

Committee Substitute for Senate Bill No. 2640

An act relating to Monroe County; creating the Village of Key Largo; providing legislative findings and intent; providing municipal boundaries and municipal powers; providing a council-manager form of government; providing for election of a village council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing for compensation and expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of council members; providing that certain interference with village employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing limitations; providing for appointment of charter officers, including a village manager and village attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiatives and referenda; providing the village a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for solid waste disposal; providing for accelerated entitlement to state-shared revenues; providing for gas tax revenue; providing for a transition agreement between Monroe County and the Village of Key Largo; providing land descriptions of the village; providing for future amendments of the charter; providing for standards of conduct in office; providing for the Village of Key Largo to receive infrastructure surtax revenues; providing for severability; providing for a referendum; providing effective dates.

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

Section 1. The Legislature finds and declares that the Key Largo area in Monroe County includes a compact and contiguous community of approximately 13,189 residents susceptible to urban services and constitutes a community amenable to separate municipal government and that it is in the best interests of the public health, safety, and welfare of the residents of the Key Largo area to form a separate municipality for the Key Largo area with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.

ARTICLE I
CORPORATE EXISTENCE; FORM OF
GOVERNMENT; BOUNDARIES; POWERS

Section 1.01 Corporate existence.—Pursuant to the State Constitution, there is hereby created in Monroe County, hereafter referred to as the “county,” a municipal corporation known as the Village of Key Largo, hereafter referred to as the “village.” The corporate existence of the village shall commence upon the adoption of this charter.

Section 1.02 Form of government.—The village shall have a council-manager form of government.

Section 1.03 Corporate boundaries.—The corporate boundaries of the village are as follows:

Northern boundary

The center line of Loquat Drive will be the northern boundary of the proposed Village of Key Largo, Loquat Drive starting at the eastern shoreline, and running westward to the Lake Surprise shoreline, just east of highway U.S. 1, from there the eastern boundary will follow the shoreline, which more or less parallels highway U.S. 1, to the Miami-Dade-Monroe County line. The Miami-Dade-Monroe County line at this point is referred to as Manatee Creek. The Manatee Creek Miami-Dade-Monroe County line will be the northern boundary of the proposed Village Of Key Largo, at approximately mile marker 112.5 U.S. 1. From there the westerly boundary will follow the shoreline on the southwest side U.S. 1 southward. These boundaries will include the properties on either side of the Jewfish Bridge. It will also include those properties at mile marker 112.5, U.S. 1. It will include all properties on Morris Avenue and Hazel Street located in the Cross Key area at mile marker 112.5 U.S. 1. Mainland Monroe County is not in the village boundaries.

Southern boundary

North side of Dove Ave on the Oceanside of US 1 and the north side of Sunset Gardens Rd on the bayside of US 1. Located near the Red Cross Building and Mile Marker 94, on US 1 highway. See Maps for detail.

East and west boundaries

The east (southeast) boundary shall be bound by the shoreline of the Atlantic Ocean. The west (northwest) boundary shall be bound by the shoreline of Florida Bay.

Section 1.04 Village powers.—The village shall be a body corporate and politic and shall have all the powers of a municipality under the State Constitution and laws of Florida, as fully and completely as though such powers were specifically enumerated in this charter, unless otherwise prohibited by or contrary to the provisions of this charter. The village shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal services unless expressly prohibited by law. Through the adoption of this charter, it is the intent of the electors of the village that the municipal government established herein have the broadest exercise of home rule powers permitted

under the State Constitution and laws of the state.

ARTICLE II
CITIZENS' BILL OF RIGHTS

Section 2.01 Purpose and rights.—This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administration management, to make government more accountable, and to ensure to all persons fair and equitable treatment, the following rights are guaranteed:

(1) Convenient access.—Every person has the right to transact village business with a minimum of personal inconvenience. It is the duty of the mayor, the village council, and the village manager to provide, within budget limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the village.

(2) Truth in government.—No municipal official or employee shall knowingly furnish false information on any public matter, or knowingly omit significant facts when giving requested information to members of the public.

(3) Public records.—All audits, reports, minutes, documents, and other public records of the village and its boards, agencies, departments, and authorities shall be open for inspection at reasonable times and places convenient to the public.

