

A RESOLUTION DIRECTING THE PLACEMENT OF A BALLOT IN THE NOVEMBER 1998 GENERAL ELECTION TO DETERMINE WHETHER CHAPTER 98-534, LAWS OF FLORIDA, CREATING THE TOWN OF PONTE VEDRA BEACH AND PROVIDING ITS CHARTER SHALL BE APPROVED BY ST. JOHNS COUNTY CITIZENS RESIDING IN CERTAIN PORTIONS OF ST. JOHNS COUNTY KNOWN AS PONTE VEDRA BEACH, AND PALM VALLEY, AS DESCRIBED IN CHAPTER 98-534, LAWS OF FLORIDA .

BE IT RESOLVED THIS 18 DAY OF AUGUST, 1998, BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. The Board of County Commissioners of St. Johns County, Florida (the "Board"), hereby finds, determines and declares the following:

- A. The 1998 Florida Legislature on or about May 1, 1998 passed and caused to be enrolled House Bill 4821, which is an act relating to St. Johns County and creating the Town of Ponte Vedra Beach, Florida, and the charter for said town.
- B. Said House Bill 4821 became law on or about May 28, 1998, without the Governor's signature, and was designated as Chapter 98-534, Laws of Florida (the "Act").
- C. Sections 9 and 15 of the Act provide for a referendum election to be called by the St. Johns County Commission for November 3, 1998, at which time the following question shall be placed upon the ballot:

"SHALL CHAPTER [98-534], LAWS OF FLORIDA, CREATING THE TOWN OF PONTE VEDRA BEACH AND PROVIDING ITS CHARTER BE APPROVED?"

Section 2. Accordingly, the Board of County Commissioners of St. Johns County, Florida, hereby directs the following proposition to be placed on the ballot at the 1998 general election which is scheduled for November 3, 1998:

REFERENDUM CONCERNING THE LAW CREATING THE TOWN OF PONTE VEDRA BEACH AND ITS CHARTER

Shall Chapter 98-534, Laws of Florida, creating the Town of Ponte Vedra Beach and providing its charter be approved?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

Section 3. By its own provision, the Act, except for Section 15 of the Act which is already effective, shall take effect only upon approval by a majority vote of those qualified electors residing within the proposed corporate limits of the proposed Town of Ponte Vedra Beach as described in Section 12 of the Act or a majority vote of the qualified electors, excluding the electors in the Palm Valley area, as described in Section 13 of the Act, voting in the referendum election subject of this Resolution. If a majority of the Palm Valley electors, participating in said referendum, vote against incorporation, the Palm Valley area shall not be included in any town limits ratified by said referendum nor are their votes counted in favor of incorporation.

Section 4. The Clerk of the Circuit Court, ex-officio Clerk of the Board of County Commissioners of St. Johns County, Florida (the "Clerk") shall prepare and give notice of the Town of Ponte Vedra Beach referendum by causing a copy of a notice substantially in the form attached hereto as Exhibit "A" to be published at least twice, once in the fifth (5th) week and once in the third (3rd) week prior to the week in which the general election is to be held, in the St. Augustine Record, a newspaper of general circulation in the County, the first publication to be not less than thirty (30) days prior to the date of the referendum. The Clerk shall secure from the publisher of said newspaper an appropriate affidavit of proof that such notice has been duly published as herein provided, and said affidavit of proof shall be filed in the minutes of the Board of County Commissioners of St. Johns County. The Clerk shall cause copies of this resolution and the notice to be timely placed at the locations described in the Exhibit "A" notice.

Section 5. The officials responsible for the canvassing of general elections shall canvass the returns of the Town of Ponte Vedra Beach referendum and shall certify the same to the Board. The finding and declaration of results shall be recorded in the minutes of the Board. Failure to comply with this Section 5 shall not adversely effect the validity of this resolution or the election.

Section 6. The Clerk is directed to immediately forward a certified copy of this Resolution to Penny Halyburton, Supervisor of Elections of St. Johns County, Florida.

Section 7. The Clerk is directed to certify the results of the Town of Ponte Vedra Beach referendum to the Florida Department of State and Florida Department of Revenue within 10 days of said election.

Section 8. Should any word, section, clause or provision of this Resolution, or any amendment hereto, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole or any part thereof, other than the part so declared to be invalid.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 18 day of August, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Moses A. Floyd  
Moses A. Floyd, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia DeGrande  
Deputy Clerk

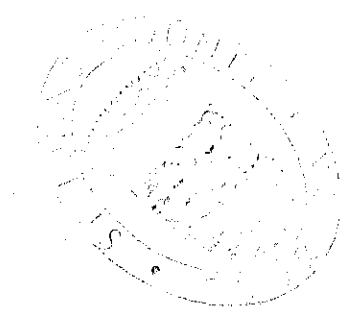


EXHIBIT "A"

NOTICE OF A BALLOT REFERENDUM PERTAINING TO THE CREATION OF THE TOWN OF PONTE VEDRA BEACH TO BE HELD IN A PORTION OF ST. JOHNS COUNTY, FLORIDA DURING THE GENERAL ELECTION ON TUESDAY, NOVEMBER 3, 1998.

NOTICE IS HEREBY GIVEN THAT A BALLOT REFERENDUM will be held on Tuesday, the 3rd day of November, 1998, in portions of St. Johns County, Florida, for the purpose of determining the following issue:

REFERENDUM CONCERNING THE LAW CREATING THE TOWN OF PONTE VEDRA BEACH AND ITS CHARTER

Shall Chapter 98-534, Laws of Florida, creating the Town of Ponte Vedra Beach and providing its charter be approved?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

Copies of the resolution proposing the Town of Ponte Vedra Beach referendum may be obtained at:

Main Library

1960 Ponce de Leon Blvd.  
St. Augustine, FL 32084

Reference Department

Ponte Vedra Branch Library

101 Library Blvd.  
Ponte Vedra Beach, FL

Circulation Desk

Ponte Vedra Court House Annex

5430 E. Palm Valley Road  
Ponte Vedra Beach, FL

Front Desk

County Courthouse

4010 Lewis Speedway  
St. Augustine, FL

Information Desk

County Administration Bldg.

4020 Lewis Speedway  
St. Augustine, FL

Clerks Office

The places for voting on the Town of Ponte Vedra Beach referendum shall be the polling places designated by the Supervisor of Elections, based on the land descriptions provided in Section 12 of Chapter 98-534, Laws of Florida, and the polls will be open at such polling places on the date of said election from 7:00 A.M. until 7:00 P.M.

All qualified electors residing in the lands described by Section 12 of Chapter 98-534, Laws of Florida shall be entitled and permitted to vote on the Town of Ponte Vedra Beach referendum.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK

By: \_\_\_\_\_

House Bill 4821er

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ENROLLED

1998 Legislature

HB 4821, First Engrossed

1  
2 An act relating to St. Johns County; creating  
3 the Town of Ponte Vedra Beach; providing  
4 legislative intent; providing municipal  
5 boundaries and municipal powers; providing a  
6 council-manager form of government; providing  
7 for election of a town council; providing for  
8 membership, qualifications, terms, powers, and  
9 duties of its members, including the mayor;  
10 providing for compensation and expenses;  
11 providing general powers and duties; providing  
12 circumstances resulting in vacancy in office;  
13 providing grounds for forfeiture and  
14 suspension; providing for filling of vacancies;  
15 providing for meetings; providing for keeping  
16 of records; providing for adoption,  
17 distribution, and recording of technical codes;  
18 providing a limitation upon employment of town  
19 council members; providing certain interference  
20 with town employees shall constitute  
21 malfeasance in office; establishing the fiscal  
22 year; providing for adoption of annual budget  
23 and appropriation; providing amendments for  
24 supplemental, reduction, and transfer of  
25 appropriations; providing for limitations;  
26 providing for appointment of charter offices,  
27 including a town manager and town attorney;  
28 providing for removal, compensation, and  
29 filling of vacancies; providing qualifications,  
30 powers, and duties; providing for nonpartisan  
31 elections and for matters relative thereto;

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1998 Legislature

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1 providing for recall; providing for initiative  
2 and referenda; providing the town a  
3 transitional schedule and procedures for first  
4 election; providing for first-year expenses;  
5 providing for adoption of transitional  
6 ordinances, resolutions, comprehensive plan,  
7 and local development regulations; providing  
8 for a transition agreement between St. Johns  
9 County and Town of Ponte Vedra Beach; providing  
10 for interim municipal services; providing for  
11 disposition of existing special districts;  
12 providing for the grandfathering in of existing  
13 land uses and zoning for certain property  
14 owners; providing land descriptions of the  
15 town; providing for future amendments of the  
16 charter; providing for standards of conduct in  
17 office; providing for severability; providing  
18 for a referendum; providing an effective date.

