

House Bill No. 1017

An act relating to Bay County; creating the City of Southport; fixing boundaries; providing for a city commission, qualifications and terms of office, vacancies, compensation, charter officers, mayor and vice mayor, a city manager, a city attorney, and a city clerk; providing for elections; providing for municipal services; providing for charter amendment, review, and referendum; providing for severability; providing for transition; providing an effective date.

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

Section 1. The charter of the City of Southport, Bay County, Florida, is created to read:

ARTICLE I
CREATION AND POWERS

Section 1.01 Creation.—There is hereby created in Bay County a new municipality to be known as the City of Southport, Florida, which shall have a commission-manager form of government.

Section 1.02 Municipal powers.—The city shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State 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 city 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 purposes unless expressly prohibited by law. The powers of the city shall be liberally construed in favor of the city.

ARTICLE II
CORPORATE LIMITS

Section 2.01 Boundaries.—The following areas shall constitute the corporate limits of the City of Southport, Florida:

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 77; THENCE EAST ALONG THE NORTH LINE OF SECTIONS 17, 16 and 15 TO THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 14 WEST; THENCE NORTH ALONG THE WEST LINE OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 14 WEST TO THE NORTHWEST CORNER OF SAID SECTION 11; THENCE EAST ALONG THE NORTH LINE OF SECTIONS 11 AND 12, TOWNSHIP 2 SOUTH, RANGE 14 WEST AND THE NORTH LINE OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 13 WEST TO THE CENTER OF CEDAR CREEK; THENCE SOUTHERLY ALONG THE CENTER OF CEDAR CREEK AND DEER POINT LAKE TO THE MIDPOINT OF DEER POINT LAKE DAM; THENCE SOUTHWESTERLY

ALONG THE CENTER OF NORTH BAY TO THE SOUTHERLY PRO-
JECTION OF THE EAST LINE OF SECTION 4, TOWNSHIP 3 SOUTH,
RANGE 14 WEST; THENCE NORTH ALONG SAID EAST LINE TO
THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 2 SOUTH,
RANGE 14 WEST; THENCE WEST ALONG THE SOUTH LINE OF
SAID SECTION 33 TO THE SOUTHERLY PROJECTION OF THE
EAST LINE OF LOT 98, PLAT OF ST. ANDREWS BAY PECAN & FIG
GROVES COMPANY'S SUBDIVISION; THENCE NORTH ALONG
SAID EAST LINE AND THE SOUTHERLY PROJECTION THEREOF
TO THE NORTHEAST CORNER OF SAID LOT 98; THENCE WEST
ALONG THE NORTH LINE OF SAID LOT 98 AND THE WESTERLY
PROJECTION THEREOF TO THE NORTHEAST CORNER OF LOT
99, SAID PLAT OF ST. ANDREWS BAY PECAN & FIG GROVES COM-
PANY'S SUBDIVISION; THENCE NORTH ALONG THE EAST LINE
OF LOT 94, SAID PLAT OF ST. ANDREWS BAY PECAN & FIG
GROVES COMPANY'S SUBDIVISION TO THE NORTHEAST COR-
NER OF SAID LOT 94; THENCE WEST ALONG THE NORTH LINE
OF SAID LOT 94 TO THE EAST LINE OF THE "LANGLEY" TRACT,
SAID PLAT OF ST. ANDREWS BAY PECAN & FIG GROVES COMPA-
NY'S SUBDIVISION; THENCE NORTH ALONG THE EAST LINE OF
THE "LANGLEY" TRACT FOR 3.8 FEET TO THE NORTH LINE OF
THE 15 FOOT STRIP DESCRIBED IN OFFICIAL RECORDS BOOK
1104, PAGE 666 OF THE PUBLIC RECORDS OF BAY COUNTY,
FLORIDA; THENCE WEST FOR 15 FEET; THENCE SOUTH FOR 90
FEET; THENCE WEST ALONG THE NORTH LINE OF THE PARCEL
DESCRIBED IN OFFICIAL RECORDS BOOK 1104, PAGE 666 TO THE
EDGE OF NORTH BAY; THENCE SOUTHWESTERLY ALONG THE
RIPARIAN RIGHTS LINE OF SAID PARCEL TO THE CENTER OF
NORTH BAY; THENCE WESTERLY ALONG THE CENTER OF
NORTH BAY TO THE SOUTHERLY PROJECTION OF THE WEST
LINE OF THE EAST HALF OF THE EAST HALF OF SECTION 31,
TOWNSHIP 2 SOUTH, RANGE 14 WEST; THENCE NORTH ALONG
SAID WEST LINE OF THE EAST HALF OF THE EAST HALF OF
SAID SECTION 31 AND THE SOUTHERLY PROJECTION THEREOF
TO THE NORTH LINE OF SAID SECTION 31; THENCE NORTH
ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST
QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 14 WEST
TO THE NORTHWEST CORNER OF SAID EAST HALF OF THE
SOUTHEAST QUARTER; THENCE EAST ALONG THE NORTH LINE
OF SAID EAST HALF OF THE SOUTHEAST QUARTER TO THE
WEST LINE OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 14
WEST; THENCE SOUTH ALONG SAID WEST LINE OF SECTION 29
TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF SAID SECTION 29; THENCE EAST
ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTH-
WEST QUARTER TO THE NORTHEAST CORNER OF SAID SOUTH
HALF OF THE SOUTHWEST QUARTER; THENCE NORTH ALONG
THE WEST LINE OF THE EAST HALF OF SAID SECTION 29 TO THE
NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID
SECTION 29; THENCE EAST ALONG THE NORTH LINE OF SAID
SECTION 29 TO THE NORTHEAST CORNER OF SAID SECTION 29;