(4) Minutes and ordinance register.—The village clerk shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting.

(5) Right to be heard.—Insofar as the orderly conduct of public business permits, any interested person has the right to appear before the village council or any village agency, board, or department for the presentation, adjustment, or determination of an issue, request, or controversy within the jurisdiction of the village. Matters shall be scheduled for the convenience of the public. The village council shall adopt agenda procedure and schedule hearings in a manner that will enhance the opportunity for public participation. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits and procedures for the presentation of a matter.

(6) Right to notice.—Persons entitled to notice of a village hearing shall be timely informed as to the time, place, and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.

(7) No unreasonable postponements.—No matter, once having been placed on a formal agenda by the village, shall be postponed to another day except for good cause shown in the opinion of the mayor, village council, board, or agency conducting such meeting, and then only on condition that the affected person shall, upon written request, receive mailed notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing.

(8) Right to public hearing.—Upon a timely written request from any interested party, and after presentation of the facts to and approval by the council, a public hearing shall be held by any village agency, board, department, or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the law department of the village or to any body whose duties and responsibilities are solely advisory. At any zoning or other hearing in which review is exclusively by certiorari, a party or his or her counsel shall be entitled to present his or her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of such agency, board, department, or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

(9) Notice of action and reasons.—Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any village administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

(10) Manager's and attorney's reports.—The village manager and the village attorney shall periodically make a public status report on all major matters pending or concluded within the manager's or attorney's respective areas of concern.

(11) Budgeting.—In addition to any budget required by state statute, the village manager at the direction of the mayor shall prepare a budget showing the cost of each department for each budget year. Prior to the village council's first public hearing on the proposed budget as required by state law, the village manager shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefor, the estimated millage cost of each department, and the amount of any contingency and carryover funds for each department.

(12) Quarterly budget comparisons.—The village manager shall make public a quarterly report showing the actual expenditures during the quarter just ended against one-quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for any portion of the fiscal year that has elapsed.

(13) Representation of public.—The mayor shall endeavor to designate one or more individuals to represent the village at all proceedings before county, state, and federal regulatory bodies which significantly affect the village and its residents.

Section 2.02 Enumeration of citizens' rights.—The citizens' rights enumerated in section 2.01 vest large and pervasive powers in the citizenry of the Village of Key Largo. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the village. The orderly, efficient, and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and further requires that individual citizens grant respect for the dignity of public office.

Section 2.03 Remedies for violations.—In any suit by a citizen alleging a violation of this bill of rights filed in a state court of competent jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the court. Any public official or employee who is found by the court to have willfully violated this bill of rights shall forthwith forfeit his or her office or employment.

Section 2.04 Construction.—All provisions of this bill of rights shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this bill of rights is declared invalid, it shall not affect the validity of the remaining provisions.

ARTICLE III VILLAGE COUNCIL; MAYOR

Section 3.01 Council structure.—There shall be a five-member village council consisting of council members, hereafter referred to as "councilors," each elected from and representing the village at large. There shall be five separate council seats to be designated as Seat 1, Seat 2, Seat 3, Seat 4, and Seat 5. Candidates must qualify for council elections by seat, and the council members elected to those seats shall hold Seats 1 through 5, respectively. At the time of qualification, each candidate for a council seat shall reside within the boundaries of the village and, if elected, shall maintain such residency throughout his or her term of office.

Section 3.02 Term of office.—The term of office for council members shall be 2 years. Each council member shall remain in office until a successor is elected and assumes the duties of the position, except as otherwise provided herein.

Section 3.03 Mayor.—

(1) The village council, at the first meeting after the election of council members and the swearing into office of said council members, shall elect, by recorded vote, a mayor and a vice mayor from council members. The mayor and vice mayor shall be elected on an annual term thereafter.

(2) The mayor shall preside at meetings of the council, shall be a voting member of the council, and may create and appoint subcommittees of the

council. The mayor shall be recognized as head of village government for all ceremonial purposes and purposes of military law, for service of process, and for execution of duly authorized contracts, deeds, and other documents, and as the village official designated to represent the village in all dealings with other governmental entities. The mayor shall annually present a state-of-the-village message.

