

Committee Substitute for House Bill No. 563

An act relating to Monroe County; creating the “Village of Paradise Islands”; providing legislative intent; powers; providing for its charter; providing for municipal powers; providing municipal boundaries; providing a mayor-council-manager form of government; providing for election of a mayor and council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing for compensation and payment of 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 for limitations; providing for appointment of charter offices, including a village manager and village attorney; providing for removal, compensation, and filling of vacancies; providing for bond for village manager and village clerk; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referendum; 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 a solid waste collection plan; providing for accelerated entitlement to state shared revenues; providing for gas tax revenue; providing for infrastructure surtax revenues; providing for the assessment and collection of ad valorem taxes; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a referendum approval; providing effective dates.

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

Section 1. LEGISLATIVE INTENT.—The Legislature hereby finds and declares that:

(1) The “Village of Paradise Islands” area in Monroe County includes a compact and contiguous community of approximately 5,520 residents susceptible to urban services, and constitutes a community amenable to separate municipal government.

(2) It is in the best interests of the public health, safety, and welfare of the residents of the Village of Paradise Islands area to form a separate municipality for the area with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.

(3) It is intended that this charter and the incorporation of the Village of Paradise Islands area will serve to preserve and protect the distinctive characteristics of the individual communities within the boundaries of the Village of Paradise Islands.

Section 2. INCORPORATION OF MUNICIPALITY; CORPORATE LIMITS.—There is hereby created, effective November 15, 2000, in Monroe County, a new municipality to be known as the Village of Paradise Islands, which shall have a mayor-council-manager form of government. The corporate boundaries of the Village of Paradise Islands, hereinafter referred to as “village,” shall be as described in section 2 of the charter.

Section 3. SHORT TITLE.—This act, together with any future amendments thereto, shall be known and may be cited as the “Village of Paradise Islands Charter,” hereinafter referred to as “the charter.” The charter of the Village of Paradise Islands is created to read:

Section 1. MUNICIPAL 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 this state, 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. The powers of the village shall be liberally construed in favor of the village.

Section 2. VILLAGE BOUNDARIES.—The corporate boundaries of the village shall be as follows:

All the Florida Keys and Islands north and east of a line projected at a magnetic compass heading of 325 degrees to the northwest and 215 degrees to the southwest from a point at the centerline at the east end of the North Pine Channel Bridge up to a line projected north and south at the west end of the Seven Mile Bridge, including but not limited to Big Pine Key, No Name Key, The Spanish Harbor Keys, Bahia Honda Key, Ohio Key, Missouri Key, Little Duck Key, The Newfound Harbor Keys, including Cook, Coconut, Big Munson and Little Palm Islands, and all land filled in between the islands, all of the above within Monroe County, Florida.

Section 3. VILLAGE COUNCIL.—

(1) VILLAGE COUNCIL; COMPOSITION; QUALIFICATIONS OF COUNCIL MEMBERS.—

(a) There shall be a five-member village council, hereinafter referred to as “council,” consisting of a mayor, also considered a council member, elected from and representing the village at large and two council members, hereinafter referred to as “councilors,” elected from precinct 16, as defined by Resolution No. 044-1996 by the Board of County Commissioners of Monroe County, or as defined in the future by a Resolution by the Village Council,

and two council members, hereinafter referred to as “councilors,” elected from precinct 17, as defined by Resolution No. 044-1996 by the Board of County Commissioners of Monroe County, or as defined in the future by a Resolution by the Village Council.

(b) To qualify for office:

1. Each candidate for an office on the council shall be a registered voter in Florida and a resident of the village for at least 1 year prior to the last date the candidate is allowed to qualify.

2. At the time of qualification, each candidate for a councilor seat shall reside within the boundaries of the precinct for which the candidate is qualifying and, if elected, shall maintain such residency throughout his or her term of office. For the initial election, following the referendum approving the creation of the village, candidates for office shall qualify as provided in section 7(2) of this charter. Thereafter, candidates shall qualify as provided in section 6(3) of this charter.