THENCE NORTH ALONG THE WEST LINE OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 14 WEST TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF SAID SECTION 21; THENCE EAST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTH HALF TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 77 WITH THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTH HALF OF SECTION 21; THENCE NORTHWESTERLY ALONG SAID WEST RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

LESS AND EXCEPT: BEGIN AT THE NORTHEAST CORNER OF LOT 82, ST. ANDREWS BAY PECAN & FIG GROVES CO'S, PLAT OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 14 WEST; THENCE SOUTH FOR 200 FEET; THENCE WEST FOR 231.78 FEET; THENCE NORTHWESTERLY FOR 115 FEET AT AN ANGLE OF 23°28' TO THE RIGHT TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 77; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE TO THE NORTH LINE OF LOT 82; THENCE EAST TO THE POINT OF BEGINNING.

ARTICLE III CITY COMMISSION

Section 3.01 Composition and qualifications for office.—

(1) COMPOSITION.—There shall be a five-member city commission, consisting of a mayor and four commissioners, each elected from the Southport area at large. For purposes of proper interpretation of this charter, unless the context otherwise requires, the term “commissioner” shall be construed to include the mayor.

(2) QUALIFICATIONS FOR OFFICE.—

(a) Each candidate for the office of city commissioner shall be a qualified elector of the city and a resident of the City of Southport for a minimum of 1 year.

(b) Each individual seeking to qualify as a candidate for a seat on the commission shall submit to the Supervisor of Elections of Bay County, Florida, a petition specifically declaring which seat he or she is endeavoring to obtain and containing the signatures of at least 25 electors residing within the boundaries of the City of Southport at large supporting his or her candidacy.

Section 3.02 Terms of office.—

(1) The term of office for each commissioner shall be 4 years.

(2) Notwithstanding subsection 3.02(1), in order to provide for the staggering of terms, the initial term of office for Seats Two and Four shall be 2 years, and for every term thereafter, for 4 years. Seats One, Three, and the Mayor's Seat shall initially be and remain 4-year terms.

(3) Each commissioner shall remain in office until his or her successor is elected and he or she assumes the duties of the position at the first meeting of the new commission.

Section 3.03 Powers and duties of commission.—Except as otherwise prescribed herein or provided by law, all lawful legislative and corporate powers of the city shall be vested in the commission.

Section 3.04 Powers and duties of mayor.—

(1) POWERS.—There shall be a mayor who shall be elected at large and who shall have the same legislative powers and duties as any other commissioner, except as herein provided.