Section 3.04 Vice mayor.—The vice mayor shall serve as acting mayor during the absence or disability of the mayor and shall have all the powers, authority, duties, and responsibilities of the mayor during such absence or disability. In the absence of the mayor and the vice mayor, the remaining council members shall select a council member to serve as acting mayor.

Section 3.05 General powers and duties of the council.—Except as otherwise prescribed herein or provided by law, legislative and police powers of the village shall be vested in the council. The council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the village by law.

Section 3.06 Vacancies.—A vacancy in the office of a council member shall occur upon the death of the incumbent, removal from office as authorized by law, resignation, appointment to other public office which creates dual office holding, judicially determined incompetence, or forfeiture of office as described in herein.

Section 3.07 Forfeiture of office.—A council member shall forfeit his or her office upon determination by the council, acting as a body, at a duly noticed public meeting that he or she:

(1) Lacks at any time, or fails to maintain during his or her term of office, any qualification for the office prescribed by this charter or otherwise required by law;

(2) Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication is withheld;

(3) Is convicted of a first degree misdemeanor arising directly out of his or her official conduct or duties, or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld; or

(4) Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law.

(a) During the period of suspension, the council member shall not perform any official act, duty, or function, or receive any pay, allowance, emolument, or privilege of office.

(b) If the council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed, reduced, or altered in such a manner that suspension would no longer be required as provided herein, the suspension shall be lifted and the council member shall be entitled to receive full back pay and such other emoluments or allowances to which he or she would have been entitled had the suspension not occurred.

Section 3.08 Filling of vacancies.—

(1) If a vacancy occurs in the office of mayor, the vice mayor shall serve as mayor until a new mayor is elected as provided herein and assumes all the duties of the mayor's office.

(2) If a vacancy occurs in the office of any council member and the remainder of the unexpired term is less than 1 year, the remaining council members shall, within 30 days following the occurrence of such vacancy, appoint a person to fill the vacancy for the remainder of the unexpired term. If, however, the remainder of the unexpired term exceeds 1 year, the remaining council members shall, within 30 days following the occurrence of such vacancy, call for an election.

(3) Any person appointed to fill a vacant seat on the council shall be required to meet the qualifications of the seat to which he or she is appointed.

Section 3.09 Council meetings.—

(1) The council shall conduct regular meetings at such times and places as the council shall prescribe by resolution. Such meetings shall be public meetings within the meaning of section 286.011, Florida Statutes, and shall be subject to notice and other requirements of law applicable to public meetings.

(2) Elected or reelected council members shall be inducted into office at the first regularly scheduled meeting following certification of their election.

(3) A majority of the council shall constitute a quorum. No action of the council shall be valid unless adopted by an affirmative vote of the majority of the council members in attendance, unless otherwise provided by law.

(4) All actions of the village council shall be by ordinance, resolution, or motion.

Section 3.10 Compensation for councilors.—Councilors shall receive compensation in the amount of \$3,600 per fiscal year. The councilors shall also receive reimbursement in accordance with applicable law, or as may be otherwise provided by ordinance, for authorized travel and per diem expenses incurred in the performance of their official duties.

Section 3.11 Prohibitions.—

(1) Appointments and removals; noninterference.—Except for the purposes of inquiry and information, the council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any employee of the city government who is under the direct or indirect supervision of the city manager; nor shall the council or any of its members in any manner dictate the appointment or removal of any village administrative officer or employee whom the manager or any of his or her subordinates are empowered to appoint. Such action shall be malfeasance within the meaning of section 112.51, Florida Statutes, and

shall be punishable as provided in section 112.317, Florida Statutes. However, the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officer or employee.

(2) Interference with administration.—Except for the purpose of inquiries and investigations made in good faith, the council or its members shall deal with village officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this charter that recommendations for improvement in village government operations by individual councilors be made solely to and through the manager. Councilors may discuss with the manager any matter of village business; however, no individual councilor shall give orders to the manager.

(3) Holding other office.—No elected village official shall hold any appointive village office or employment while in office. No former elected village official shall hold any compensated, appointive village office or employment until 1 year after the expiration of his or her term, or until 1 year after ceasing to be a village official.