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

21  
22 Section 1. Short title.--This act, together with any  
23 future amendments thereto, shall be known and may be cited as  
24 the Town of Ponte Vedra Beach Charter, hereinafter referred to  
25 as "the charter."

26 Section 2. Legislative intent.--The Legislature hereby

27 finds and declares that the Ponte Vedra Beach area in St.  
 28 Johns County includes a compact and contiguous community of  
 29 approximately 25,000 residents susceptible to urban services,  
 30 and constitutes a community amenable to separate municipal  
 31 government.

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1998 Legislature HB 4821, First Engrossed

1 Section 3. Incorporation of municipality; corporate  
 2 limits.--There is hereby created, effective December 31, 1998,  
 3 in St. Johns County, a new municipality to be known as the  
 4 Town of Ponte Vedra Beach, which shall have a council-manager  
 5 form of government. The corporate boundaries of the Town of  
 6 Ponte Vedra Beach, hereinafter referred to as "town," shall be  
 7 as described in section 12.

8 Section 4. Municipal powers.--The town shall be a body  
 9 corporate and politic and shall have all the powers of a  
 10 municipality under the Constitution and laws of the State of  
 11 Florida, as fully and completely as though such powers were  
 12 specifically enumerated in the charter, unless otherwise  
 13 prohibited by or contrary to the provisions of the charter.  
 14 The town shall have all governmental, corporate, and  
 15 proprietary powers to enable it to conduct municipal  
 16 government, perform municipal functions, and render municipal  
 17 services, and may exercise any power for municipal services  
 18 unless expressly prohibited by law. The powers of the town  
 19 shall be liberally construed in favor of the town.

20 Section 5. Town council.--

21 A. COUNCIL; COMPOSITION; QUALIFICATIONS OF COUNCIL  
22 MEMBERS.--

23 1. There shall be a five member town council,  
 24 hereinafter referred to as the "council," consisting of four  
 25 council members elected at-large, although each of these  
 26 council members must reside in the district they represent,  
 27 and one council member representing the town at-large and  
 28 designated as mayor.

29 2. The districts' geographical boundaries are:

30 District 1:

31

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1998 Legislature HB 4821, First Engrossed

1 Beginning at a point where Ponte Vedra Lakes  
 2 Boulevard intersects the boundary of St. Johns  
 3 County and Duval County; thence southerly and  
 4 easterly on Ponte Vedra Lakes Boulevard to the  
 5 power lines; thence southerly along the power  
 6 line right-of-way to Solana Road also known as  
 7 State Road 210A; thence easterly along Solana  
 8 Road to the intersection of State Road 210A and  
 9 A1A North; thence southerly along A1A North to  
 10 Thousand Oaks Boulevard; thence westerly and  
 11 northerly along Thousand Oaks Boulevard to  
 12 Palmera Drive; thence northerly along Palmera  
 13 Drive to Alta Mar Drive; thence west along Alta  
 14 Mar Drive to TPC Boulevard; thence northerly  
 15 and westerly along TPC Boulevard to Solana  
 16 Road; thence westerly along State Road 210A to  
 17 the intersection of State Road 210A and North  
 18 Roscoe Boulevard; thence westerly from said  
 19 intersection along an extension of State Road  
 20 210A to the centerline of the Intracoastal  
 21 Waterway; thence northerly along the  
 22 Intracoastal Waterway to a point where the  
 23 centerline of the channel of the Intracoastal  
 24 Waterway intersects the boundary of St. Johns  
 25 County and Duval County; thence easterly along  
 26 the St. Johns County boundary to the point of  
 27 beginning.

28 District 2:  
 29 Beginning at the intersection of the shores of  
 30 the Atlantic Ocean and the boundary line  
 31 between St. Johns County and Duval County;

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1998 Legislature

HB 4821, First Engrossed

1 thence southerly along the shores of the  
 2 Atlantic Ocean to the easterly extension of  
 3 Mickler's Cutoff; thence along said extension  
 4 to the intersection of County Road 203 and  
 5 Mickler's Cutoff Road; thence northerly and  
 6 westerly along the boundary of the Ponte Vedra  
 7 Municipal Service District (hereinafter  
 8 referred to as "Ponte Vedra MSD"), to Ponce de  
 9 Leon Boulevard, also known as State Road A1A;  
 10 thence northerly along Ponce de Leon Boulevard  
 11 to Solana Road; thence west on Solana Road to  
 12 the Power Lines; thence northerly along the  
 13 power lines to Ponte Vedra Lakes Boulevard;  
 14 thence northwesterly along Ponte Vedra Lakes  
 15 Boulevard to the boundary of St. Johns County;  
 16 thence easterly along the boundary between St.  
 17 Johns County and Duval County to the point of  
 18 beginning.

19 District 3:

20 Beginning at the intersection of TPC Boulevard  
 21 and Alta Mar Drive; thence southerly and  
 22 easterly along TPC Boulevard to Highway A1A  
 23 North; thence south on Highway A1A to the  
 24 intersection of Mickler's Cutoff; thence  
 25 easterly along Mickler's Cutoff to the  
 26 intersection with the western boundary of the  
 27 Ponte Vedra MSD; thence northerly and westerly  
 28 along the boundary of the Ponte Vedra MSD;  
 29 thence southerly on A1A North to the  
 30 intersection of Thousand Oaks Boulevard; thence  
 31 westerly and northerly along Thousand Oaks

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1 Boulevard to Palmeta Drive; thence northerly  
 2 along Palmeta Drive to Alta Mar Drive; thence  
 3 west along Alta Mar Drive to the point of  
 4 beginning.

5 District 4:

6 Beginning at the intersection of TPC Boulevard  
 7 and Solana Road; thence southerly and easterly  
 8 along TPC Boulevard to Highway A1A North;  
 9 thence southerly along A1A North to the  
 10 intersection of A1A North and Mickler's Cutoff  
 11 Road; thence easterly along an extension of  
 12 Mickler's Cutoff Road to the shores of the  
 13 Atlantic Ocean; thence southerly along the  
 14 shores of the Atlantic Ocean to an extension of  
 15 the southern boundary of the Ponte Vedra MSD;  
 16 thence westerly along said extension to the  
 17 intersection with the boundary of the Guana  
 18 State Park; thence following the boundary of  
 19 the Guana State Park to the center of the  
 20 Intracoastal Waterway; thence northerly along  
 21 the center of the Intracoastal Waterway to the  
 22 westerly extension of Solana Road; thence  
 23 easterly along Solana Road to the point of  
 24 beginning.

