

## House Bill No. 993

An act relating to the City of Southport, Bay County; creating the City of Southport; providing a charter; providing legislative intent; providing for a commission-manager form of government; providing municipal powers; providing boundaries; providing for a city commission and its composition and qualifications; providing terms of office, powers, and duties of commissioners; providing for a mayor and vice mayor and their powers and duties; providing for compensation and expenses of the commission; providing for vacancies, forfeiture of office, and filling of vacancies; providing for commission meetings; providing for a city manager and city attorney and their qualifications, powers, and duties; providing for elections; providing for elections to be held at large until the commission creates voting districts; providing for municipal services; providing for charter amendment and review; providing for standards of conduct; providing severability; providing a transition schedule, including initial elections; providing for state-shared revenue; providing for gas tax revenues; requiring a referendum; providing an effective date.

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

Section 1. Charter; creation.—This act shall be known and may be cited as the “City of Southport Charter” (“charter”), and the City of Southport (“city”) is hereby created and established.

Section 2. Legislative intent.—The Legislature hereby finds and declares that:

(1) The Southport area of Bay County includes a compact and contiguous urban community amenable to separate municipal government.

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

Section 3. Powers.—

(1) CREATION.—The city shall have a commission-manager form of government.

(2) MUNICIPAL POWERS.—The city shall be a body corporate and politic and shall have all the powers of a municipality under the State Constitution and laws of the 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 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 ex-

pressly prohibited by law. The powers of this city shall be liberally construed in favor of this city.

Section 4. Corporate limits.—The following areas shall constitute the corporate limits of the City of Southport:

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 MID-POINT OF DEER POINT LAKE DAM, THENCE SOUTHWESTERLY ALONG THE CENTER OF NORTH BAY TO THE SOUTHERLY PROJECTION 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 A LINE PARALLEL WITH AND 202.50 FEET EAST OF THE WEST LINE OF LOT 97, ST. ANDREWS BAY PECAN & FIG GROVES COMPANY'S SUBDIVISION, THENCE NORTH PARALLEL WITH SAID WEST LINE OF LOT 97 TO A LINE PARALLEL WITH AND 175 FEET SOUTH OF THE NORTH LINE OF SAID LOT 97, THENCE EAST PARALLEL WITH SAID NORTH LINE OF LOT 97 FOR 455 FEET, MORE OR LESS, TO THE EAST LINE OF SAID LOT 97, THENCE NORTH 175 FEET TO THE NORTHEAST CORNER OF SAID LOT 97, THENCE WEST 647.5 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 98, SAID SUBDIVISION, THENCE WEST ALONG THE NORTH LINE OF SAID LOT 98 AND THE WESTERLY PROJECTION THEREOF TO THE NORTHEAST CORNER OF LOT 99, SAID SUBDIVISION, THENCE NORTH ALONG THE EAST LINE OF LOT 94, SAID SUBDIVISION TO THE NORTHEAST CORNER 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 COMPANY'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 SOUTHWEST 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.

Section 5. City commission.—

(1) COMPOSITION; QUALIFICATIONS FOR OFFICE.—

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

(b) Qualifications for office.—

1. Each candidate for the office of city commissioner shall be a qualified elector of this city.

2. At the time of qualification, each candidate for a seat on the commission shall reside within the boundaries of the city of Southport and shall remain a resident of the city for the length of his or her term.

3. For the initial election of commissioners and mayor and for each election thereafter, each individual seeking to qualify as a candidate for a seat

on the commission shall submit a petition or application supporting his or her candidacy to the city manager (or, for the initial election, to the Supervisor of Elections of Bay County) containing the signatures of 1 percent of the electors residing within the boundaries of the City of Southport at large or payment of the required fee according to the Florida Election Code and declaring which seat he or she is endeavoring to obtain.

(2) TERMS OF OFFICE.—The term of office for each commissioner shall be 4 years. In order to provide for staggering of terms, the initial terms of office for seats one and three and the mayor's seat shall be for 2 years each.

(3) POWERS AND DUTIES OF COMMISSION.—Except as otherwise prescribed herein or provided by law, all legislative powers of the city shall be vested in the commission.