(2) TERM OF OFFICE.—The term of office for all council members shall be 2 years, except that the first term for all shall be from their initial election as provided in section 7(2) of this charter until the first general election in November of the year 2002. Each council member shall remain in office until a successor is elected and assumes the duties of the position, except as otherwise provided herein. No council member shall serve as either councilor or mayor for more than three consecutive terms of office. A term of office of less than 365 days to fill a vacancy shall not be applied to the maximum tenure of three consecutive terms of office.

(3) THE MAYOR; POWERS AND DUTIES.—

(a) The mayor shall be elected from and represent the village at large and shall have been an elector of the village and shall have resided in the village for at least 1 year prior to the last date the candidate is allowed to qualify to run for the office of mayor. Failure to possess any such qualification during a term of office shall be cause for forfeiture of the office, and the council shall remove the mayor from office. The mayor shall maintain residency in the village throughout his or her term of office.

(b) The mayor shall have the same legislative powers and duties as any other council member.

(c) The mayor shall preside at the meetings of the council and shall be recognized as the head of village government for service of process, ceremonial matters, and the signature or execution of ordinances, contracts, deeds, bonds, and other instruments and documents. 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 council, consistent with general or special law.

(4) THE VICE MAYOR.—The council, at its first regular meeting in December of each year, shall elect from its membership a vice mayor who shall serve at the pleasure of the council and as acting mayor during the

absence or disability of the mayor. In the absence of the mayor and the vice mayor, the council members shall select a council member to serve as acting mayor.

(5) COMPENSATION AND EXPENSES.—Councilors shall receive compensation in the amount of \$350 per month and the mayor shall receive compensation in the amount of \$500 per month. In addition, all council members shall be entitled to receive reimbursement in accordance with Florida Statutes for authorized travel and per diem expenses incurred in the performance of their official duties. The council, by not less than four-fifths affirmative votes of all council members in office, may elect to increase or decrease compensation by ordinance. However, no such ordinance increasing or decreasing compensation shall take effect until the date of commencement of the terms of council members selected at the next regular election which follows the adoption of said ordinance.

(6) GENERAL POWERS AND DUTIES OF THE VILLAGE COUNCIL.—

(a) 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.

(b) Neither the council nor any of its members shall in any manner dictate the appointment or removal of any village employees whom the manager or any of his or her subordinates are empowered to appoint, except as provided in this charter, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such employees.

(c) Except for the purpose of inquiries and investigations, the council or its members shall deal with village 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 employee, either publicly or privately.

(d) Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing, by questions and personal observation, all aspects of village government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the council. It is the express intent of this charter, however, that recommendations for improvement in village government operations by individual council members be made to and through the village manager, so that the manager may coordinate efforts of all village departments to achieve the greatest possible savings through the most efficient and sound means available.

(e) Any council member who shall violate the provisions of subsections (b) and (c) set forth above is guilty of a misdemeanor of the first degree, to be tried by a court of competent jurisdiction and punishable as provided by state law. Conviction under this part shall be grounds for censure, suspen-

sion, or removal of the council member violating the provisions of this section by a majority vote of the remaining members of the council.

(7) VACANCIES; FORFEITURE OF OFFICE; SUSPENSION; FILLING OF VACANCIES.—

(a) 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 within the village, judicially determined incompetency, or forfeiture of office as described in paragraph (b).

(b) 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, while holding office, 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 as a member of the village council, or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;

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

5. Is absent from three consecutive regular council meetings without justifiable reason as determined by a four-fifths vote of the other members of the council, or for any other reason established in this charter.

(c) Suspension from office.—A council member shall be automatically suspended from office upon return of an indictment or issuance of an information charging the council member with any crime which is punishable as a felony or with any crime arising out of his or her official council duties which is punishable as a first degree misdemeanor. Pursuant thereto:

1. 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.

2. 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 as he or she would have been entitled to had the suspension not occurred.

(d) Filling of vacancies.—

1. If any vacancy occurs in the office of mayor or any other council member, the remaining council members 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.