25 District 5:

26 At-Large Mayoral/Council Seat comprising the  
 27 entire Town.  
 28 3. Redistricting.--In the year 2001 and in the

29 odd-numbered years after each decennial census thereafter, and  
 30 at any time when required by law, the town council shall  
 31

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1 redivide the town into four districts of contiguous territory  
 2 as nearly equal in population as possible.  
 3 4. Council Seats.--There shall be five separate  
 4 council seats to be designated as District 1, District 2,  
 5 District 3, District 4 and District 5-Mayoral/Council. Council  
 6 members must qualify for council positions by district and the  
 7 council members elected to those seats shall hold seats 1  
 8 through 5 respectively.  
 9 5. To qualify for office:  
 10 a. Each candidate for the office of council shall be a  
 11 registered voter in the State of Florida and an elector of the  
 12 town.  
 13 b. At the time of qualification, each candidate for a  
 14 council seat shall reside within the boundaries of the town  
 15 and, if elected, shall maintain such residency throughout his  
 16 or her term of office. Each district council member must be a  
 17 resident of the district they represent during their  
 18 incumbency. For the initial election, following the referendum  
 19 approving the creating of the town, candidates for office  
 20 shall qualify as provided in section 9B. Thereafter,  
 21 candidates shall qualify as provided in section 8C.  
 22 B. TERM OF OFFICE.--The term of office for council  
 23 members shall be 4 years. Each council member shall remain in  
 24 office until a successor is elected and assumes the duties of  
 25 the position, except as otherwise provided herein. No council  
 26 member shall serve more than two consecutive terms of office.  
 27 C. THE MAYOR; POWERS AND DUTIES.--  
 28 1. The mayor shall be elected from the at-large  
 29 District 5-Mayoral/Council candidates. The mayor shall have  
 30 the same legislative powers and duties as any other council  
 31 member, as well as, the duties provided in paragraph 2.

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1 2. In addition to carrying out his or her regular  
 2 council member duties, the mayor shall preside at the meetings  
 3 of the council and shall be recognized as the head of town  
 4 government for service of process, ceremonial matters, and the  
 5 signature or execution of ordinances, contracts, deeds, bonds,  
 6 and other instruments and documents. The mayor shall serve as  
 7 the liaison between the town council and the town manager;  
 8 however, the mayor shall have no administrative duties other  
 9 than those necessary to accomplish the actions delineated  
 10 above, or such other actions as may be authorized by the  
 11 council, consistent with general or special law.  
 12 D. COMPENSATION AND EXPENSES.--Council members shall  
 13 be compensated at the rate of \$500 per month and shall be  
 14 entitled to receive reimbursement in accordance with Florida  
 15 Statutes for authorized travel and per diem expenses incurred  
 16 in the performance of their official duties. The council, by  
 17 not less than a majority plus one vote of the entire council,  
 18 may elect to provide for an increase in compensation by  
 19 ordinance. However, no such ordinance establishing or  
 20 increasing compensation shall take effect until the date of  
 21 commencement of the terms of council members elected at the  
 22 next regular election which follows the adoption of said  
 23 ordinance.  
 24 E. GENERAL POWERS AND DUTIES OF COUNCIL.--Except as  
 25 otherwise prescribed herein or provided by law, legislative  
 26 and police powers of the town shall be vested in the council.  
 27 The council shall provide for the exercise of its powers and  
 28 for the performance of all duties and obligations imposed on  
 29 the town by law.

30 F. VACANCIES; FORFEITURE OF OFFICE; SUSPENSION;  
 31 FILLING OF VACANCIES.--

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HB 4821, First Engrossed

1 1. Vacancies.--A vacancy in the office of a council  
 2 member shall occur upon the death of the incumbent, removal  
 3 from office as authorized by law, resignation, appointment to  
 4 other public office which creates dual office holding,  
 5 judicially determined incompetency, or forfeiture of office as  
 6 described in paragraph 2.

7 2. Forfeiture of office.--A council member shall  
 8 forfeit his or her office upon determination by the council,  
 9 acting as a body at a duly noticed public meeting, that he or  
 10 she:

11 a. Lacks at any time, or fails to maintain during his  
 12 or her term of office, any qualification for the office  
 13 prescribed by the charter or otherwise provided by law;

14 b. Is convicted of a felony, or enters a plea of  
 15 guilty or nolo contendere to a crime punishable as a felony;

16 c. Is convicted of a first degree misdemeanor arising  
 17 directly out of his or her official conduct or duties, or  
 18 enters a plea of guilty or nolo contendere thereto, even if  
 19 adjudication of guilt has been withheld;

20 d. Is found to have violated any standard of conduct  
 21 or code of ethics established by law for public officials and  
 22 has been suspended from office by the Governor, unless  
 23 subsequently reinstated as provided by law; or

24 e. Is absent from two consecutive regular council  
 25 meetings or four or more meetings in any calendar year without  
 26 justifiable reason, or for any other reason established in the  
 27 charter.

28 3. Suspension from office.--A council member shall be  
 29 suspended from office upon return of an indictment or issuance  
 30 of any information charging the council member with any crime  
 31 which is punishable as a felony or with any crime arising out

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1 of his or her official duties which is punishable as a first  
 2 degree misdemeanor. In furtherance thereof:

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

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

14 4. Filling of vacancies.--

15 a. If a vacancy occurs in the office of mayor, the  
 16 council shall appoint from its members by majority vote an  
 17 individual to be mayor for the remainder of the mayor's term.

18 b. If any vacancy occurs in the office of any council  
 19 member, including any vacancy resulting from a council member  
 20 being appointed by the council to fill a mayoral vacancy, the  
 21 remaining council members shall, within 30 days following the  
 22 occurrence of such vacancy, by majority vote, appoint a person  
 23 to fill the vacancy until the next general election.

24 c. Any person appointed to fill a vacant seat on the  
 25 council shall be required to meet the qualifications of the  
 26 seat to which he or she is appointed.

27 G. Council meetings.--Regular meetings of the council  
 28 shall be held on the third Thursday of every month and at such  
 29 place, reasonably accessible to the citizens of the town, as  
 30 the council shall prescribe by resolution. Such meetings shall

31 be public meetings within the meaning of s. 286.011, Florida  
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1 Statutes, and shall be subject to notice and other  
2 requirements of law applicable to public meetings. Pursuant  
3 thereto:  
4     1. Special meetings may be held at the call of the  
5 mayor or upon the request of a majority of the council  
6 members. Such meetings shall be held at a place that is  
7 reasonably accessible to the citizens of the town. Unless of  
8 an emergency nature, the person or persons calling such  
9 meeting shall provide not less than 72-hours prior notice of  
10 the meeting to the public.  
11     2. Elected or reelected council members shall be  
12 inducted into office at the first regularly scheduled meeting  
13 following certification of their election.  
14     3. A majority of the council shall constitute a  
15 quorum. No action of the council shall be valid unless adopted  
16 by an affirmative vote of the majority of the council unless  
17 otherwise provided by law. All actions of the council shall be  
18 by ordinance, resolution, or motion.  
19     H. TOWN RECORDS.--The council shall, in a properly  
20 indexed book kept for the purpose, provide for the  
21 authentication and recording in full of all minutes of  
22 meetings and all ordinances and resolutions adopted by the  
23 council, and the same shall at all times be a public record.  
24 The council shall further maintain a current codification of  
25 all ordinances. Such codification shall be printed and shall  
26 be made available for distribution to the public on a  
27 continuing basis. All ordinances or resolutions of the council  
28 shall be signed by the mayor and attested to by the town  
29 clerk, hereinafter referred to as "clerk," who shall be  
30 selected by the town manager, hereinafter referred to as  
31 "manager."

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1998 Legislature

HB 4821, First Engrossed

1     I. ADOPTION OF CODES.--The council may adopt any  
2 standard code of technical regulations by reference thereto in  
3 an adopting ordinance and may amend the code in the adopting  
4 ordinance or later amendatory ordinance. The procedures and  
5 requirements governing such an adoption ordinance shall be  
6 prescribed for ordinances generally, except that:  
7     1. Requirements regarding distribution and filing of  
8 copies of the ordinance shall not be construed to require  
9 distribution and filing of copies of the adopted code of  
10 technical regulations, except as provided in paragraph 2.  
11     2. A copy of each adopted code of technical  
12 regulations, as well as of the adoptive ordinance, shall be  
13 authenticated and recorded by the clerk.  
14     J. LIMITATION OF EMPLOYMENT OF COUNCIL MEMBERS.--No  
15 council member shall be in the employment of the town in any  
16 other capacity while in office, nor shall any former council  
17 member be employed by the town until after the expiration of 1  
18 year from the time of leaving office.  
19     K. NONINTERFERENCE BY COUNCIL.--Except for the  
20 purposes of inquiry and information, the council and its  
21 members including committees thereof, are expressly prohibited  
22 from interfering with the performance of the duties of any  
23 employee of the town who is under the direct or indirect  
24 supervision of the manager or town attorney, hereinafter  
25 referred to as "attorney." Such action shall be malfeasance  
26 within the meaning of s. 112.501, Florida Statutes, and s.  
27 112.51, Florida Statutes.  
28     Section 6. Budget and appropriations.--  
29     A. FISCAL YEAR.--The town shall have a fiscal year  
30 which shall begin on October 1 of each year and end on  
31 September 30 of the succeeding year.