(4) MAYOR.—

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

(b) Duties.—The mayor shall preside at the meetings of the commission, be recognized as the head of city government for ceremonial matters, and sign and execute 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 city commission, consistent with general or special law.

(5) VICE MAYOR.—

(a) 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.

(b) Powers and 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 paragraph (4)(b). In the absence of the mayor and vice mayor, the remaining commissioners shall elect a commissioner to serve as acting mayor.

(6) COMPENSATION AND EXPENSES.—

(a) Compensation.—The mayor and commissioners shall serve without compensation for the first 3 months in office. The commission may determine an annual salary for commissioners or the mayor, but no ordinance providing for such salaries shall become effective until the date of commencement of the terms of the commissioners elected at the next regular election, except for any annual salary provided for after the initial election. Any salary provided for during the initial term will become effective 91 days after the commissioners take office unless a later date is established.

(b) Expenses.—The commission may provide for reimbursement of actual expenses incurred by members while performing their official duties.

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

(a) Vacancies.—A vacancy in the office of a commissioner shall occur upon the incumbent's death, removal from office as authorized by law, resignation, appointment to other public office which creates dual officeholding, judicially determined incompetence, or forfeiture of office as herein described.

(b) Forfeiture of office.—A commissioner shall forfeit his or her office if he or she:

1. Is determined by the commission, acting as a body, to lack at any time or fail to maintain during his or her term of office any qualification for the office as 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 of guilt has been withheld;

3. Is found by the commission, acting as a body, 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

4. Is absent from three consecutive regular commission meetings without being excused by the commission.

(c) 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 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 as herein provided.

2. If a vacancy occurs in the office of any commissioner other than mayor and the remainder of the unexpired term is less than 2 years, 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 the remainder of the unexpired term exceeds 2 years, the remaining commissioners shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled city election.

3. 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.

(d) Extraordinary vacancies.—In the event that all members of the council are removed by death, disability, law, or forfeiture of office, the Governor shall appoint an interim commission that shall call a special election to be held 60 to 90 days after the interim commission's appointment. Such elec-

tion shall be held in the same manner as the initial election under this charter.

Section 6. City commission meetings.—The commission shall meet regularly at least once a month at such times and places as the commission may prescribe. Such meetings shall be public meetings and shall be subject to notice and other requirements of law applicable to public meetings.

(1) The first meeting following a general city election at which elected or reelected commissioners are inducted into office shall be held on the first Monday following such election.

(2) A majority of the commission shall constitute a quorum. No action of the commission shall be valid unless adopted by an affirmative vote of a majority of the commissioners in attendance, unless otherwise provided by law or stated herein. All actions of the city commission shall be by ordinance, resolution, or motion.

(3) Special meetings may be held at the call of the mayor or, in his or her absence, the vice mayor. Special meetings may also be called upon the request of a majority of the commissioners. The city manager shall provide no less than 12 hours' notice of the meeting to the public, when practical.

Section 7. Designated charter officers.—

(1) DESIGNATED CHARTER OFFICERS.—The initial designated charter officer shall be the city manager. Other charter officers may be appointed by majority vote of the commission.

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

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

(c) Compensation.—The compensation of the charter officers shall be fixed by the city commission.

(d) Filling of vacancies.—The city commission shall begin the process to fill a vacancy in the charter office of the city manager or the city attorney within 90 days after the vacancy occurs. An acting city manager or acting city attorney may be appointed by the city commission during a vacancy in office.

(e) Candidate for city office.—No charter officer shall be a candidate for any elected office while holding his or her charter office position.

(2) CITY MANAGER.—The city manager shall be the chief administrative officer of the city and shall serve at the direction and discretion of the city commission.

(a) Qualifications.—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 they pertain to running municipal government.

(b) Powers and duties.—The city manager shall:

1. Attend all meetings of the city commission.

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

(3) CITY ATTORNEY.—The commission members may contract with a city attorney.

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

(b) Powers and duties.—The city attorney or his or her designee, who shall be a lawyer and a member in good standing of The Florida Bar, shall:

1. Attend all city commission meetings unless excused by the city commission.

2. Perform such professional duties as may be required by law or by the commission in furtherance of the law.

3. Be the chief legal officer of the city and serve as chief legal advisor to the commission, the city manager, and all city departments, offices, city advisory boards, and agencies.

