorum does not exist,
 237 the mayor may recess the meeting until a quorum is obtained or
 238 may adjourn the meeting.

239 (9) MOTIONS AND VOTING.—All commission members, including
 240 the mayor and vice mayor, have an equal right to make motions
 241 and seconds; to have reasonable opportunity to discuss matters
 242 before voting; and to engage in civil discourse at meetings. As
 243 provided by general law, actions are taken by a majority vote of
 244 the quorum present unless a super majority is required.

245 (10) SUPER MAJORITY VOTE.—An affirmative vote of at least
 246 four of five commission members shall be required to approve any
 247 rezoning, special exception, variance, or vacation of any
 248 rights-of-way in the town.

249 (11) VACANCIES; FORFEITURE OF OFFICE; DISCIPLINE.—

250 (a) The office of a commission member shall become vacant

251 upon death, incapacitation due to long-term illness,
252 resignation, removal from office in any manner authorized by
253 law, or forfeiture of the commission member's office.

254 (b) A commission member shall forfeit office if the
255 member:

256 1. Lacks at any time during the term of office any
257 qualifications for the office prescribed by this charter or
258 general law;

259 2. Violates any standard of conduct or code of ethics
260 established by law for public officials or has been suspended
261 for the same by the Governor without reinstatement;

262 3. Is convicted of a felony, or enters a plea of guilty or
263 nolo contendere to a crime punishable as a felony, even if
264 adjudication has been withheld;

265 4. Is convicted of a first-degree misdemeanor arising
266 directly out of the commission member's conduct or duties
267 relating to the office, or enters a plea of guilty or nolo
268 contendere to a crime punishable as a first-degree misdemeanor,
269 even if adjudication has been withheld; or

270 5. Is absent from three consecutive regular commission
271 meetings without being excused by the commission.

272 (c) A commission member may be disciplined by unanimous
273 vote of all other commission members for any reason set out in
274 paragraph (b) and for any of the following:

275 1. Unruly behavior to the point of being disruptive to the

276 conduct of public meetings or town business. The penalty for
277 unruly behavior may include removal from a meeting, public
278 censure, or both.

279 2. Violation of the commissioner-manager form of
280 government. Except for the purpose of inquiry and information,
281 the commission and its membership are expressly prohibited from
282 interfering with the performance of the duties of any town
283 employee or contractor who is under the direct or indirect
284 supervision of the town manager or town attorney. Such
285 interference constitutes malfeasance in office within the
286 meaning of general law. The penalty for violation of the
287 commission-manager form of government may include public censure
288 up to removal from office.

289 (12) FILLING OF VACANCIES.—A vacancy on the commission
290 shall be filled in one of the following ways:

291 (a) If there are less than 6 months remaining in the
292 unexpired term or if there are less than 6 months before the
293 next regular town election, the commission, by a majority vote
294 of the remaining members, shall choose a successor to serve
295 until the newly elected commission member takes office. If 2 or
296 more years remain in the term of the vacated seat at the time of
297 the next regular town election, that seat shall be filled by
298 election for the remaining 2 years.

299 (b) If there are 6 months or more remaining in the
300 unexpired term and no regular town election is scheduled within

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301 6 months, the commission shall fill the vacancy on an interim
302 basis as provided in paragraph (a) and shall schedule a special
303 election to be held not sooner than 120 days, nor more than 150
304 days, following the occurrence of the vacancy.

305 (13) EXTRAORDINARY VACANCIES.—If at any time the
306 membership of the commission is reduced to less than a quorum,
307 the Governor shall appoint interim commission members to fill
308 the vacancies. Unless otherwise provided by law or by the
309 Governor's order, the town shall hold a special town election in
310 conjunction with the next regular state primary or general
311 election or, if there are 6 months or more until the next
312 regular state primary or general election, the town shall hold a
313 special town election. Candidates shall be elected for the
314 remainder of the previously vacated terms with the candidates
315 receiving the most votes elected to the longer remaining terms
316 and the candidates receiving the next-highest number of votes
317 elected to the shorter remaining terms.