(2) DUTIES.—In addition to the duties provided for in this charter and any lawful duties the commission may require, the mayor shall preside at the meetings of the commission and be recognized as the head of the city government for service of process, ceremonial matters, and the signature and execution of ordinances, contracts, deeds, bonds, and other instruments and documents. The mayor shall, with the approval of the commission, name committees of the commission and appoint members of the city boards. The mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the city commission, consistent with general or special law.

Section 3.05 Election and duties of vice mayor.—

(1) ELECTION.—There shall be a vice mayor elected annually by the commission from among the commissioners. Such election shall take place at the first meeting after each regular city general election.

(2) DUTIES.—The vice mayor shall have the same legislative powers and duties as any other commissioner, except that he or she shall serve as acting mayor during the absence or disability of the mayor and, during such period, shall have the same duties as provided for in subsection 3.04(2). In the case of the permanent removal or death of the mayor, the vice mayor shall serve as mayor for the remainder of the mayor's unexpired term of office and the commissioners shall fill the vacant office of commissioner as provided by this charter. In the absence of the mayor and vice mayor, the remaining commissioners shall elect a commissioner to serve as acting mayor

Section 3.06 Compensation and expenses.—

(1) COMPENSATION.—The mayor shall initially serve the city for compensation of \$500 a month. Seats One, Two, Three, and Four of the commission shall initially serve the city for compensation of \$300 a month. The commission may determine an annual salary of commissioners and/or the mayor, but no ordinance increasing such salaries shall become effective until the date of commencement of the terms of the commissioners elected at the next regular election.

(2) EXPENSES.—The commission may provide for reimbursement of approved expenses incurred by members while performing their official duties.

Section 3.07 Vacancies.—

(1) VACANCIES.—A vacancy in the office of a commissioner 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 incompetency, or forfeiture of office as herein described.

(2) FORFEITURE OF OFFICE.—A commissioner shall forfeit his or her office upon determination by the commission, acting as a body, that he or she:

(a) 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;

(b) Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication of guilt has been withheld;

(c) 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; or

(d) Is absent from three consecutive regular commission meetings without being excused by the commission.

(3) FILLING OF VACANCIES.—

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

(b) If any vacancy occurs in the office of any commissioner other than the mayor, the remaining commissioners shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term. If, however, the remainder of the unexpired term exceeds 3 years, the remaining commissioners shall, within 30 days following the occurrence of such vacancy, call a special election to fill the vacancy until the next regularly scheduled election.

(c) Any person appointed to fill a vacancy on the commission is required to meet the qualifications of the seat to which he or she is appointed except the petition requirement.

(4) EXTRAORDINARY VACANCIES.—In the event that all members of the commission are removed by death, disability, law, or forfeiture of office, the Governor shall appoint an interim commission that shall call a special election that shall be held 60 to 90 days from the interim commission's appointment. Such election shall be held in the same manner as the first election under this charter.

Section 3.08 City commission meetings.—

(1) REGULAR MEETINGS.—The commission shall meet regularly at such times and places as the city commissioners shall decide, and as otherwise provided in this charter.

(2) SPECIAL MEETINGS.—Special meetings may be called by the mayor or any three commissioners upon no less than 12 hours' notice to each member of the city commission. The commissioners shall decide by majority vote what shall constitute an adequate form of notification to one another. No business shall be conducted at a special meeting other than that stated in the notice of the special meeting.

(3) PUBLIC HEARINGS.—The commission shall meet at such times and places as it shall determine for the purpose of conducting public hearings required by this charter, state law, or ordinance of the city and for other purposes as the city may determine, provided that notice of each such meeting is given to each member of the city commission and to the public by publication in a newspaper of general circulation within the city, or by posting at four prominent public locations designated by the commission for the posting of ordinances adopted by the commission. The conduct of such public hearings shall be in accordance with the provisions of this charter, state law, ordinances of the city, and rules of procedure established by the city commission.

ARTICLE IV DESIGNATED CHARTER OFFICERS

Section 4.01 Designated charter officers.—Designated charter officers shall be the city manager and the city attorney.

(1) APPOINTMENT.—The charter officers shall be appointed by a majority vote of the full commission and shall serve at the pleasure of the commission.

(2) REMOVAL.—The charter officers may be removed from office by a majority vote of the full commission.