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1998 Legislature

HB 4821, First Engrossed

1 B. BUDGET ADOPTION.--The council shall by resolution  
 2 adopt a budget for the next fiscal year prior to the beginning  
 3 of the next fiscal year, following a minimum of two public  
 4 hearings on the proposed budget. A resolution adopting the  
 5 annual budget shall constitute appropriation of the amounts  
 6 specified therein as expenditures from funds indicated.

7 C. APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.--

8 1. Supplemental appropriations.--If during the fiscal  
 9 year, revenues in excess of those estimated in the budget are  
 10 available for appropriation, the council by resolution may  
 11 make supplemental appropriations for the year in an amount not  
 12 to exceed such excess.

13 2. Reduction of appropriations.--If, at any time  
 14 during the fiscal year, it appears probable to the manager  
 15 that the revenues available will be insufficient to meet the  
 16 amount appropriated, the manager shall report same to the  
 17 council without delay, indicating the estimated amount of the  
 18 deficit, any remedial action taken and recommendations as to  
 19 any other steps that should be taken. The council shall then  
 20 take such further action as it deems necessary to prevent or  
 21 minimize any deficit and, for that purpose, the council may by  
 22 resolution reduce one or more appropriations accordingly.

23 3. Limitations; effective date.--No appropriation for  
 24 debt service may be reduced or transferred, and no  
 25 appropriation may be reduced below any amount required by law  
 26 to be appropriated, or by more than the unencumbered balance  
 27 thereof. Other provisions of law to the contrary  
 28 notwithstanding, the supplemental and emergency appropriations  
 29 and reduction or transfer of appropriations authorized by this  
 30 section may be made effective immediately upon adoption.

31 Section 7. Charter officers.--

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1998 Legislature

HB 4821, First Engrossed

1 A. DESIGNATION.--The manager and attorney are  
 2 designated as charter officers, except that the office of the  
 3 attorney may be contracted to an attorney or law firm.

4 B. APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF  
 5 VACANCIES.--

6 1. The charter officers shall be appointed by a  
 7 majority of the full council and shall serve at the pleasure  
 8 of the council.

9 2. The charter officers shall be removed from office  
 10 only by a majority plus one vote of the full council. Upon  
 11 demand by a charter officer, a special hearing shall be held  
 12 prior to such removal.

13 3. The compensation of the charter officers shall be  
 14 fixed by the council.

15 4. The council shall begin the process to fill a  
 16 vacancy in a charter office as soon as practicable. An acting  
 17 town manager or an acting town attorney may be appointed by  
 18 the council during a vacancy in such charter office.

19 5. The charter officers shall not be a candidate for  
 20 council while holding their charter position.

21 C. TOWN MANAGER.--The manager shall be the chief  
 22 administrative officer of the town.

23 1. Qualifications.--The manager shall be selected on  
 24 the basis of experience, expertise, and management ability as  
 25 it pertains to running municipal government. There shall be a  
 26 town manager who shall be appointed and who shall serve at the  
 27 pleasure of the town council. The town manager shall be chosen  
 28 on the basis of professional training, executive and  
 29 administrative experience, and qualifications. The town  
 30 manager shall have a Bachelor's Degree from an accredited  
 31 college or university and at least 5 years experience as the

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1 town manager or assistant town manager in a city or county  
 2 with a population of comparable size. The town manager shall  
 3 maintain residency within the county during the tenure of  
 4 office and shall not engage in any other business or  
 5 occupation without the express approval of the town council.  
 6 2. The town manager shall be bonded at the discretion  
 7 of the town council.  
 8 3. Powers and duties.--The manager shall:  
 9 a. As the chief administrative officer of the town,  
 10 direct and supervise the administration of all departments,  
 11 offices, and agencies of the town, except the office of  
 12 attorney, and except as otherwise provided by the charter or  
 13 by law.  
 14 b. Appoint, suspend, or remove any employee of the  
 15 town or appointive administrative officer provided for, by or  
 16 under the charter, including the clerk, except the office of  
 17 attorney, and except as otherwise provided by law, the charter  
 18 or personnel rules adopted pursuant to the charter. The  
 19 manager may authorize any administrative officer who is  
 20 subject to his or her discretion and supervision to exercise  
 21 these powers with respect to subordinates in that officer's  
 22 department, office, or agency.  
 23 c. Ensure that all laws, provisions of the charter and  
 24 acts of the council are faithfully executed.  
 25 d. Prepare and submit the annual operating budget and  
 26 the capital expenditures program to the council in the form  
 27 prescribed by ordinance.  
 28 e. Attend meetings of the council.  
 29 f. Draw and sign vouchers upon depositories as  
 30 provided by ordinance, and keep, or cause to be kept, a true  
 31 and accurate account of same.

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1 g. Sign all licenses issued by the town and issue  
 2 receipts for all moneys paid to the town and deposit said  
 3 moneys in the proper depositories on the first banking day  
 4 after receipt. The manager may delegate the responsibilities  
 5 of this subparagraph to an appropriate town employee who shall  
 6 be bonded.  
 7 h. Provide administrative services in support of the  
 8 official duties of the mayor and the council.  
 9 i. Keep the council advised as to the financial  
 10 condition and future needs of the town and make  
 11 recommendations to the council concerning the affairs of the  
 12 town.  
 13 j. Submit to the council, and make available to the  
 14 public, a complete report on finances and administrative  
 15 activities of the town as of the end of each fiscal year.  
 16 k. Sign contracts on behalf of the town to the extent  
 17 authorized by ordinance.  
 18 l. Perform such other duties as are specified in the  
 19 charter or as may be required by the council.  
 20 D. TOWN ATTORNEY.--The attorney shall be the chief  
 21 legal officer of the town.  
 22 1. Qualifications.--The town attorney shall be a  
 23 member of The Florida Bar in good standing.  
 24 2. Powers and duties.--The town attorney:  
 25 a. Shall serve as chief legal advisor to the council,  
 26 the charter officers and all town departments, officers, and  
 27 agencies.  
 28 b. May hire such assistants as may be required when  
 29 approved by the council.  
 30  
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1 c. Shall attend council meetings unless excused by the  
2 council and shall perform such professional duties as may be  
3 required by law or by the council in furtherance of the law.

4 d. Shall prepare an annual budget for the operation of  
5 the office of attorney and shall submit this budget to the  
6 manager for inclusion in the annual town budget in accordance  
7 with uniform town procedures.

8 Section 8. Elections.--

9 A. ELECTORS.--Any person who is a resident of the  
10 town, who has qualified as an elector of this state, and who  
11 registers in the manner prescribed by law shall be an elector  
12 of the town.

13 B. NONPARTISAN ELECTIONS.--All elections for the  
14 council members shall be conducted on a nonpartisan basis  
15 without any designation of political party affiliation.

16 C. QUALIFYING FOR OFFICE.--Any elector of the town who  
17 wishes to become a candidate for a town elective office shall  
18 qualify with the clerk. Candidates must submit their names and  
19 proof of qualification, as described in the applicable  
20 provisions of s. 99.061, Florida Statutes, to the St. Johns  
21 County Supervisor of Elections Office between noon of the 50th  
22 day and noon of the 46th day prior to the town election. Proof  
23 of qualification includes:

24 1. Proof of current address.

25 2. A petition for the candidate with signatures of  
26 Ponte Vedra Beach registered voters totaling not less than 25  
27 registered voters as of January 31st of that same year.