318 (14) COMMISSION BOARDS, OTHER COMMISSIONS, AND
319 COMMITTEES.—The commission may appoint citizens to its boards,
320 other commissions, and committees. Unless provided in this
321 charter or general law, the qualifications and terms will be as
322 provided by the commission by ordinance, resolution, or motion.
323 The commission may suspend or remove appointed persons for any
324 cause for which a commission member may be removed or for any
325 lawful reason as may be established by the commission, including

326 the same prohibitions and penalties relating to interference
327 with the commission-manager form of government that apply to the
328 commission.

329 Section 6. Town manager.—

330 (1) APPOINTMENT AND QUALIFICATIONS OF THE TOWN MANAGER.—

331 The commission shall appoint a town manager ("manager") by a
332 majority vote of the commission. The manager shall be chosen
333 based on education and experience in the accepted competencies
334 and practices of local government management. The manager shall
335 be the administrative head of the municipal government under the
336 direction and supervision of the commission. The manager shall
337 hold office at the pleasure of the commission. The manager may
338 be an employee or an independent contractor and may be a firm if
339 an individual is designated as manager.

340 (2) COMPENSATION OF THE MANAGER.—The manager shall receive
341 such compensation as the commission may fix.

342 (3) ACTING TOWN MANAGER.—Unless there has been a
343 designated acting town manager position, the manager, by letter
344 filed with the town clerk, shall designate a town officer other
345 than a commission member or an employee to exercise the powers
346 and perform the duties of the manager during the manager's
347 temporary absence or disability. In case of the manager's
348 disability, the commission may make such designation. The
349 commission may revoke such designation at any time and appoint
350 another officer or employee to serve until the manager returns

351 or is removed.

352 (4) POWERS AND DUTIES.—The manager, as the chief executive
 353 officer of the town, is responsible to the commission for the
 354 management of all town affairs placed in the manager's charge by
 355 and under this charter. The manager shall, as example and not by
 356 way of limitation:

357 (a) See that the laws and ordinances are enforced.

358 (b) Appoint and remove all subordinate officers and
 359 employees of the town.

360 (c) Exercise, control, and direct supervision over all
 361 departments and divisions of the municipal government under this
 362 charter, or which may hereafter be created by the commission,
 363 except for the offices of town attorney, boards, other
 364 commissions, and authorities.

365 (d) See that all terms and conditions imposed in favor of
 366 the town and its inhabitants in any public contracts and utility
 367 franchises are faithfully kept and performed and to call the
 368 same to the attention of the town attorney whose duty it is to
 369 take such legal steps as may be necessary to enforce the same.

370 (e) Attend all meetings of the commission with the right
 371 to take part in discussions without having a vote.

372 (f) Recommend to the commission for adoption such measures
 373 as the manager may deem necessary or expedient in the interest
 374 of the town.

375 (g) Keep the commission fully advised as to the financial

376 condition and future needs of the town, prepare and submit the
377 annual budget and capital program to the commission, and
378 implement the final budget approved by the commission to achieve
379 the goals of the town.

380 (h) Submit to the commission and make available to the
381 public a complete report on the finances and administrative
382 activities of the town as of the end of each fiscal year.

383 (i) Make such other reports as the commission may require
384 concerning operations.

385 (j) Assist the commission in developing long-term goals
386 for the town and strategies to implement these goals.

387 (k) Promote comity among the commission, staff, and
388 residents in developing public policy and building a sense of
389 community.

390 (l) Perform such other duties as may be prescribed under
391 this act or as may be required of the manager by ordinance,
392 resolution, motion, or direction of the commission.

393 Section 7. Town clerk.—

394 (1) APPOINTMENT AND QUALIFICATIONS.—The manager shall
395 serve as town clerk or may retain a person to serve as town
396 clerk ("clerk"). The clerk and any deputy clerks shall be
397 appointed based on training or experience in local government
398 recordkeeping.

399 (2) DUTIES.—The clerk shall be the custodian of all town
400 records, give notice of commission meetings to its membership

401 and the public, keep minutes of meeting proceedings, serve as
 402 the town's election official, and perform such other duties as
 403 are assigned by this charter, the commission, or general law.

404 Section 8. Town attorney.—

405 (1) APPOINTMENT AND QUALIFICATIONS OF THE TOWN ATTORNEY.—

406 The commission shall appoint a town attorney by a majority vote.
 407 The town attorney must be licensed to practice law in the state,
 408 be a member in good standing of The Florida Bar, and be chosen
 409 based on education and experience in the accepted competencies
 410 and practices of local government law. The town attorney may be
 411 an employee or contractor. If the town attorney is in a law
 412 firm, a designated attorney shall serve as the town attorney.