ARTICLE IV ADMINISTRATIVE DUTIES

Section 4.01 Authentication.—The mayor or the clerk shall authenticate by his or her signature all ordinances and resolutions adopted by the council. In addition, when charter amendments have been approved by the electors, the mayor and the clerk shall authenticate by their signatures the charter amendment, such authentication to reflect the approval of the charter amendment by the electorate.

Section 4.02 Recording.—The clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions enacted or passed by the council. Ordinances shall, at the direction of the council, be periodically codified. The clerk shall also maintain the village charter in current form as to all amendments.

Section 4.03 Printing.—The council shall, by ordinance, establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this charter available for public inspection and for purchase at a reasonable price.

ARTICLE V VILLAGE MANAGER; APPOINTMENT; REMOVAL; COMPENSATION; POWERS AND DUTIES

Section 5.01 Appointment.—There shall be a village manager, hereafter referred to as the “manager,” who shall be the chief administrative officer of the village. The manager shall be responsible to the council for the administration of all village affairs. The council shall appoint the manager for an indefinite term.

Section 5.02 Removal.—The council may remove the manager at any time, as provided for herein, or as per contract.

Section 5.03 Compensation.—The compensation and benefits of the manager shall be fixed by the council.

Section 5.04 Powers and duties.—The village manager shall:

(1) Be responsible for the hiring, supervision, and removal of all village employees.

(2) Direct and supervise the administration of all departments and offices, but not village boards or agencies, unless so directed by the council from time to time.

(3) Attend all council meetings and have the right to take part in discussion, but not the right to vote.

(4) Ensure that all laws, provisions of this charter, and acts of the council, subject to enforcement and administration by him or her or by officers subject to his or her direction and supervision, are faithfully executed.

(5) Prepare and submit to the council a proposed annual budget and capital program.

(6) Submit to the council and make available to the public an annual report on the finances and administrative activities of the village as of the end of each fiscal year.

(7) Prepare such other reports as the council may require concerning the operations of village departments, offices, boards, and agencies.

(8) Keep the council fully advised as to the financial condition and future needs of the village and make such recommendations to the council concerning the affairs of the village as he or she deems to be in the best interests of the village.

(9) Execute contracts, deeds, and other documents on behalf of the village as authorized by the council.

(10) Perform such other duties as are specified in this charter or as may be required by the council.

Section 5.05 Absence or disability of village manager.—The manager may designate, by letter filed with the village clerk, a qualified administrative officer of the village to perform his or her duties during his or her temporary absence or disability. In the event of failure of the manager to make such designation, or should the person so designated by the village manager be unsatisfactory to the council, the council may by resolution appoint an officer of the village to perform the duties of the manager until he or she returns or his or her disability ceases.

Section 5.06 Bond of village manager/village clerk.—The village council may provide by ordinance for the village manager/village clerk to furnish a fidelity bond to be approved by the council and in such amount as the council may fix. The premium of the bond shall be paid by the village.

Section 5.07 Village clerk.—The village manager shall appoint a village clerk, referred to as the “clerk.” The clerk shall give notice of council meetings to its members and the public, shall keep minutes of its proceedings, and shall perform such other duties as the council or manager may prescribe from time to time. The clerk shall report to the village manager.

Section 5.08 Removal procedures.—The village manager, as a council appointee, may be suspended with pay pending removal by a resolution approved by the majority of the total membership of the village council which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the village manager. The village manager shall have 15 days in which to reply thereto in writing and, upon request, shall be afforded a public hearing, which shall occur not earlier than 10 days or later than 15 days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the village council by a majority vote of its total membership may adopt a final resolution of removal. The village manager shall continue to receive full compensation until the effective date of a final resolution of removal.

Section 5.09 Village attorney.—The council may from time to time appoint an individual attorney or a law firm to act as the village attorney under such terms, conditions, and compensation as are consistent with this charter and as may be established by the council from time to time. The village attorney shall report to the council. The village attorney may be removed by the council at any time.