28 D. SCHEDULE FOR STAGGERED TOWN ELECTIONS AND  
29 RUNOFFS.--Pursuant to s. 100.031, Florida Statutes, the town  
30 elections for District 2 and District 4 will be held in  
31 conjunction with the first primary which is 9 weeks prior to

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1 the General Election which is held on the first Tuesday after  
2 the first Monday in November of even-numbered years beginning  
3 in the year 2000. Pursuant to s. 100.031, Florida Statutes,  
4 the town elections for District 1 and District 3 and the mayor  
5 will be held in conjunction with the first primary which is 9  
6 weeks prior to the general election which is held on the first  
7 Tuesday after the first Monday in November of even-numbered  
8 years beginning in the year 2002. In the event no candidate  
9 for an office receives a majority of the votes cast for said  
10 office, there will be a runoff election between the two  
11 candidates with the highest number of votes. The runoff will  
12 be held in conjunction with the general election in November.

13 E. SCHEDULE FOR OTHER ELECTIONS.--Special municipal  
14 elections shall be held in the same manner as regular  
15 elections, except that the council, by ordinance, shall fix  
16 the time for the holding of such elections.

17 F. DETERMINATION OF ELECTION TO OFFICE.--In either the  
18 case of council members or the mayoral/council member, if only  
19 one candidate qualifies for an office, said candidate shall be  
20 deemed to be elected. If two or more candidates qualify for an  
21 office, the names of those candidates shall be placed on the  
22 ballot at the general election. If no candidate for an office  
23 receives a majority of the votes cast for said office, then  
24 the two candidates for the office receiving the highest vote  
25 in the general election shall run again in the runoff  
26 election, provided that:

27 1. If more than two candidates for an office receive  
28 an equal and highest number of votes, the names of such  
29 candidates shall be placed on the runoff election ballot.

30 2. In any contest in which there is a tie for second  
31 place, the name of the candidate placing first and the names

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 1 of the candidates tying for second shall be placed upon the  
 2 runoff election ballot. The candidate receiving the highest  
 3 number of votes cast for the office in the runoff election  
 4 shall be elected to such office. If the vote at the runoff  
 5 election results in a tie, the outcome shall be determined by  
 6 lot.

7 G. TOWN CANVASSING BOARD.--The town canvassing board,  
 8 hereinafter referred to as the "canvassing board," shall be  
 9 composed of the manager, attorney, and clerk, of whom the  
 10 clerk shall act as chair. At the close of the polls of any  
 11 town election, or as soon thereafter as practicable, the  
 12 canvassing board shall meet at a time and place designated by  
 13 the chair and shall proceed to publicly canvass the vote as  
 14 shown by the returns then on file in the office of the town  
 15 clerk, and then shall publicly canvass the absentee elector  
 16 ballots. The canvassing board shall prepare and sign a  
 17 certificate containing the total number of votes cast for each  
 18 candidate or other measure voted upon. The certificate shall  
 19 be placed on file with the clerk.

20 H. RECALL OF COUNCIL MEMBERS.--Any member of the  
 21 council, including the mayor, may be removed from office by  
 22 the electors of the town following the procedures for recall  
 23 established by general law.

24 I. INITIATIVE AND REFERENDUM.--

25 1. Power to initiate and reconsider ordinances.--

26 a. Initiative.--The electors of the town shall have  
 27 the power to propose ordinances to the council and, if the  
 28 council fails to adopt an ordinance so proposed without any  
 29 change in substance, to adopt or reject it at a town election,  
 30 provided that such power shall not extend to the annual budget  
 31 or capital program or any ordinance appropriating money.

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1 levying taxes, or setting salaries of town officers or  
 2 employees.

3 b. Referendum.--

4 (1) The council shall have the power, by resolution,  
 5 to call for a referendum vote by the electors of the town at  
 6 any time, provided that the purpose of such referendum is  
 7 presented to the town at a public hearing at least 60 days  
 8 prior to the adoption of said resolution. Any resolution  
 9 calling for a referendum vote of the electors of the town must  
 10 be passed by the affirmative vote of a majority of the full  
 11 council.

12 (2) The electors of the town shall have the power to  
 13 require reconsideration by the council of any adopted  
 14 ordinance and, if the council fails to repeal an ordinance so  
 15 reconsidered, to approve or reject it at a town election,  
 16 provided that such power shall not extend to the annual budget  
 17 or capital program or any ordinance appropriating money,  
 18 levying taxes or setting salaries of town officers or  
 19 employees.

20 2. Commencement of proceedings.--Any 10 electors may  
 21 commence initiative or referendum proceedings by filing with  
 22 the clerk an affidavit stating that they shall constitute the  
 23 petitioners' committee, hereinafter referred to as the  
 24 "committee," and be responsible for circulating the petition  
 25 and filing it in proper form stating their names and addresses  
 26 and specifying the address to which all notices to the  
 27 committee are to be sent, and setting out in full the proposed  
 28 initiative ordinance or citing the ordinance sought to be  
 29 reconsidered. Promptly after the affidavit of the committee  
 30 is filed, the clerk shall, at the committee's request, issue  
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1 the appropriate petition blanks to the committee at the  
 2 committee's expense.

3 3. Petitions.--

4 a. Initiative and referendum petitions must be signed  
 5 by electors of the town equal in number to at least 10 percent  
 6 of the total number of electors registered to vote in the last  
 7 regular town election and at least 10 percent of the total  
 8 number of electors in each of the four districts registered to  
 9 vote in the last regular town election.

10 b. All papers of a petition shall be assembled as one  
 11 instrument of filing. Each signature shall be executed in ink  
 12 and shall be followed by the printed name and address of the  
 13 person signing. Petitions shall contain or have attached  
 14 thereto, throughout their circulation, the full text of the  
 15 ordinance proposed or sought to be reconsidered.

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

25 d. All initiative and referendum petitions must be  
 26 filed within 60 days of the date on which proceedings with  
 27 respect to such initiative or referendum are commenced and all  
 28 requirements of the process, including, but not limited to,  
 29 the submission of the signatures required, must be completed  
 30 no later than 90 days following the date of filing of said  
 31 initiative or referendum petition.

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1 4. Procedure for filing.--

2 a. Within 20 days after an initiative petition or a  
 3 referendum is filed, the clerk shall complete a certificate as  
 4 to its sufficiency, specifying, if it is insufficient, the  
 5 particulars wherein it is defective and shall promptly send a  
 6 copy of the certificate to the committee by registered mail.  
 7 Grounds for insufficiency are only those specifics in  
 8 subparagraph c. that are not met. A petition certified  
 9 insufficient for lack of the required number of valid  
 10 signatures may be amended once if the committee files a notice  
 11 of intent to amend it with the designated official within 2  
 12 business days after receiving the copy of the certificate and  
 13 files a supplementary petition upon additional papers within  
 14 10 days after receiving a copy of such certificate. Such  
 15 supplementary petition shall comply with original petition  
 16 requirements, and within 5 days after it is filed, the clerk  
 17 shall complete a certificate as to the sufficiency of the  
 18 petition as amended and promptly send a copy of such  
 19 certificate to the committee by registered mail. If a petition  
 20 or an amended petition is certified sufficient, or if a  
 21 petition or amended petition is certified insufficient and the  
 22 committee does not elect to amend or request the council to  
 23 review under subparagraph b. within the time required, the  
 24 clerk shall promptly present the certificate to the council  
 25 and such certificate shall then be a final determination as to  
 26 the sufficiency of the petition.

27 b. The council review.--If a petition has been  
 28 certified insufficient and the committee does not file notice  
 29 of intent to amend it or if an amended petition has been  
 30 certified insufficient, the committee may, within 2 business  
 31 days after receiving the copy of such certificate, file a

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1 request that it be reviewed by the council. The council shall

2 review the certificate at its next meeting following the  
 3 committee's filing of such request and approve or disapprove  
 4 it, and determination shall then be final as to the  
 5 sufficiency of the petition.