413 (2) DUTIES.—The town attorney shall serve as chief legal
 414 adviser to the commission, the town manager, the town clerk, and
 415 all departments, offices, and agencies of the town; shall
 416 represent the town in all legal proceedings; and shall perform
 417 any other duties prescribed by state law, this charter, or local
 418 ordinance. The commission may authorize the town attorney to
 419 employ assistant town attorneys or engage outside counsel
 420 whenever it is deemed necessary or expedient to employ such
 421 additional counsel, and such attorneys are to be selected by the
 422 town attorney, and their compensation shall be fixed and
 423 determined by the commission.

424 Section 9. Actions required to be taken by ordinance.—

425 (1) The following actions must be taken by ordinance:

426 (a) Disposition of or changes of use to owned property of
 427 the town.

428 (b) Amendment of town rights-of-way to beach, bay, and
 429 water access.

430 (2) The following actions may be taken only by referendum:

431 (a) Vacation or sale of any rights-of-way that provide
 432 direct or indirect beach, bay, or water access.

433 (b) Any action requiring a referendum under general law.

434 Section 10. Initiative, referendum, and recall.—The right
 435 of the people to propose charter provisions or amendments and
 436 ordinances by initiative, to subject same to referendum, and to
 437 recall municipal elected officials through municipal recall are
 438 provided in general law and are recognized and preserved in this
 439 charter.

440 Section 11. Amendment to the charter.—This charter may be
 441 amended according to provisions of general law.

442 Section 12. Charter review.—At least one time in each 10
 443 years, the commission shall review, or cause to be reviewed, the
 444 town charter. The review may be performed by the commission or
 445 by an advisory board, other commission, or a committee appointed
 446 by the commission. Following such review, the commission may
 447 take such action as may be in the best interest of the town in
 448 accordance with the provisions of this charter.

449 Section 13. If any provision of this charter or the
 450 application thereof to any person or circumstance is held

451 invalid, the invalidity shall not affect other provisions or
 452 applications of this charter which can be given effect without
 453 the invalid provisions or application, and to this end the
 454 provisions of this charter are declared severable.

455 Section 14. Referendum election; transition.-

456 (1) REFERENDUM ELECTION.-The referendum election called
 457 for by this act shall be held on November 5, 2024, at which time
 458 the following question shall be placed on the ballot:

459 Shall the Town of Siesta Key be created and its
 460 charter adopted?

461 YES

462 NO

463
 464 In the event this question is answered affirmatively by a
 465 majority of voters voting in the referendum, the charter will
 466 take effect as provided herein. The referendum election shall be
 467 conducted by the Supervisor of Elections of Sarasota County in
 468 accordance with the Florida Election Code, and the cost of such
 469 election shall be funded by the Board of County Commissioners of
 470 Sarasota County.

471 (2) INITIAL ELECTION OF COMMISSION.-

472 (a) After the adoption of this charter, the Board of
 473 County Commissioners of Sarasota County shall call an election
 474 to be held March 11, 2025, for the election of five commission
 475 members. The election shall be conducted by the Supervisor of

476 Elections of Sarasota County in accordance with the Florida
477 Election Code, and the cost of such election shall initially be
478 funded by the Board of County Commissioners of Sarasota County,
479 and the Town of Siesta Key will reimburse the county the cost of
480 the election.

481 (b) An individual who wishes to run for one of five
482 initial seats on the commission shall qualify with the
483 Supervisor of Elections of Sarasota County in accordance with
484 this charter and general law. The qualifying period for the
485 initial election of the commission shall begin at noon on the
486 second Monday in January and end at noon on the second in
487 January, unless otherwise provided by law. To qualify, a
488 candidate for the commission must have resided in the town
489 boundaries of the Town of Siesta Key for at least 1 year prior
490 to the end of the qualifying period. Commission members must
491 reside in the Town of Siesta Key to serve on the commission.

492 (c) For the initial elections, the county canvassing board
493 shall certify the results of the elections in accordance with
494 general law.