(3) COMPENSATION.—The compensation of the charter officers shall be fixed by the city commission, but may not be reduced during a charter officer's tenure.

(4) FILLING OF VACANCIES.—The city commission shall begin the process to fill a vacancy in the charter office of the city manager and the city attorney within 90 days of the vacancy. An acting city manager or acting city attorney may be appointed by the city commission during a vacancy in office.

(5) CANDIDATE FOR CITY OFFICE.—A charter officer shall not be a candidate for any elected office while holding his or her charter office position. Elected city officials may not serve as charter officers for a period of 1 year after the expiration date of his or her term of office.

Section 4.02 City manager qualifications, powers, and duties.—

(1) QUALIFICATIONS.—Subject to subsection 4.01(1), the city manager shall be selected on the basis of qualifications the commissioners deem

appropriate, including, but not limited to, experience, expertise, and management ability as it pertains to running municipal government.

(2) POWER AND DUTIES.—The city manager shall:

(a) Be the chief administrative officer of the city.

(b) Attend all meetings of the city commission.

(c) Be responsible to the commission for the administration of all lawful city affairs placed in his or her charge by majority vote of the commission or under this charter.

(d) Appoint, suspend, or remove all city employees and appointive administrative officers as provided by law. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.

(e) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law.

(f) Prepare and submit the annual budget, budget message, and capital program to the commission in a form provided for by ordinance.

(g) Submit to the commissioners a complete report of the finances and administrative activities of the city at the end of each fiscal year.

(h) Make other reports as the city commissioners may require concerning the operations of city departments, offices, and agencies, subject to his or her direction and supervision.

(i) Keep the commissioners apprised of the financial condition and future needs of the city and make such recommendations to the commissioners concerning the affairs of the city as he or she deems desirable.

(j) Enter into contracts on behalf of the city upon approval by the commissioners.

(k) Perform such other lawful duties as are specified in this charter or may be required by the commissioners.

Section 4.03 City attorney qualifications, powers, and duties.—

(1) APPOINTMENT.—The commission members may appoint a city attorney subject to subsection 4.01(1) of this charter.

(2) QUALIFICATIONS.—The city attorney shall be a member of The Florida Bar in good standing, but not necessarily a resident of the corporate limits of the City of Southport.

(3) POWERS AND DUTIES.—

(a) The city attorney, or his or her designee, shall attend all city commission meetings unless excused by the city commission.

(b) The city attorney shall perform such professional duties as may be required by law or by the commission in furtherance of the law.

(c) The city attorney shall be the chief legal officer of the city and shall serve as chief legal advisor to the commission, the city manager, and all city departments, offices, city advisory boards, and agencies.

(d) The city attorney shall represent the city and its agencies, boards, commissions, authorities, officers, and employees in matters relating to their official duties as directed by the city commission.

Section 4.04 City clerk.—

(1) CREATION AND APPOINTMENT.—There is hereby created the office of city clerk. The city clerk shall be appointed by the city commissioners and shall hold office at their pleasure. The compensation of the city clerk is determined by the commission.

(2) DUTIES.—The city clerk shall serve as the clerk of the city commission and, as such, shall have all the powers and duties imposed upon that office by this charter and the commission. In addition, the city clerk shall be the official custodian of the city seal and all official records, documents, and papers of the city, and shall perform such other duties as are required of the city clerk by this charter, state law, ordinances of the city, or the direction of the city commission.

ARTICLE V ORDINANCES

Section 5.01 Enactment by the commission.—The city commission shall have the power to enact ordinances as it deems necessary to exercise the legislative powers granted to the city by this charter. The commission shall follow any procedure set forth by this charter for the adoption of ordinances and state laws; however, the commission may adopt additional procedures or prescribe procedures in greater detail than contained herein, provided that such procedures shall not lessen, alter, or reduce the procedural requirements for the enactment of ordinances set forth in this charter or state law.

ARTICLE VI ELECTIONS

Section 6.01 Electors.—Any citizen of the United States, who is a registered elector of Bay County, Florida, as prescribed by law, and who resides within the City of Southport, shall qualify as an elector of the City of Southport.

Section 6.02 Nonpartisan elections.—All elections for the office of mayor or city commissioner shall be conducted on a nonpartisan basis without any designation of political party affiliation. There shall be no party designation on official ballots, literature, or campaign advertising.