6 5. Action on petitions.--

7 a. Action by the council.--When an initiative or  
 8 referendum petition has been determined sufficient, the  
 9 council shall promptly consider the proposed initiative  
 10 ordinance or reconsider the referendum ordinance by voting its  
 11 repeal. The repeal of an ordinance relating to the levy of ad  
 12 valorem taxes shall be by ordinance. If the council fails to  
 13 adopt a proposed initiative ordinance without any change in  
 14 substance within 45 days or fails to repeal the referendum  
 15 ordinance within 30 days, or in the case of a referendum  
 16 authorized pursuant to sub-subparagraph 1.b.(1), within 5 days  
 17 after the date on which the petition is determined to be  
 18 sufficient, it shall submit the proposed initiative or  
 19 referendum ordinance to the electors of the town. If the  
 20 council fails to act on a proposed initiative ordinance or a  
 21 referendum ordinance within the time period specified, the  
 22 council shall be deemed to have failed to adopt the proposed  
 23 initiative ordinance or failed to repeal the referendum  
 24 ordinance on the last day that the council was authorized to  
 25 act on such manner.

26 b. Submission to electors.--The vote of the town on a  
 27 proposed initiative or referendum ordinance shall be held not  
 28 less than 30 or more than 60 days from the date the council  
 29 acted, or was deemed to have acted pursuant to subparagraph  
 30 a., that the petition was determined sufficient. If no regular  
 31 election is to be held within the period described in this

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1 paragraph, the council shall provide for a special election,  
 2 except that the council may, in its discretion, provide for a  
 3 special election at an earlier date than 60 days. Copies of  
 4 the proposed initiative or referendum ordinance shall be made  
 5 available at the polls.

6 c. Withdrawal of petitions.--An initiative or  
 7 referendum petition may be withdrawn at anytime prior to the  
 8 15th day preceding the day scheduled for a vote of the  
 9 electors of the town by filing with the clerk a request for  
 10 withdrawal signed by at least eight members of the committee.  
 11 Upon the filing of such request, the petition shall have no  
 12 further force or effect and all proceedings thereon shall be  
 13 terminated.

14 6. Results of election.--

15 a. Initiative.--If a majority of the qualified  
 16 electors voting on a proposed initiative ordinance vote in its  
 17 favor, it shall be considered adopted upon certification of  
 18 the election results. If conflicting ordinances are approved  
 19 at the same election, the one receiving the greatest number of  
 20 affirmative votes shall prevail to the extent of such  
 21 conflict.

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

25 Section 9. Transition schedule.--

26 A. REFERENDUM.--The referendum election called for by  
 27 this act shall be held on November 3, 1998, at which time the  
 28 following question shall be placed upon the ballot:

29  
 30 "SHALL CHAPTER . . . ., LAWS OF FLORIDA, CREATING THE TOWN  
 31 OF PONTE VEDRA BEACH AND PROVIDING ITS CHARTER BE APPROVED?"

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2 In the event this question is answered affirmatively by a

3 majority of voters voting in the referendum, the provisions of  
 4 the charter will take effect as provided in section 15.  
 5 B. INITIAL ELECTION OF COUNCIL MEMBERS.--  
 6 1. Dates.--Following the adoption of the charter in  
 7 accordance with subsection A, the St. Johns County Commission  
 8 shall call a special election for the election of the five  
 9 council members to be held on Tuesday, March 9, 1999. In the  
 10 event no candidate for an office receives a majority of the  
 11 votes cast for said office, then a runoff election between the  
 12 two candidates receiving the most votes shall be held on  
 13 Tuesday, March 23, 1999.  
 14 2. Qualifying period.--Between noon on Friday, January  
 15 29, 1999, and noon on Friday, February 12, 1999, any  
 16 individual who wishes to run for one of the five initial seats  
 17 on the council shall qualify as a candidate with the St. Johns  
 18 County Supervisor of Elections in accordance with the  
 19 provisions of the charter and general law.  
 20 3. Certification of election results.--For the initial  
 21 election, the St. Johns County Commission shall appoint a  
 22 canvassing board which shall certify the results of the  
 23 election.  
 24 4. Induction into office.--Those candidates who are  
 25 elected on either Tuesday, March 9, 1999, or Tuesday, March  
 26 23, 1999, shall take office at the initial council meeting,  
 27 which shall be held at 10 a.m. on Saturday, March 27, 1999, at  
 28 the Ponte Vedra Beach Public Library or at some other place  
 29 within the town limits as may be designated by the Chair of  
 30 the St. Johns County Commission.  
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1 5. Initial terms of office.--After the initial  
 2 election of council members and mayor, the first regular town  
 3 election will be held in accordance with section 8D in the  
 4 year 2000. The initial council members from District 2 and  
 5 District 4 shall serve a term from Saturday, March 27, 1999,  
 6 to the third Thursday in November 2000, or until the results  
 7 of any necessary run-off elections are certified and any  
 8 run-off election winners are sworn in. The initial council  
 9 members from District 1 and District 3 and the mayor shall  
 10 serve a term from Saturday, March 27, 1999, to the third  
 11 Thursday in November 2002, or until the results of any  
 12 necessary run-off elections are certified and any run-off  
 13 election winners are sworn in.

14 C. CREATION AND ESTABLISHMENT OF TOWN.--For the  
 15 purpose of compliance with s. 200.066, Florida Statutes,  
 16 relating to assessment and collection of ad valorem taxes, the  
 17 town is hereby created and established effective December 31,  
 18 1998. Notwithstanding anything to the contrary contained  
 19 herein, the town, although created and established as of  
 20 December 31, 1998, shall not be operable until March 27, 1999.

21 D. FIRST YEAR EXPENSES.--The council, in order to  
 22 provide moneys for the expenses and support of the town, shall  
 23 have the power to borrow money necessary for the operation of  
 24 the town government until such time as a budget is adopted and  
 25 revenues are raised in accordance with the provisions of the  
 26 charter.

27 E. COUNTY SERVICES DURING TRANSITION.--From and after  
 28 the effective date, during the transition period and until  
 29 such time as the council becomes operative, estimated to be  
 30 June 30, 1998, St. Johns County will continue to provide the  
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1 town with all of the same services as it does as of December  
 2 31, 1998.

3 F. TRANSITIONAL ORDINANCES AND RESOLUTIONS.--The

4 council shall adopt ordinances and resolutions required to  
5 effect the transition. Ordinances adopted within 60 days after  
6 the first council meeting may be passed as emergency  
7 ordinances. These transitional ordinances, passed as emergency  
8 ordinances, shall be effective for no longer than 90 days  
9 after adoption, and thereafter may be readopted, renewed, or  
10 otherwise continued only in the manner normally prescribed for  
11 ordinances.

12 G. TRANSITIONAL COMPREHENSIVE PLAN AND LAND  
13 DEVELOPMENT REGULATIONS.--

14 1. Until such time as the town adopts a comprehensive  
15 plan, the applicable provisions of the Comprehensive Plan of  
16 St. Johns County, as the same exists on the day the town  
17 commences corporate existence, shall remain in effect as the  
18 town's comprehensive plan. Within 1 year after incorporation,  
19 the town shall establish a local planning agency pursuant to  
20 s. 163.3174, Florida Statutes, to prepare and adopt a  
21 comprehensive plan as required by s. 163.3174, Florida  
22 Statutes, within 3 years after the date of incorporation. The  
23 St. Johns County Comprehensive Plan shall be controlling until  
24 the town adopts a comprehensive plan in accordance with the  
25 provisions of s. 163.3174, Florida Statutes. All planning  
26 functions, duties, and authority shall thereafter be vested in  
27 the council which shall be deemed the local planning agency  
28 until and unless the council establishes a separate local  
29 planning agency.

30 2. Subject to the provisions of the St. Johns County  
31 Comprehensive Plan, all powers and duties of the planning

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1 commission, zoning authority, any boards of adjustment, and  
2 the County Commission of St. Johns County shall be vested in  
3 the council until such time as the council delegates all or a  
4 portion thereof to another entity. The council shall abide by  
5 the St. Johns County Comprehensive Plan until such time as the  
6 town's comprehensive plan is adopted.