495 (d) Commencing with the initial election, the three
496 commissioner candidates receiving the highest number of votes
497 shall be elected for 4-year terms and the two commissioner
498 candidates receiving the next-highest number of votes shall be
499 elected for 2-year terms. Thereafter, all terms shall be for a
500 period of 4 years.

501 (3) SCHEDULE.—

502 (a) First election of commission members.—At the time of
503 its adoption, this charter shall be in effect to the extent
504 necessary so that the first election of commission members may
505 be conducted in accordance with this charter.

506 (b) Time of taking full effect.—This charter shall be in
507 full effect for all purposes on and after the date of the first
508 meeting of the newly elected commission provided in paragraph
509 (c).

510 (c) First commission meeting.—On March 26, 2025, if the
511 results of the election of the commission under this charter
512 have been certified, the newly elected commission members shall
513 meet at a location to be determined. In the event the results
514 have not been certified by March 26, 2025, the newly elected
515 commission members shall meet on the following Tuesday. The
516 initial commission shall have the authority and power to enter
517 into contracts, arrange for the hiring of legal counsel, begin
518 recruiting applicants for town manager, provide for necessary
519 town offices and facilities, and do such other things as it
520 deems necessary and appropriate for the town.

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

526 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—

527 (a) All applicable county ordinances currently in place at
 528 the time of passage of the referendum, unless specifically
 529 referenced in this charter, shall remain in place until and
 530 unless rescinded by action of the commission, except that a
 531 county ordinance, rule, or regulation that is in conflict with
 532 an ordinance, rule, or regulation of the town shall not be
 533 effective to the extent of such conflict. Any existing Sarasota
 534 County ordinances, rules, and regulations, as of April 1, 2025,
 535 shall not be altered, changed, rescinded, or added to, nor shall
 536 any variance be granted, if such action would affect the town
 537 without the approval of the commission.

538 (b) The commission shall adopt ordinances and resolutions
 539 required to effect the transition.

540 (6) TRANSITIONAL COMPREHENSIVE PLAN.—Until such time as
 541 the town adopts a comprehensive plan, the Sarasota County
 542 Comprehensive Plan, as it exists on the day that the town
 543 commences corporate existence, shall remain in effect as the
 544 town's transitional comprehensive plan. However, all planning
 545 functions, duties, and authority shall thereafter be vested in
 546 the commission, which shall be deemed the local planning agency
 547 until the commission establishes a separate local planning
 548 agency or arrangement.

549 (7) TRANSITIONAL LAND DEVELOPMENT REGULATIONS.—To
 550 implement the transitional comprehensive land use plan when

551 adopted, the town shall, in accordance with the procedures
552 required by the laws of the state, adopt ordinances providing
553 for land use development regulations within the corporate
554 limits. Until the town adopts ordinances, the following shall
555 apply:

556 (a) The comprehensive land use plan and land use
557 development regulations of Sarasota County, including the Siesta
558 Key Overlay District, as the same exists on the date that the
559 town commenced corporate existence, shall remain in effect as
560 the town's transitional land use development regulations and
561 comprehensive land use plan.

562 (b) All powers and duties of the Sarasota County Growth
563 Management and Building Departments, the Sarasota County Special
564 Magistrate, and the Board of County Commissioners of Sarasota
565 County, as provided in these transitional land use development
566 regulations, shall be vested in the commission until such time
567 as the commission delegates all powers and duties, or a portion
568 thereof, to another agency, department, or entity.

569 (c) Subsequent to the adoption of a local comprehensive
570 land use plan and subject to general law, the commission is
571 fully empowered to amend, supersede, enforce, or repeal the
572 transitional land use development regulations, or any portion
573 thereof, by ordinance.

574 (d) Subsequent to the commencement of the town's corporate
575 existence, an amendment of the comprehensive land use plan or

576 land use development regulations enacted by the Board of County
577 Commissioners of Sarasota County shall not be deemed an
578 amendment of the town's transitional comprehensive land use plan
579 or land use development regulations or otherwise take effect
580 within the town's municipal boundaries.