2. 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.

(8) VILLAGE COUNCIL MEETINGS.—The council shall conduct regular semi-monthly meetings which shall not begin before 6:00 p.m., 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. The council shall adopt Robert's Rules of Order, determine other rules in order of business, and keep a journal of its proceedings. Pursuant thereto:

(a) Special meetings may be held at the call of the mayor, or in his or her absence, at the call of the vice mayor. Special meetings may also be called upon the request of a majority of the councilors, consistent with section 286.011, Florida Statutes. Unless of an emergency nature, the person or persons calling such a meeting shall provide not less than 72 hours' prior notice of the meeting to the public. In an emergency situation, a special meeting may be called at least 4 hours' notice to each council member, served personally, or left at his or her usual place of residence, with every effort made to contact the member by the village clerk. The village clerk shall also make every effort to notify the general public of any special meeting.

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

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

(9) VILLAGE RECORDS.—The council shall, in a properly indexed book and/or electronically kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the council, and the same shall, at all times, be a public record. The council shall further maintain a current codification of all ordinances. Such codification shall be made available to the public on a continuing basis. All ordinances or resolutions of the council shall be signed by the mayor, or vice mayor in the absence or disability of the mayor, or by the acting mayor in the absence or disability of both the mayor and the vice mayor, and attested to by the village clerk. All meetings of the council and of the committees thereof shall be public meetings within the meaning of section 286.011, Florida Statutes, and any citizens shall have access to the minutes and records thereof at all reasonable times.

(10) ADOPTION OF CODES.—The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance and may amend the code in the adopting ordinance or later amendatory ordinance. The procedures and requirements governing such an adoption ordinance shall be prescribed for ordinances generally, except that:

(a) Requirements regarding distribution and filing of copies of the ordinance shall not be construed to require distribution and filing of copies of the adopted code of technical regulations, except as provided in paragraph (b).

(b) A copy of each adopted code of technical regulations, as well as of the adoptive ordinance, shall be authenticated and recorded by the village clerk.

(11) LIMITATION OF EMPLOYMENT OF COUNCILORS AND MAYOR.—Neither councilors nor the mayor shall be in the employment of the village while in office, nor shall any former councilor or mayor be employed by the village until after the expiration of 1 year from the time of leaving office.

(12) REFERENDUM REQUIRED FOR CONVEYANCE OF VILLAGE-OWNED REAL PROPERTY; EXCEPTIONS.—The village shall not sell, convey, or otherwise transfer any real property, or any interest therein, to any person without the transfer being approved by referendum. However, the abandonment of any real property shall be at the discretion of the council; providing that the total real value meets the criteria in subparagraph (a) stated below and there are no opposing neighbors that adjoin the property. The lease of village-owned real property in areas of the village, other than a redevelopment area, for a term greater than 10 years shall be considered a conveyance requiring referendum. This provision shall not be applicable to the following:

(a) Any property valued under \$50,000 as determined by the average of three appraisals of the property performed by Village approved appraisers, with the appraisals to be paid for by the recipient of the property.

(b) The release of a claim or interest in land to settle, or aid the settlement of, record title to real property.

(13) RIGHT OF INDIVIDUAL TO BE HEARD.—All residents shall have the right to be heard at all council meetings within the meaning of section 286.011, Florida Statutes, subject to rules established by the council.

Section 4. BUDGET AND APPROPRIATIONS.—

(1) 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.

(2) BUDGET ADOPTION.—The council shall by resolution adopt for the succeeding fiscal year a budget on or before the 15th day of September of each year, following a minimum of two public hearings on the proposed budget. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.

(3) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.—

(a) 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.

(b) 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 report same 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.

(c) Limitations; effective date.—No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the unencumbered balance thereof.

Section 5. CHARTER OFFICERS.—

(1) DESIGNATION.—The village manager and the village attorney are designated as charter officers, except that the office of village attorney may be contracted to an attorney or law firm.