7 3. Subsequent to the commencement of the town's  
8 corporate existence, any amendment of the comprehensive plan  
9 or land development regulations enacted by the St. Johns  
10 County Commission shall be deemed as part of the town's  
11 transitional land development regulations and shall take  
12 effect within the town's corporate limits.

13 4. For purposes of meeting provisions of s. 218.23(1),  
14 Florida Statutes, the town shall levy ad valorem taxes,  
15 exclusive of taxes levied for debt service or other special  
16 millages authorized by voters, to produce the revenue  
17 equivalent to a millage rate of 3 mills on the dollar based on  
18 the 1998 taxable values of real estate as certified by the  
19 property appraiser pursuant to s. 193.122(2), Florida  
20 Statutes, or, in order to produce revenue equivalent to that  
21 which would otherwise be produced by such 3 mill ad valorem  
22 tax to have:

23 (a) Received a remittance from the county pursuant to  
24 general law;

25 (b) Collected an occupational license tax;

26 (c) Collected a utility tax;

27 (d) Levied an ad valorem tax;

28 (e) Received revenue from a combination of these four  
29 sources; or

30 (f) Any other municipal service special levies as may  
31 be allowed by state law.

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1 Section 10. Land use and zoning.--Whenever the town  
2 prescribes land use regulations or adopts zoning ordinances  
3 that impose restrictions which are more stringent than those  
4 in effect on the date of the town's incorporation, the town

5 must grant, for each parcel that was for the 5 years preceding  
 6 the date of the town's incorporation owned by the same person  
 7 or by his or her heirs or devisees, a variance that permits,  
 8 for a period of 10 years or for so long as the parcel remains  
 9 under the ownership of that person or his or her heirs or  
 10 devisees, whichever is longer, the same use of the parcel as  
 11 was permitted on the date of the town's incorporation and with  
 12 no greater restriction. Subsequent owners of such parcels who  
 13 are not heirs or devisees shall be granted the same variance  
 14 until the date which marks 10 years from the date of  
 15 incorporation.

16 Section 11. Provision for interim municipal services;  
 17 continuation, merger, and dissolution of existing districts;  
 18 continuation and allocation of St. Johns County imposed taxes  
 19 to fund town operations.--

20 A. PONTE VEDRA MUNICIPAL SERVICE DISTRICT.--Upon the  
 21 date the town becomes operable, the Ponte Vedra Municipal  
 22 Service District shall be dissolved. The town will assume any  
 23 indebtedness and receive title to all property owned by the  
 24 municipal service district, and will assume any liabilities  
 25 and other agreements made by the municipal service district.  
 26 The existing municipal service indebtedness, if any, shall be  
 27 allocated to the general fund and said debt shall be retired  
 28 by funds earmarked for general expenditures. The town may  
 29 contract for any of the services provided by the municipal  
 30 service district prior to its dissolution.

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1 B. PROVISION FOR INTERIM SERVICES.--Following  
 2 appointment of the manager and attorney, the council may enter  
 3 into a transition agreement with St. Johns County for the  
 4 continuation of municipal services until replaced by  
 5 alternative providers designated by the council. The  
 6 transition agreement shall provide a manner in which the town  
 7 will compensate St. Johns County for continuing to provide  
 8 those services. In connection with that transition agreement,  
 9 the council shall also adopt and revise as necessary a  
 10 schedule for the implementation of municipal services. In any  
 11 event, there shall be no abridgement of existing contracts for  
 12 services for those contracts in existence as of the date of  
 13 incorporation.

14 C. ST. JOHNS COUNTY TAXES LEVIED WITHIN THE BOUNDARIES  
 15 OF THE TOWN TO PROVIDE FOR MUNICIPAL SERVICES.--In levying  
 16 taxes and fees for the 1999-2000 fiscal year, St. Johns County  
 17 shall separately identify all taxes and fees which it imposes  
 18 for countywide purposes and all taxes and fees it imposes to  
 19 provide municipal services to the unincorporated areas. If  
 20 services provided by St. Johns County serve both a municipal  
 21 and countywide purpose, an allocation of the cost of those  
 22 services between countywide and municipal government must be  
 23 made so that no countywide tax revenues are utilized to pay  
 24 for municipal services. In the event the town charter is  
 25 adopted, those municipal taxes and fees imposed by St. Johns  
 26 County to provide municipal services within the boundaries of  
 27 the town shall be prorated between St. Johns County and the  
 28 town using the date which the town becomes operable pursuant  
 29 to section 9C as the date the tax revenues belonged to the  
 30 town. To the extent the town is the beneficiary of those tax  
 31 revenues, it will be deemed to have levied those taxes as town

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1 taxes. The transition agreement will provide for the payment  
 2 to St. Johns County of such amounts as are necessary to  
 3 compensate St. Johns County for providing transition municipal  
 4 services.

5 D. POLICE.--The town may form its own police

6 department or contract for same.  
 7 E. FIRE.--The town may form its own fire department or  
 8 contract for same. Upon withdrawal from the county fire  
 9 district, the town shall assume the assets and liabilities of  
 10 the fire district within the incorporated town limits.

11 F. OTHER ESSENTIAL SERVICES.--All residents of the  
 12 town shall be entitled to all other essential services offered  
 13 by the town. The town may form its own departments for such  
 14 services or contract for same.

15 Section 12. Land description.--The corporate  
 16 boundaries of the town shall be as follows:

17 A part of the Townships 3 and 4 South, Range 29  
 18 East, St. Johns County, Florida, bounded as  
 19 follows: On the East by the mean high water  
 20 line of the Atlantic Ocean; on the South by the  
 21 northern boundary of the Guana State Park as  
 22 described in Official Records 650, page 948 of  
 23 the Public Records of St. Johns County; on the  
 24 West by the centerline of the Intracoastal  
 25 Waterway; and on the North by the St. Johns  
 26 County Line.

27 Section 13. PALM VALLEY - PART ONE

28  
 29 Begin at a point on the center line of the  
 30 Intracoastal Waterway, which point intersects  
 31 with the westerly prolongation of the northerly

31

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1 line of Big Cypress Subdivision as recorded in  
 2 MB 5 page 74 of public record of St. Johns  
 3 County, Florida, thence easterly along said  
 4 northerly line and its westerly prolongation to  
 5 the northeast corner of said Big Cypress  
 6 Subdivision, thence southerly along the  
 7 easterly line of said Subdivision and its  
 8 prolongation to the northerly line of Palm  
 9 Valley Gardens Unit 4 as recorded in MB 5 page  
 10 71 of public records, thence easterly along  
 11 said northerly line to the northeast corner of  
 12 said Subdivision, thence southerly along the  
 13 easterly line of said Subdivision and the  
 14 easterly line of Palm Valley Gardens Unit 3 as  
 15 recorded in MB 5 page 66 of public records of  
 16 said county, to its intersection with the  
 17 northerly line of Palm Valley Gardens Unit 6,  
 18 as recorded in MB 5 page 73 of public records  
 19 of said county, thence easterly along said  
 20 northerly line to the northeast corner of said  
 21 subdivision, thence southerly along the  
 22 easterly line of said subdivision to a point  
 23 where it intersects the northerly line of Lot  
 24 39 of said subdivision, thence northeasterly  
 25 along the said northerly Lot line to its  
 26 intersection with the southeast corner of lands  
 27 described in OR Book 700 page 101, said point  
 28 being on the southeasterly line of Section 39,  
 29 Township 4 South, Range 29 East by possession,  
 30 thence northeasterly along said easterly line  
 31 to its point of intersection with the

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1 southwesterly corner of lands described as  
 2 Parcel "B" in OR 1252 pages 1401 through 1416,  
 3 thence easterly, northerly and easterly along  
 4 the southerly and easterly boundary of said  
 5 Parcel "B" to its intersection with the  
 6 northwesterly right of way line of County Road