ARTICLE VI FINANCIAL PROCEDURES

Section 6.01 Tax levy and assessments.—The village shall have the right to levy, assess, and collect all such taxes and assessments as are permitted by law, including, without limitation, ad valorem, excise, franchise, or privilege taxes and taxes on services and utilities.

Section 6.02 Borrowing.—The village shall incur no debt unless approved by four councilors and provided the council has first received and reviewed a feasibility study from the manager and chief financial officer of the village concluding that sufficient revenues are available to repay the indebtedness and that the funds are being borrowed for a valid public purpose and subject to part II of chapter 166, Florida Statutes.

Section 6.03 Fiscal year.—The village shall have a fiscal year which shall begin on October 1 of each year and end on September 30 of the succeeding year.

Section 6.04 Balanced budget.—Each annual budget adopted by the council shall be a balanced budget.

(1) Budget adoption.—The council shall by ordinance adopt the annual budget on or before the last day of September of each year. If the council fails to adopt the annual budget by this date, the council may by resolution direct that the amounts appropriated for current operations for the then-ending fiscal year be deemed appropriate for the ensuing fiscal year for a period of

15 days, renewable by resolution every 15 days, with all items in it prorated accordingly, until such time as the council adopts an annual budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriations of the amounts specified therein.

(2) Specific appropriation.—The budget shall be specific as to the nature of each category of appropriations. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

Section 6.05 Budget amendments.—

(1) Supplemental appropriations.—If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the council by resolution may make supplemental appropriations for the year in an amount not to exceed such excess.

(2) Reduction of appropriations.—If, at any time during the fiscal year, it appears probable to the village manager that the revenues available will be insufficient to meet the amount appropriated, the village manager shall so report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps that should be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and, for that purpose, the council may by resolution reduce one or more appropriations accordingly.

ARTICLE VII ELECTIONS

Section 7.01 Village electors.—Any person who is a resident of the village, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the village.

Section 7.02 Nonpartisan elections.—All elections for the village council members shall be conducted on a nonpartisan basis without any designation of political party affiliation.

Section 7.03 Qualifying for office.—Any resident of the village who wishes to become a candidate for a village elective office shall qualify with the village clerk no sooner than noon on the last Tuesday in January or later than noon on the second Tuesday in February of the year in which the election is to be held.

Section 7.04 Limitations on lengths of service.—No person shall serve as mayor for more than two consecutive annual terms. No person may serve on the council for more than two consecutive terms.

Section 7.05 Election schedule.—The regular village election shall be the second Tuesday in March of each election year. Such village elections shall be general village elections.

Section 7.06 Special elections.—Special village elections shall be held in the same manner as regular elections, except that the village council, by ordinance, shall fix the time for holding of such elections.

Section 7.07 Determination of election to office.—If only one candidate qualifies for an office, said candidate shall be deemed to be elected. If two or more candidates qualify for an office, the names of those candidates shall be placed on the ballot at the general election. The candidate receiving the highest number of votes cast for the office in the runoff election shall be elected to such office. If the vote at the runoff election results in a tie, the outcome shall be determined by lot.

Section 7.08 Village canvassing board.—The village canvassing board shall be composed of those members of the village council who are not candidates for reelection and the village clerk, who shall act as chairperson. If all council members are seeking reelection, the village council shall appoint three village electors, who with the village clerk shall constitute the canvassing board. At the close of the polls of any village election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chairperson and shall proceed to publicly canvass the vote as shown by the returns then on file in the office of the village clerk and then shall publicly canvass the absentee elector ballots. The canvassing board shall prepare and sign a certificate containing the total number of votes cast for each candidate or other measure voted upon. The certificate shall be placed on file with the village clerk.

Section 7.09 Recall.—Any member of the village council can be removed from office by the electors of the village, following the procedures for recall established by general law.

Section 7.10 Commencement of terms.—The term of office of any elected official shall commence following the election for such elected office as provided by ordinance of the village.

ARTICLE VIII INITIATIVE AND REFERENDUM

Section 8.01 Council initiative.—The village council shall have the power, by resolution, to call for a referendum vote by the electors of the village at any time, provided that the purpose of such referendum is presented to the village at a public hearing at least 60 days prior to the adoption of said resolution. Any resolution calling for a referendum vote of the electors of the village must be passed by the affirmative vote of not less than four members of the council.