(2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF VACANCIES.—

(a) The charter officers shall be appointed by a majority vote of the council and shall serve at the pleasure of the council.

(b) All charter officers shall be required to file with the council a disclosure statement outlining any possible conflicts of interest, financial or otherwise, that they might have because of their position with the village.

(c) The charter officers shall be removed from office only by a majority vote of the council. Upon demand by a charter officer, a public hearing shall be held prior to such removal.

(d) The compensation of the charter officers shall be fixed by the council.

(e) Employment contracts with charter officers or any other employees of the village shall not have duration in excess of 1 year.

(f) The council shall immediately begin the process to fill a vacancy in a charter office. An acting village manager or an acting village attorney may be appointed by the council during a vacancy in such charter office.

(g) The charter officers shall not be candidates for the council while holding their charter officer position.

(3) BOND OF THE VILLAGE MANAGER/VILLAGE CLERK.—The village council may provide by ordinance for the village manager and 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.

(4) VILLAGE MANAGER.—The village manager shall be the chief administrative officer of the village.

(a) Qualifications.—The village manager shall be selected from, but not limited to, the following criteria: experience, expertise, management ability, and education. Any of the foregoing criteria shall be used in determining the ability as it pertains to running municipal government.

(b) Residency.—The village manager must become a resident of the village within 90 days after accepting the position with the village, and shall remain a resident of the village for the duration of employment with the village.

(c) Powers and duties.—The village manager shall:

1. As the chief administrative officer of the village, direct and supervise the administration of all departments, offices, and agencies of the village, except the office of village attorney, and except as otherwise provided by this charter or by law.

2. Appoint, suspend, or remove any employee of the village or appointive administrative employee provided for, by, or under this charter, except the office of village attorney, and except as may otherwise be provided by law, this charter, or personnel rules adopted pursuant to the charter. The village manager may authorize any administrative employee who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that employee's department, office, or agency.

3. Ensure that all laws, provisions of this charter, and acts of the council are faithfully executed.

4. Prepare and submit the annual budget and capital program to the council in the form prescribed by ordinance.

5. Attend meetings of the council.

6. Draw and sign vouchers upon depositories as provided by ordinance, and keep, or cause to be kept, a true and accurate account of same.

7. Sign all licenses issued by the village, and issue receipts for all moneys paid to the village, and deposit said moneys in the proper depositories on the first banking day after receipt. The village manager may delegate the responsibilities of this subparagraph to an appropriate village employee who shall be bonded.

8. Provide administrative services in support of the official duties of the mayor and the council.

9. Keep the council advised as to the financial condition and future needs of the village and make recommendations to the council concerning the affairs of the village.

10. Submit to the council, and make available to the public, a complete report on finances and administrative activities of the village as of the end of each fiscal year.

11. Sign contracts on behalf of the village to the extent authorized by ordinance.

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

13. By letter filed with the clerk, the manager shall designate, subject to approval of the council, a qualified village employee to exercise the powers and perform the duties of manager during his or her temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another employee of the village to serve until the manager shall return or his or her disability shall cease.

(d) 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.

(5) VILLAGE ATTORNEY.—The village attorney shall be the chief legal officer of the village.

(a) Qualifications.—The village attorney shall be a member of The Florida Bar in good standing.

(b) Office.—The village attorney shall be required to maintain an office in the Florida Keys between mile marker zero and mile marker sixty.

(c) Powers and duties.—The village attorney:

1. Shall serve as chief legal advisor to the council, the charter officers, and all village departments, offices, and agencies.

2. May hire such assistants as may be required, when approved by the council.

3. Shall attend council meetings unless excused by the council, and shall perform such professional duties as may be required by law or by the council in furtherance of the law.

4. Shall prepare an annual budget for the operation of the office of the village attorney and shall submit this budget to the village manager for inclusion in the annual village budget, in accordance with uniform village procedures.

Section 6. ELECTIONS.—

(1) 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.

(2) NONPARTISAN ELECTIONS.—All elections for the councilors and the mayor shall be conducted on a nonpartisan basis without any designation of political party affiliation.