Section 8. Elections.—

(1) ELECTORS.—Any person who is a resident of the city, who has qualified as an elector of the state, and who registers in the manner prescribed by law shall be an elector of this city.

(2) NONPARTISAN ELECTIONS.—All elections for the office of mayor or other city commissioners shall be conducted on a nonpartisan basis without any designation of political party affiliation.

(3) QUALIFICATIONS.—Candidates for the office of city commission member or mayor shall qualify for office by filing a written notice of candidacy with the designated official at such time and in such manner as may be prescribed by the Florida Election Code and as otherwise provided in this charter.

(4) PROCEDURE FOR REGULAR ELECTIONS AND RUNOFF ELECTIONS.—

(a) The regular election of the city commission members and mayor shall be held on the third Tuesday after the third Monday in April in each even-numbered year when the 4-year term for each respective seat has expired,

in the manner provided for by this charter and general law. Runoff elections, if necessary, shall be held on the third Tuesday after the third Monday in May in the same year.

(b) No later than noon Friday, 3 weeks before the election for office, any individual who wishes to run for one of the five initial seats on the commission shall qualify as a candidate with the Bay County Supervisor of Elections in accordance with the provisions of this charter and general law. Each candidate must specify for which of the seats he or she desires to campaign and serve.

(c)1. The Bay County Commission shall appoint a canvassing board of three members who are not candidates, which shall certify the results of the election. At least one citizen from the area or municipality of Southport shall be appointed to serve on the canvassing board.

2. After the initial election, the city commissioners shall decide how results are certified by ordinance.

3. If two or more persons qualify for a seat and none receive a majority of the votes cast for that seat, the two candidates receiving the highest number of votes shall face each other in a runoff election. The person receiving the highest number of votes at said runoff election shall be elected. The canvass of returns for said runoff election shall be the same as for a general election.

(d) In the event of a tie vote for any seat, the names of the candidates who tied shall be placed in a box and one name shall be drawn by a member of the canvassing board. The candidate whose name is drawn from the box shall be the winning candidate.

(e) The result of the voting, when ascertained, shall be certified by a return in duplicate, signed by two of the members of the canvassing board. One copy shall be delivered to the city attorney and the other copy shall be delivered to the city manager. Both returns are to be delivered to the city commission at a meeting to be held at noon on the day following certification of the election results. At such meeting, the city commission shall convey the return and announce the results of the election on the official record.

#### (5) INDUCTION INTO OFFICE.—

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

(b) Initial elections shall be held after the referendum for incorporation as stated in section 12.

(6) RECALL OF CITY COMMISSIONERS.—Any member of the city commission may be removed from office by the electors of the city following the procedures of recall established in general law.



(7) DISTRICT BOUNDARIES.—

(a) Elections shall be held at large until such time as the commissioners pass an ordinance providing for voting districts.

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

Section 9. Southport area municipal services.—After the first general election, the city commissioners may authorize the city manager to enter into contracts for municipal services on behalf of the City of Southport. Before a city manager is hired, the mayor is authorized to enter into contracts for services on behalf of the city.

Section 10. General provisions.—

(1) CHARTER AMENDMENT.—This charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend the charter shall be established by ordinance.

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

(3) INITIATIVE AND REFERENDUM.—At least 25 percent of the qualified electorate of the city shall have the power to petition 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 repeal of the adopted ordinance on the ballot at the next general election.

(4) 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.

Section 11. Severability.—If any provision 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 12. Transition schedule.—

(1) REFERENDUM.—The referendum election called for the purposes of this act shall be held no later than 90 days from the date of legislative approval of this act, unless there is established a different municipal election date, in which case the election shall be on the date so established. At

such time, the issue of whether to incorporate the City of Southport shall be placed upon the ballot. In the event the electorate votes affirmatively by a majority of electors voting in the referendum to incorporate and establish the City of Southport, the provisions of this charter shall take effect as provided herein.

(2) CREATION AND ESTABLISHMENT OF CITY.—For the purpose of compliance with general law, relating to assessment and collection of ad valorem taxes, the City of Southport is hereby created and established effective the date this charter becomes law.