Section 6.03 Qualifications.—In addition to all the requirements imposed by state law, candidates for the office of a city commission member or mayor shall qualify for such office by the filing of a written notice of candidacy with the supervisor of elections at such time and in such manner as may be prescribed by state law, ordinance, and as otherwise provided in this charter. In addition, any candidate for any elected office must have resided in the City of Southport for a minimum of 1 year prior to filing the written notice of candidacy.

Section 6.04 Conduct.—Except as otherwise specifically provided by this charter, all elections held by the city shall be conducted in accordance with all applicable provisions of the Florida Election Code.

Section 6.05 Schedule for regular elections and primaries.—The regular election of the city commission members and mayor shall be held on the second Tuesday in April of each even-numbered year, in the manner provided for by this charter.

Section 6.06 Recall of city commissioners.—Any member of the city commission may be removed from office by the electors of this city following the procedures of recall established by general law.

ARTICLE VII DISTRICT BOUNDARIES

Section 7.01 District boundaries.—

(1) Elections shall be held at large until such time as the commissioners pass an ordinance providing for voting districts and the electors pass such ordinance by majority vote at a general election.

(2) In the event that the commissioners pass an ordinance providing for voting districts, such districts shall come up for review commencing the year in which the results of the national census become available, and every year thereafter in which there is a national census. At the time of the adoption of this charter, this equates to every 10 years.

(3) In the event that the voting districts are found to be unequal, they shall be reapportioned so that they are substantially equal, as prescribed by the commission.

ARTICLE VIII SOUTHPORT AREA MUNICIPAL SERVICES

Section 8.01 After the city commissioners are sworn into office, the city commissioners shall authorize the city manager to enter into contracts for municipal services on behalf of the City of Southport.

ARTICLE IX GENERAL PROVISIONS

Section 9.01 Charter amendment.—This charter may be amended in accordance with the provisions of the Municipal Home Rules Powers Act, chapter 166, Florida Statutes, as the same may be amended from time to time, or its successor, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

Section 9.02 Charter review.—The standards for charter review shall be established by ordinance.

Section 9.03 Initiative and referendum.—

(1) INITIATIVE.—At least 25 percent of the qualified electorate of the city shall have the power to petition the commission to propose an ordinance, or to require reconsideration of an adopted ordinance, and if the commission fails to adopt such ordinance so proposed, or to repeal such adopted ordinance, without any change in substance, then the commission shall place the proposed ordinance, or the petition to repeal an adopted ordinance, on the ballot at the next general election.

(2) REFERENDUM.—The commission shall have the power, by resolution, to call for a referendum vote by electors of the city at any time, provided that the purpose of such referendum vote is presented to the city 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 city must be passed by the affirmative vote of a majority of the full commission.

The commission shall adopt ordinances outlining the proper procedure for filing initiative petitions or referenda, the requirements for sufficiency of such petitions or referenda, the procedure for review for sufficiency, and the procedure for action on the petitions and referenda.

Section 9.04 Standards of conduct.—All elected officials and employees of the city shall be subject to the standards of conduct for public officials and employees set by general law. In addition, the city commission may, by ordinance, establish a code of ethics for officials and employees of the city which may be supplemental to the general law, but in no case may such an ordinance diminish the provisions of general law.

ARTICLE X SEVERABILITY

Section 10.01 If any provision, article, section, paragraph, sentence, clause, phrase, or word of this charter is, for any reason, held or declared by a court of competent jurisdiction to be unconstitutional, or otherwise invalid, it is the express intent of the citizens of the City of Southport that the invalidity shall not be construed to affect those portions of the charter not so held or declared, and to this end the provisions of this act are declared severable.

ARTICLE XI TRANSITION SCHEDULE

Section 11.01 Creation and establishment of city.—For the purpose of compliance with Florida Statutes relating to assessment and collection of ad valorem taxes, the City of Southport is hereby created and established effective on the date the special act passes in the Legislature, subject to its approval by referendum of a majority of the registered electors residing within the proposed corporate limits as provided in section 11.02.