(3) 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 second Tuesday in August nor later than noon on the fourth Tuesday in August of the year in which the election is to be held.

(4) SCHEDULE FOR GENERAL ELECTIONS.—The regular village elections shall be biennially on the first Tuesday after the first Monday in November of each even numbered year. The two candidates receiving the most votes for councilor from each precinct and the candidate for mayor receiving the most votes at large, shall be elected councilor and/or Mayor respectively. All ties in any election shall be decided by a flip of a coin in the presence of the candidates concerned, under the direction of the council other than any council members involved in the tie.

(5) SCHEDULE FOR OTHER ELECTIONS.—Special municipal elections shall be held in the same manner as regular elections, except that the council, by resolution, shall fix the time for holding of such elections.

(6) DETERMINATION OF ELECTION TO OFFICE.—If only one candidate qualifies for the office of mayor, or if only two candidates qualify for the office of councilor in either of precincts 16 or 17, said candidates shall be deemed to be elected. If two or more candidates qualify for the office of mayor, or three or more candidates qualify for council members in either of precincts 16 or 17, the names of those candidates shall be placed on the ballot at the general election. In the event not more than one person qualifies as a candidate for the office of mayor, or, if not more than two persons qualify as candidates for the council seats for either of precincts 16 or 17, those seats or offices shall not be listed on the village election ballot. Each such candidate is deemed to have voted for himself or herself and shall be declared the winner.

(7) CANVASSING BOARD.—

(a) For general elections which are held in conjunction with Monroe County, or federal elections, the canvassing board will be the Monroe County Canvassing Board.

(b) For special village elections held at times other than general elections there shall be a village canvassing board which shall be comprised of the village clerk and two electors of the village chosen prior to the election by the village council. The village clerk shall act as chairperson. At the close of the polls of any village election, or as soon thereafter as practical, 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.

(8) RECALL OF VILLAGE COUNCIL MEMBERS.—Any member of the council may be removed from office by the electors of the village following the procedures for recall established by general law of Florida.

(9) INITIATIVE AND REFERENDUM.—

(a) Power to initiate and reconsider ordinances.—

1. Initiative.—The electors of the village shall have the power to propose ordinances to the council. If the council fails to adopt an ordinance so proposed without any change in substance, the electors may adopt or reject the ordinance, 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.—

a. The 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 three-fifths of the members of the council.

b. The electors of the village shall have the 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.

(b) Commencement of proceedings.—Any 10 electors may commence initiative or referendum proceedings by filing with the village clerk an affidavit stating that they shall constitute the petitioner's 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 petitioner's committee is filed, the village clerk shall issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

(c) Petitions.—

1. Initiative and referendum petitions scheduled for a regular general election 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 in the last

regular village election. Initiative and referendum petitions scheduled for a special election must be signed by qualified voters of the village equal in number to at least 20 percent of the total number of qualified voters registered to vote in the last regular village election.

2. 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. 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 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. All petition signatures shall be checked for validity by the Monroe County Supervisor of Elections. All costs for such validation shall be paid by the petitioner's committee.

5. Except as otherwise provided in sub-subparagraph (a)2.b., all initiative and referendum petitions with signatures must be filed within 60 days of the date on which proceedings with respect to such initiative or referendum are commenced pursuant to section 6(9)(b) of this charter, and all requirements of the process must be completed no later than 90 days following the date of filing said initiative or referendum petition.

6. Referendum and initiative petitions seeking a special municipal election under (c)1. shall be titled "Proposed Special Municipal Election." Immediately after the title, the petition shall state the following: "By signing this petition, I am requesting that a special election be held for this question, instead of the scheduling of this question for the next general municipal, county, or statewide election. I understand that the additional cost to the Village of Paradise Islands to hold such a special election is anticipated to be \$ _____, as determined by the village clerk."