Section 8.02 Power to initiate and reconsider ordinances.—

(1) Initiative.—The electors of the village shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a village election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes, or setting salaries of village officers or employees.

(2) Referendum.—The electors of the village shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a village election, provided that such power shall not extend to the annual

budget or capital program or any ordinance appropriating money, levying taxes, or setting salaries of village officers or employees.

(3) Commencement of proceedings.—A minimum of 10 electors may commence initiative or referendum proceedings by filing with the clerk or other official designated by the council an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the clerk may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense. Petitioners' proposed ordinance shall be approved as to legal sufficiency by the village attorney prior to circulation.

Section 8.03 Petitions.—

(1) Number of signatures.—Initiative and referendum petitions must be signed by electors of the village equal in number to at least 10 percent of the total number of electors registered to vote at the last regular village election.

(2) Form and content.—All papers of a petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(3) Affidavit of circulator.—Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(4) Filing deadline.—All initiative and referendum petitions must be filed within 60 days after the date on which proceedings with respect to such initiative or referendum are commenced.

Section 8.04 Procedure for filing.—

(1) Certificate of clerk; amendment.—Within 20 days after an initiative petition is filed or within 5 days after a referendum petition is filed, the clerk shall complete a certificate as to its sufficiency, hereafter referred to as the "certificate." If the petition is insufficient, the certificate shall specify the particulars of the deficiency. A copy of the certificate shall be promptly sent to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in section 8.03. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the council within 2 business days after receiving the copy of the certificate and files a supplementary petition upon

additional papers within 10 days after receiving the copy of the certificate. Such supplementary petition shall comply with the requirements of section 8.03. Within 5 days after a supplementary petition is filed, the clerk or other official designated by the council shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (2) within the time required, the clerk or other official designated by the council shall promptly present the certificate to the council and such certificate shall then be a final determination as to the sufficiency of the petition.

(2) Council review.—If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two business days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.

Section 8.05 Action on petitions.—

(1) Action by council.—When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal, all in the manner provided in this article. If the council fails to adopt a proposed initiative ordinance without any change in substance within 45 days or fails to repeal the referred ordinance within 30 days, it shall submit the proposed or referred ordinance to the electors of the village. If the council fails to act on a proposed initiative ordinance or a referred ordinance within the specified time period, the council shall be deemed to have failed to adopt the proposed initiative ordinance or to repeal the referred ordinance on the last day that the council was authorized to act on such matter.

(2) Submission to electors.—The vote of the village on a proposed or referred ordinance shall be held not less than 30 days or more than 60 days from the date the council acted or was deemed to have acted pursuant to subsection (1). If no regular election is to be held within the period prescribed in this subsection, the council shall provide for a special election, except that the council may, in its discretion, provide for a special election at an earlier date within the prescribed time period. Copies of the proposed or referred ordinance shall be made available at the polls.

(3) Withdrawal of petitions.—An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the village by filing with the clerk or other official designated by the council a request for withdrawal signed by at least eight-tenths of the members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 8.06 Results of election.—

(1) Initiative.—If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(2) Referendum.—If a majority of the qualified electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

ARTICLE IX
CHARTER AMENDMENTS

Section 9.01 By ordinance.—The council may, by ordinance, propose amendments to this charter and, upon passage of the initiating ordinance, shall submit the proposed amendment to a vote of the electors at the next general election held within the village or at a special election called for such purpose.

Section 9.02 By petition.—The electors of the village may propose amendments to this charter by petition. Each petition proposing amendments to this charter shall be commenced, filed, certified as to its sufficiency, and withdrawn in the same manner, in the same form, and with the same number of petitioning electors as an ordinance proposed by initiative.

Section 9.03 Submission to electors.—Upon certification of the sufficiency of a petition, the council shall submit the proposed amendment to a vote of the electors at a general election or special election to be held not less than 60 days or more than 120 days from the date on which the petition was certified or at a special election called for such purpose.

Section 9.04 Results of election.—If a majority of the qualified electors voting on a proposed amendment vote for its adoption, the amendment shall be considered adopted upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

ARTICLE X
GENERAL PROVISIONS

Section 10.01 Severability.—If any section or part of this section of the charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or a part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such holding shall directly apply.