(3) INITIAL ELECTION OF COMMISSIONERS; DATES, QUALIFYING PERIOD, CERTIFICATION OF ELECTION RESULTS; INDUCTION INTO OFFICE.—

(a) Following the adoption of this charter in accordance with section 13, the Bay County Commission shall call a special election of a mayor and the other four city commissioners to be held as soon as possible but no more than 90 days after an affirmative vote to incorporate by referendum at the convenience of the supervisor of elections. Any necessary runoff elections shall be held as soon as possible but no sooner than 14 days and no more than 60 days after the special election at the convenience of the supervisor of elections.

(b) No later than noon Friday, 3 weeks before the election of commissioners, any individual who wishes to run for one of the five initial seats on the commission shall qualify as a candidate with the Bay County Supervisor of Elections in accordance with the provisions of this charter and general law. Each candidate must specify for which of the seats he or she desires to campaign and serve.

(c)1. The Bay County Commission shall appoint a canvassing board of three members who are not candidates which shall certify the results of the election. At least one citizen from the area or municipality of Southport shall be appointed to serve on the canvassing board.

2. After the initial election, the city commissioners shall decide how results are certified by ordinance.

3. If two or more persons qualify for a seat and none receives a majority of the votes cast for that seat, the two candidates receiving the highest number of votes shall face each other in a runoff election. The person receiving the highest number of votes at said runoff election shall be elected. The canvass of returns for said runoff election shall be the same as for a general election.

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

(4) INDUCTION INTO OFFICE.—Those candidates who are elected shall be inducted into office and take office at the initial city commission

meeting, which shall be held no more than 30 days after the final election requirements are determined to be in compliance at the Southport Community Center, located at 7334 Franklin Street, Southport, Florida.

(5) TRANSITION SERVICES AND COMPENSATION.—It is intended that Bay County provide and be compensated for the provision of services for the City of Southport as budgeted for in the fiscal year 2006-2007 Bay County Budget as far as the revenue will provide. The level of services to be provided will be consistent with the level upon which the fiscal year 2006-2007 expense budget was predicted and in accordance with adopted revenue. It is the responsibility of the city to adopt appropriate ordinances, resolutions, or agreements as required to ensure the continued collection of budgeted revenues with which to fund services beginning January 1, 2007. Any revenues adopted or received by the City of Southport upon which delivery of services was not predicted within the county's fiscal year 2006-2007 adopted budget shall accrue to the City of Southport. Services that the county shall provide under the terms of this agreement include all services provided to the Southport municipal district as adopted by the Bay County Commission prior to the City of Southport becoming operational.

(6) FIRST-YEAR EXPENSES.—The commission, in order to provide moneys for the expenses and support of this 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.

(7) 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.

(8) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATION.—

(a) Until such time as the city adopts a comprehensive plan, the applicable provisions of the Comprehensive Plan of Bay County, as the same exists on the day the city commences corporate existence, 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, which shall be deemed the local planning agency until the commission establishes a separate local planning agency.

(b) All powers and duties of the Bay County Planning and Land Development Regulations Commission, any boards of adjustment and appeals created pursuant to statutory trade codes, and the Bay County Commission, as set forth in these traditional 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 hereof to another entity.

(c) Upon the city's incorporation, the city shall use Bay County's Comprehensive Plan and land development regulations. However, after the city's incorporation, any amendment to the county's comprehensive plan and land development regulations shall not apply to the city unless approved by the city commission.

(9) STATE-SHARED REVENUES; CITY PARTICIPATION IN STATE-SHARED REVENUES PROGRAMS.—The City of Southport shall be entitled to participate in the state-shared revenues programs effective on the first day of the month occurring after the first meeting of the commission. The provisions of section 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 2006-2007. 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.

(10) GAS TAX REVENUES.—

(a) Notwithstanding the provisions of section 336.025, Florida Statutes, the City of Southport shall be entitled to receive local option gas tax revenues beginning October 1 of the first year that the city is eligible for state-shared revenues under subsection (9).

(b) The gas tax distribution shall be made in accordance with an interlocal agreement entered into prior to June 1, 2007.

Section 13. 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 City of Southport voting in a referendum election to be called by the Bay County Commission and to be held in accordance with the provisions of law currently in force, except that this section shall take effect upon becoming a law.

Approved by the Governor June 23, 2006.

Filed in Office Secretary of State June 23, 2006.