(d) Procedure for filing.—

1. Within 20 days after an initiative petition or a referendum petition is filed, the village clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioner's committee by registered mail. Grounds for insufficiency are only those specifics in subparagraph (c)3. and 4. that are not met. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioner's committee files a notice of intent to amend it with the village clerk within two 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 such certificate. Such supplementary petition shall comply with original petition requirements, and within 5 days after it is filed, the village clerk shall complete a certificate as to the sufficiency of the

petition as amended and promptly send a copy of such certificate to the petitioner's committee by registered mail. If a petition or an amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request the council review under subparagraph 2. within the time required, the village clerk shall promptly present a certificate to the council and such certificate shall then be a final determination as to the sufficiency of the petition.

2. If a petition has been certified insufficient and the petitioner's committee does not file notice of intent to amend it, or if an amended petition has been certified insufficient, the committee may, within 2 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 committee's filing of such request and approve or disapprove it, and determination shall then be final as to the sufficiency of the petition.

(e) Action on petitions.—

1. Action by Council.—When an initiative or referendum petition has been determined sufficient, the council shall promptly consider the proposed initiative ordinance or reconsider the referendum ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 45 days or fails to repeal the referendum ordinance within 30 days, at the next regularly scheduled council meeting after the date on which the petition is determined to be sufficient, it shall submit the proposed initiative or referendum ordinance to the electors of the village. If the council fails to act on a proposed initiative ordinance or a referendum ordinance within the time period specified, the council shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referendum 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 initiative or referendum ordinance shall be held not less than 30 or more than 90 days from the date the petition was determined sufficient. If no regular general election is to be held within the period described in this paragraph, 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 described period. Copies of the proposed initiative or referendum 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 in a special election of the village or at any time prior to the 65th day preceding the day of a regular general election by filing with the village clerk a request for withdrawal signed by at least eight members of the petitioner's committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(f) Results of election.—

1. 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. If a proposed initiative ordinance that was voted on at a special election does not receive a majority vote of qualified electors, the same or similar initiative ordinance may not be put to a vote until the next regular general election.

3. If a majority of the qualified electors voting on a referendum ordinance vote against it, it shall be considered repealed upon certification of the election results.

4. If a referendum ordinance that was voted on at a special election does not receive a majority vote of qualified electors for its repeal, the same or similar referendum ordinance may not be put to a vote again until the next regular general election.

Section 7. TRANSITION SCHEDULE.—

(1) REFERENDUM.—The referendum election called for by this act shall be held on November 7, 2000, at which time the following question shall be placed upon the ballot: “SHALL CHAPTER _____, LAWS OF FLORIDA, CREATING THE VILLAGE OF PARADISE ISLANDS (Big Pine Key to the Seven Mile Bridge) AND PROVIDING ITS CHARTER BE APPROVED? YES/NO.” In the event this question is answered affirmatively by a majority of voters voting in the referendum, the provisions of this charter will take effect as provided in section 5.

(2) INITIAL ELECTION OF MAYOR AND COUNCIL MEMBERS.—

(a) The Monroe County Commission shall call a very special election or include in a general election for the election of the four councilors and the mayor to be held on December 19, 2000.

(b) Any individual who wishes to run for one of the four initial seats on the council or for the office of mayor shall qualify as a candidate with the Monroe County Supervisor of Elections in accordance with the provisions of this charter and general law between noon on November 13, 2000 and noon on November 22, 2000.

(c) For the initial election, the Monroe County Commissioners shall appoint a canvassing board which shall certify the results of the election.

(d) Those candidates who are elected on December 19, 2000 shall take office at the initial council meeting, which shall be held at 7:00 p.m., on December 21, 2000 at the Monroe County Senior Citizen’s Center on Big Pine Key.

(3) FIRST YEAR EXPENSES.—The 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.

(4) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—The 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.

(5) TRANSITIONAL COMPREHENSIVE LAND USE PLAN AND LAND DEVELOPMENT REGULATIONS.—

(a) Until such time as the village adopts a comprehensive plan and it has been accepted by the appropriate agency of the state, the applicable provisions of the Comprehensive Plan of Monroe County, as the same exists on the day the village commences corporate existence, November 15, 2000, shall remain in effect as the village's transitional comprehensive plan. However, all planning functions, duties, and authority shall, as of December 21, 2000, be vested in the village council of the Village of Paradise Islands 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 three 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 three members of the council.