Section 10.02 Conflicts of interest; ethical standards.—All councilors, officials, and employees of the village shall be subject to the standards of conduct for public officers and employees set by federal, state, county, or other applicable law. The village council may adopt additional standards of

conduct and code of ethics requirements that are not inconsistent with federal, state, county, or other applicable law.

Section 10.03 Village personnel system.—All new employments, appointments, and promotions of village officers and employees shall be made pursuant to personnel procedures to be established by the manager from time to time.

Section 10.04 Charitable contributions.—The village shall not make any charitable contribution to any person or entity, except such contributions as have been approved by all councilors.

Section 10.05 Charter revision.—At its first regular meeting in December of every 5th year after the adoption of this charter, commencing with December 2005, the council shall appoint a charter revision council consisting of five persons, one of whom shall be a member of the council serving a second consecutive term as councilor, one of whom shall have served as a member of the previous charter council, and three of whom shall be electors of the village. If there are no councilors serving a second consecutive term, the council shall appoint one councilor to the revision council. If a former charter council member is not available to serve, four electors of the village, rather than three, shall be appointed. The mayor shall not be eligible for appointment to the revision council. The revision council shall commence its proceedings within 45 days after appointment by the council. If the revision council determines that a revision is needed, including, but not limited to, a change in the boundaries or numbers of residential areas, it shall draft such amendments to this charter as it deems appropriate and submit the same to the council not later than the 90th day after its appointment by the council. The council shall, not less than 30 days or more than 60 days after submission of the proposed amendments to the council, submit them to the electors of the village in accordance with the provisions of Articles VII and VIII.

Section 10.06 Variation of pronouns.—All pronouns and any variation thereof used in this charter shall refer to masculine, feminine, neutral, singular, or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define, or limit the scope, extent, or intent of this charter.

Section 10.07 No discrimination.—The village shall not adopt any measure or policy or otherwise discriminate against any person due to race, religion, color, national origin, physical or mental disability, creed, sexual preference, or sex.

Section 10.08 Deferred compensation; pensions.—Contributions to pension and other deferred compensation plans or arrangements for village employees may be made under such terms and conditions as the council may establish from time to time in accordance with sound actuarial principles.

Section 10.09 Calendar day.—For the purposes of this charter, a day shall mean a calendar day.

ARTICLE XI TRANSITION PROVISIONS

Section 11.01 Referendum election.—The referendum election called for by this act shall be held November 2, 1999, at which time the following question shall be placed upon the ballot:

SHALL CHAPTER _____, LAWS OF FLORIDA, CREATING THE VILLAGE OF KEY LARGO AND PROVIDING ITS CHARTER BE APPROVED?

- NO

- YES

In the event this question is answered affirmatively by a majority of voters voting in the referendum, the provisions of this charter shall take effect as provided in section 1.01.

Section 11.02 Initial election of village council.—

(1) Dates.—Following the adoption of this charter in accordance with section 11.01, the Monroe County Commission shall call a special election for the election of the five village council members to be held January 4, 2000.

(2) Qualifying period.—Between noon on November 10, 1999, and noon on November 24, 1999, any individual who wishes to run for one of the five initial seats on the council shall qualify as a candidate with the Monroe County Supervisor of Elections in accordance with the provisions of this charter and general law.

(3) Certification of election results.—For the initial election, the Monroe County Commission shall appoint a canvassing board which shall certify the results of the election.

(4) Induction into office.—Those candidates who are elected on January 4, 2000, shall take office at the initial village council meeting, which shall be held at 7 p.m., on January 6, 2000, at the Key Largo Public Library.

(5) Initial terms of office.—In order to provide for staggering terms of office, the initial term of office for those three council candidates receiving the highest number of votes in the initial election shall be 2 years, 2 months, commencing January 4, 2000, and ending with the general election March 5, 2002, unless otherwise reelected. Each of the remaining elected candidates shall serve a term of 1 year, 2 months, commencing January 4, 2000, and ending with the general election March 6, 2001, unless otherwise reelected.