Section 11.02 Referendum.—The referendum election called for by this act shall be held within 120 days after approval by the Legislature and, in

any case, no later than September 1, 1999, at which time the following question shall be placed on the ballot:

Shall Chapter 99-, Laws of Florida, creating the City of Southport, Florida, and providing for its charter, be approved?

In the event that the question is answered affirmatively by a majority of the voters voting in the referendum, the provisions of this charter shall take effect immediately in accordance with the provisions outlined herein, and by law.

Section 11.03 Initial election of commissioners.—

(1) DATES.—Following the adoption of this charter by a majority vote in accordance with sections 11.01 and 11.02, the Bay County Commission shall call a special election for the election of a mayor and four city commissioners to be held not more than 90 days after the adoption of this charter.

(2) QUALIFYING.—The Bay County Commission shall also designate when individuals seeking election in the new municipality shall be required to qualify for office. The qualifying period shall consist of 1 week and shall end not less than 30 days before the date of the special election. Any individual who wishes to run for one of the five initial seats on the city commission must qualify as a candidate with the Bay County Supervisor of Elections in accordance with the provisions of this charter and general law.

(3) CERTIFICATION OF ELECTION RESULTS.—

(a) For the initial election, the Bay County Commission shall appoint a canvassing board which shall certify the results of the election.

(b) After the first election, the Southport City Commissioners shall decide how results are certified by ordinance.

(4) INDUCTION INTO OFFICE.—Those candidates who are elected in the election to be held in accordance with subsection (1) shall take office at the initial city commission meeting which shall be noticed by the Bay County Commission and held after the special election results are certified, at the Southport Community Center, located on Franklin Street, Southport, Florida.

Section 11.04 First-year expenses.—The city commission, in order to provide moneys for the expenses and support of the city, shall have the power to borrow money necessary for the operation of city government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this charter.

Section 11.05 Transitional ordinances and resolutions.—The city commission shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first commission meeting shall be passed as emergency ordinances. These transitional 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.

General law prohibits the adoption of zoning ordinances as emergency ordinances.

Section 11.06 Transitional comprehensive plan and land development regulation.—

(1) Until such time as the city shall adopt a comprehensive plan, the applicable provisions of the Comprehensive Plan of Bay County, as it exists upon legislative approval of the special act incorporating the City of Southport, shall remain in effect as the city's transitional comprehensive plan. However, all planning, functions, duties, and authority shall thereafter be vested in the City Commission of Southport and, at its discretion, a separate local planning agency.

(2) All powers and duties of the Bay County Planning and Land Development Regulations Commission relevant to the jurisdiction within the boundaries of Southport, any Boards of Adjustment and Appeals created pursuant to statutory trade codes, and the County Commission of Bay County, as set forth in the transitional zoning and land use regulations, shall be vested in the City Commission of Southport until such time as the city commission delegates all or a portion of such powers and duties to another entity.

(3) Subsequent to the commencement of the city's corporate existence, no amendment of the county's land development regulations enacted by the Bay County Commission which are in effect upon legislative approval of the special act incorporating the City of Southport shall be deemed as an amendment of the city's transitional comprehensive plan or land development regulations or shall otherwise take effect within the city's corporate limits, unless approved by the city commission.

Section 11.07 State shared revenues.—The City of Southport shall be entitled to participate in all State of Florida shared revenue programs to which municipalities are entitled, effective January 1, 2000. The provisions of s. 218.23, 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. If the City Commission of Southport negotiates an agreement with the county to continue participating in the existing municipal services taxing unit for fire services, then the millage levied may be used by the City of Southport for purposes of satisfying the provisions of s. 218.23(1), Florida Statutes. The provisions of s. 218.26(3), Florida Statutes, shall be waived for the 1999-2000 state fiscal year and the apportionment factors for the municipalities and counties shall be recalculated pursuant to s. 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 Bay County Planning Department shall provide an appropriate estimate.

Section 2. Except as otherwise provided herein, this act shall take effect only upon its approval by a majority vote of those qualified electors of Bay County residing within the proposed corporate limits of the proposed City of Southport voting in a referendum to be called by the Bay County Commission and to be held within 120 days after the legislative approval of this act,

but no later than September 1, 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 May 27, 1999.

Filed in Office Secretary of State May 27, 1999.