(b) 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, as of December 21, 2000, be vested in the village council of the Village of Paradise Islands until such time as the council delegates all or a portion thereof to another entity.

(c) Subsequent to the commencement of the village's corporate existence, no amendment of the comprehensive plan or land development regulations enacted by the Monroe County Commission shall be deemed as an amendment of the village's transitional comprehensive plan or land development regulations or otherwise take effect within the village's corporate limits unless approved by the council.

(d) 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 operate a solid waste facility. The municipality must, through September 30, 2004, 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.

Section 8. REVENUES.—

(1) STATE SHARED REVENUES.—The Village of Paradise Islands shall be entitled to participate in all revenue sharing programs of Florida on January 1, 2001. The provisions of section 218.23(1), Florida Statutes, shall be waived for the purpose of eligibility to receive revenue sharing funds from January 1, 2001, through the state fiscal year 2002-2003. The provisions of section 218.26(3), Florida Statutes, shall be waived for the 2000-2001 fiscal year and the apportionment factors for the municipalities and counties shall be re-calculated pursuant to section 218.245, Florida Statutes, as of January 1, 2001. For purposes of meeting the provisions of section 218.23(1), Florida Statutes, relating to ad valorem taxation, the millage levied by Monroe County Fire and EMS and the Independent Mosquito Control Districts may be used for an indefinite period of time. Initial revised 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 should be utilized.

(2) GAS TAX REVENUES.—Notwithstanding the requirements of section 336.025, Florida Statutes, to the contrary, the Village of Paradise Islands shall be entitled to receive local option gas tax revenues beginning April 1, 2001, in accordance with an interlocal agreement between Monroe County and municipalities representing a majority of the county's municipal population if such an interlocal is in effect on April 1, 2001 or if there is no interlocal agreement in effect on that date, then distributions shall be in accord with the formula contained in section 336.025(4)(b)1., Florida Statutes.

(3) INFRASTRUCTURE SURTAX REVENUES.—The Village of Paradise Islands shall be entitled to receive infrastructure surtax revenues beginning on January 1, 2001, in accord with an interlocal agreement between Monroe County and municipalities representing a majority of the county's municipal population if such an interlocal is in effect on January 1, 2001 if there is no interlocal agreement in effect on that date, according to the formula in section 218.62, Florida Statutes.

(4) CREATION AND ESTABLISHMENT OF VILLAGE.—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 15, 2000. Notwithstanding anything to the contrary contained herein, the village although created and established as

of November 15, 2000 shall be operational on or before April 1, 2001 as determined by the council.

Section 9. GENERAL PROVISIONS.—

(1) CHARTER AMENDMENTS.—This charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rule 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.

(2) STANDARDS OF CONDUCT.—All elected officials and employees of the village shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the council shall, no later than 6 months from the effective date of incorporation, establish by ordinance a code of ethics for officials and employees of the village which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law. The intent of this provision of the charter is to require more stringent standards than those provided under general law.

Section 4. If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 5. 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 Paradise Islands as described in section 2 of the charter, voting in a referendum election to be called by the Monroe County Commission and to be held on November 7, 2000, in accordance with the provisions of law relating to elections currently in force, except that:

(1) This section and section 7(1) of the charter shall take effect upon this act becoming a law.

(2) If the majority of the qualified voters voting in the village as described in section 2 of the charter do not approve this act then this act shall not take effect.

(3) If approved by a majority of the qualified voters voting in the village as described in section 2 of the charter, section 2, and sections 7(2) and 8(4) of the charter shall take effect upon certification of the election results by the Monroe County Supervisor of Elections, and the remainder of this act shall take effect November 15, 2000.

Approved by the Governor May 22, 2000.

Filed in Office Secretary of State May 22, 2000.