581 (8) STATE-SHARED REVENUES.—The town shall be entitled to
582 participate in all revenue-sharing programs of the state
583 effective April 1, 2025. The provisions of s. 218.23(1), Florida
584 Statutes, shall be waived for the purpose of conducting audits
585 and financial reporting through the end of the town fiscal year
586 2025-2026. For purposes of complying with s. 218.23(1), Florida
587 Statutes, relating to ad valorem taxation, the millage levied by
588 special districts may be used for an indefinite period of time.
589 Initial revised population estimates for calculating eligibility
590 for shared revenues shall be determined by the University of
591 Florida Bureau of Economic and Business Research. Should the
592 bureau be unable to provide an appropriate population estimate,
593 the Sarasota Office of Housing and Community Development shall
594 provide the estimate.

595 (9) LOCAL REVENUE SOURCES.—The town shall be entitled to
596 receive all local revenue sources available pursuant to general
597 law, including, but not limited to, the local communications
598 services tax imposed under s. 202.19, Florida Statutes. Taxes
599 levied for debt service or ad valorem taxes levied by special
600 millages authorized by voters shall count to produce the revenue

601 equivalent to a millage rate of three mills on the dollar for
602 revenue-sharing purposes. The local communications services tax
603 rate imposed by Sarasota County will continue within the town
604 boundaries during the period commencing with the date of
605 incorporation. Revenues from the tax shall be shared by Sarasota
606 County with the town in proportion to the projected town
607 population estimate of the Sarasota County Planning and Zoning
608 Division compared with the unincorporated population of Sarasota
609 County before the incorporation of the town.

610 (10) LOCAL OPTION GAS TAX REVENUES.—Notwithstanding the
611 requirements of s. 336.025, Florida Statutes, the town shall be
612 entitled to receive local option gas tax revenue beginning on
613 October 1, 2024. These revenues shall be distributed in
614 accordance with general law or by any interlocal agreement
615 negotiated with the Board of County Commissioners of Sarasota
616 County.

617 (11) CONTRACTUAL SERVICES AND FACILITIES.—Contractual
618 services for law enforcement, emergency management, public
619 works, parks and recreation, planning and zoning, building
620 inspection, development review, animal control, library
621 services, town manager, town attorney, and solid waste
622 collection may be supplied by a contract between the town and
623 the Board of County Commissioners of Sarasota County, special
624 districts, municipalities, or private enterprise until such time
625 as the commission establishes such independent services.

626 However, existing solid waste contracts shall be honored as
627 required by s. 165.061(1)(f), Florida Statutes, and s. 10,
628 Article I of the State Constitution. Facilities for housing the
629 newly formed municipal operations may be rented or leased until
630 the town selects more permanent facilities.

631 (12) SARASOTA COUNTY MUNICIPAL SERVICE TAXING UNITS;
632 CONTINUATION.—Notwithstanding the incorporation of the Town of
633 Siesta Key, that portion of the Sarasota County Fire and Rescue
634 MSTU, Parks and Recreation Municipal Service Taxing Unit,
635 Stormwater Municipal Service Taxing Unit, and Roads Municipal
636 Service Taxing Unit, and special taxing districts created by the
637 Board of County Commissioners of Sarasota County that lie within
638 the boundaries of the Town of Siesta Key are authorized to
639 continue in existence until the town adopts an ordinance,
640 resolution, or interlocal agreement to the contrary.

641 (13) LAW ENFORCEMENT.—Law enforcement services shall be
642 provided by the Sarasota County Sheriff's Office until the town
643 adopts an ordinance or resolution or enters into an interlocal
644 agreement to the contrary.

645 (14) ELIMINATION OF TRANSITIONAL ELEMENTS FROM THIS
646 CHARTER.—Upon completion of the transitional phase provided in
647 this charter, the sections of the charter relating to transition
648 may be eliminated from this charter.

649 Section 15. Waiver.—The thresholds established by s.
650 165.061, Florida Statutes, for incorporation have been met with

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651 the following exception: a waiver is granted to the provisions
652 of s. 165.061(1)(d), Florida Statutes, relating to the
653 requirement for a 2-mile minimum distance of any part of the
654 area proposed for incorporation from the boundaries of an
655 existing municipality within the county.

656 Section 16. This act shall take effect only upon its
657 approval by a majority vote of those qualified electors residing
658 within the corporate limits of the proposed Town of Siesta Key,
659 as described in section 3, voting in a referendum conducted in
660 accordance with the provisions of law relating to elections
661 currently in force, except that this section and subsection (1)
662 of section 14 shall take effect upon becoming a law.