(6) Creation and establishment of the Village of Key Largo.—For the purpose of compliance with section 200.066, Florida Statutes, relating to assessment and collection of ad valorem taxes, the village is hereby created and established effective November 2, 1999. However, notwithstanding anything to the contrary contained herein, the village, although created and established as of November 2, 1999, shall not be operational until January 4, 2000.

Section 11.03 First-year expenses.—The village council, in order to provide moneys for the expenses and support of the village, shall have the power to borrow money necessary for the operation of village government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this charter.

Section 11.04 Transitional ordinances and resolutions.—The village council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first council meeting may be passed as emergency ordinances. These transitional ordinances, passed as emergency ordinances, shall be effective for no longer than 90 days after adoption, and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

Section 11.05 Transitional comprehensive plan and land development regulations.—

(1) Until such time as the village adopts a comprehensive plan, the applicable provisions of the Comprehensive Plan of Monroe County, as the same exists on the day the village commences corporate existence, shall remain in effect as the village transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the village council of the Village of Key Largo which shall be deemed the local planning agency until and unless the council establishes a separate local planning agency. Prior to the adoption of a village comprehensive master plan, any amendment to any zoning as established in the current county land use plan shall only be by an ordinance adopted by the affirmative vote of not less than four members of the council. Any increase in the residential density or intensity, as established in the current county land use plan, which is adopted by the village shall only be by an ordinance adopted by the affirmative vote of not less than four members of the council.

(2) All powers and duties of the planning commission, zoning authority, any boards of adjustment, and the County Commission of Monroe County, as set forth in these transitional zoning and land use regulations, shall be vested in the village council of the Village of Key Largo until such time as the village council delegates all or a portion thereof to another entity.

(3) The village council may, by ordinance adopted by the affirmative vote of not less than four members of the council, enter into a transition agreement between Monroe County and the Village of Key Largo.

Section 11.06 Solid waste.—In accordance with section 403.706(1), Florida Statutes, the board of county commissioners shall have the responsibility to transport municipal solid waste to a solid waste disposal facility of the county or to operate a solid waste facility. The municipality must, through September 30, 2002, deliver the solid waste collected within the municipality to either a county solid waste transfer station or a county solid waste disposal facility, as determined by the board. For the remainder of the term of the county's solid waste haulout contract, the board and the municipality shall negotiate for the delivery of the solid waste collected within the municipality by interlocal agreement. The parties shall negotiate in good faith and

with primary consideration given to the minimum waste generation guarantees set forth in the county's solid waste haulout contract. However, in no event may the board charge the municipality a tipping fee in excess of the tipping fee established annually and charged to other municipalities and persons delivering solid waste to the county transfer stations or county solid waste disposal facility.

ARTICLE XII SHARED REVENUES

Section 12.01 State-shared revenues.—The Village of Key Largo shall be entitled to participate in all shared revenue programs of the State of Florida effective immediately on the date of incorporation. The provisions of section 218.23(1), Florida Statutes, shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the state Fiscal Year 2001-2002. The millage levied by the Monroe County Mosquito Control District, independent special district as that term is defined in chapter 189, Florida Statutes, which includes the area within the corporate limits of the village, may be used for the purposes of satisfying the provisions of section 218.23(1), Florida Statutes. Section 218.26(3), Florida Statutes, shall be waived through the state Fiscal Year 2001-2002, and the apportionment factors for the municipalities and counties shall be recalculated pursuant to section 218.245, Florida Statutes. Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population estimate, the Monroe County Planning Division estimate shall be utilized.

Section 12.02 Gas tax revenues.—Notwithstanding the requirements of section 336.025, Florida Statutes, to the contrary, the Village of Key Largo shall be entitled to receive local option gas tax revenues beginning on July 1, 2000.

Section 12.03 Infrastructure surtax revenues.—The Village of Key Largo shall be entitled to receive infrastructure surtax revenues beginning on July 1, 2000.

Section 2. This act shall take effect only upon its approval by a majority vote of those qualified electors residing within the proposed corporate limits of the proposed Village of Key Largo voting in a referendum election to be called by the Monroe County Commission and to be held November 2, 1999, in accordance with the provisions of law relating to elections currently in force, except that this section shall take effect upon becoming a law.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.