7 No. C-210 (Old Palm Valley Road), thence  
 8 northerly along said northwesterly right of way  
 9 to a point that intersects with the  
 10 northwesterly prolongation of the northerly  
 11 line of the lands to Sheetz described in OR 652  
 12 page 2026, thence southeasterly, crossing  
 13 CR-210, along the prolongation and said  
 14 northerly line to the most easterly corner of  
 15 OR652 page 2026, thence southeasterly to the  
 16 most southerly corner of OR652 page 2026,  
 17 thence northwesterly along the southerly line  
 18 of OR652 page 2026 to its intersection with the  
 19 northeasterly corner of lands described in  
 20 OR1214 page 862, thence southerly along  
 21 easterly line of said lands and the easterly  
 22 line of lands in OR1083 page 1056 to the  
 23 southeasterly corner of OR1083 page 1056,  
 24 thence westerly along southerly line of OR1083  
 25 page 1056 to the northeast corner of OR993 page  
 26 187, thence southerly along east line of OR993  
 27 page 187 to the southeast corner thereof,  
 28 thence easterly along the south line of lands  
 29 described as Parcel A in OR1252 page 1401, also  
 30 being the south line of GL 2 Section 4 Township  
 31 4 South Range 29 East by possession, to the

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1 southeast corner of said GL 2 by possession,  
 2 thence southerly along the easterly line of  
 3 Section 4 Township 4 South Range 29 East by  
 4 possession, to its intersection with the  
 5 northerly line of Glen Eagles Subdivision as  
 6 recorded in MB19 pages 97 through 99, thence  
 7 westerly along said northerly line to the  
 8 northwest corner of said Subdivision, thence  
 9 south along the westerly line of said  
 10 Subdivision and its southerly prolongation to  
 11 its intersection with the northerly line of  
 12 Azalea Point at Ponte Vedra Unit 3 as recorded  
 13 in MB27 pages 76 through 80, thence westerly,  
 14 southerly, southwesterly and westerly along the  
 15 northerly line of said Subdivision to its  
 16 intersection with the easterly right of way  
 17 line of CR210, thence southerly along said  
 18 easterly right of way and the westerly line of  
 19 said Azalea Point at Ponte Vedra Unit 3 to the  
 20 southwest corner of said subdivision, thence  
 21 easterly, northerly and easterly along the  
 22 boundaries of said subdivision to its  
 23 intersection with the southwest corner of Lot  
 24 21 of Pool Villas Unit 3 as recorded in Map  
 25 Book 24 pages 20 through 23, thence continue  
 26 easterly along the southerly line of Lots 21,  
 27 20 and 19 of said subdivision to the  
 28 intersection with the westerly line of Lot 18  
 29 of said subdivision, thence southerly along the  
 30 westerly line of said subdivision and its  
 31 southerly prolongation to its intersection with

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1 the northerly line of Lot 110 of Azalea Point  
 2 Unit II B as recorded in Map Book 26 pages 26  
 3 through 28, thence westerly, southerly and  
 4 easterly along the boundary of said subdivision  
 5 to its intersection with the northwest corner  
 6 of Old Palm Valley Unit II as recorded in Map  
 7 Book 26 pages 58 through 61, thence southerly,

8        westerly and southwesterly to the point of  
 9        intersection with the northeast corner of Tract  
 10       "A", Old Palm Valley Unit I, as recorded in Map  
 11       Book 26 pages 29 through 33, thence westerly  
 12       along the northerly line of said subdivision to  
 13       its intersection with the easterly right of way  
 14       line of CR-210, thence southerly along said  
 15       easterly line to the southwest corner of Old  
 16       Palm Valley Unit I, thence easterly along the  
 17       southerly line of said subdivision to its point  
 18       of intersection with the easterly line of  
 19       Section 9, Township 4 south, Range 29 east,  
 20       thence southerly along said easterly line to  
 21       the southeast corner of Section 9, thence  
 22       westerly along the southerly line of Section 9  
 23       and crossing CR-210, to the point of  
 24       intersection of Sections 9, 16 and 42, all of  
 25       Township 4 south, Range 29 east, also being the  
 26       southeast corner of lands described in OR 941  
 27       page 1177, thence northwesterly along the  
 28       easterly line of said lands and continuing  
 29       northwesterly along the lands described in OR  
 30       864 page 985 to an intersection with the north  
 31       line of said Section 42, also being the South

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1        line of Palm Valley Gardens Unit Five as  
 2        recorded in Map Book 5 page 72, thence westerly  
 3        along the southerly line of Palm Valley Gardens  
 4        Unit 5 to the northeast corner of Palm Valley  
 5        Woods Estates as recorded in MB13 page 28,  
 6        thence southerly along the easterly line of  
 7        Palm Valley Woods Estates and continuing  
 8        southerly along easterly lines of lands  
 9        described in OR225 page 245 and continuing  
 10       southerly along easterly line of lands  
 11       described in OR279 page 303 to the southeast  
 12       corner thereof, thence Westerly along the  
 13       southerly line of OR279 page 303 to its  
 14       intersection with the easterly line of Palm  
 15       Valley Gardens Unit 2 as recorded in MB5 page  
 16       65, thence southerly along said easterly line  
 17       of Palm Valley Gardens Unit 2 to its  
 18       intersection with the north line of Section 49  
 19       Township 4 South Range 29 East, thence easterly  
 20       along the north line of said Section 49 to the  
 21       northeast corner thereof, thence south along  
 22       the easterly line of said Section 49 to the  
 23       southeast corner thereof, thence westerly along  
 24       south line of said Section 49 to its  
 25       intersection with the northeast corner of  
 26       Section 51 Township 4 South Range 29 East, said  
 27       point also being the northwest corner of  
 28       Section 54 Township 4 South Range 29 East,  
 29       thence southerly along the east line of said  
 30       Section 51 to its intersection with the  
 31       easterly right of way line of CR210A (aka South

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1        Roscoe Blvd), thence southerly along said right  
 2        of way line to its intersection with the  
 3        northerly right of way line of CR210, thence  
 4        crossing said right of way line, continue  
 5        southerly along the easterly right of way line  
 6        of a county road known as South Roscoe Blvd  
 7        Extension, to a point of intersection with the  
 8        easterly prolongation of the southerly line of

9        lands described as Parcel B in OR1283 page  
 10        1073, thence westerly along said southerly line  
 11        of said lands and its westerly prolongation to  
 12        its intersection with the centerline of the  
 13        Intracoastal Waterway, thence northerly along  
 14        said centerline to the point of beginning.

15  
16        PALM VALLEY - PART TWO

17  
18        Begin at a point on the south line Section 15  
 19        Township 4 south Range 29 east where it  
 20        intersects the easterly right of way line of  
 21        CR210, thence easterly along south line of said  
 22        section 15 to the southeast corner of  
 23        Government Lot 3 of said section, thence  
 24        northerly along the east line of said  
 25        Government Lot 3 to its intersection with the  
 26        southerly line of Micklers Road, thence  
 27        southwesterly along said right of way line to  
 28        its intersection with the easterly right of way  
 29        line of CR210, thence southerly along CR210 to  
 30        the point of beginning.

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1        PALM VALLEY - PART THREE

2  
3        Begin at the southeast corner of Seaside at  
 4        Ponte Vedra Unit 3, a subdivision as recorded  
 5        in Map Book 28 page 56 of the public records of  
 6        St. Johns County, Florida, thence northerly  
 7        along the easterly line of said subdivision to  
 8        a point of intersection with the northwesterly  
 9        corner of the lands to Mickler, as described in  
 10        Official Record Book 397 page 284, thence  
 11        easterly along the northerly line of said lands  
 12        to the northwest corner of the lands to Caines,  
 13        as described in Official Records Book 71 page  
 14        473, thence continue easterly along the  
 15        northerly line of said lands to the northwest  
 16        corner of lands to Lee as described in Official  
 17        Records Book 1164 page 614, thence continue  
 18        easterly along the northerly line to the  
 19        northeast corner of said lands, thence  
 20        southerly along the easterly line of said lands  
 21        and its southerly prolongation to the southerly  
 22        right of way line of Mickler Road, thence  
 23        easterly along the south line of road to its  
 24        intersection with the northwest corner of Guana  
 25        State Park, as described in Official Records  
 26        650 page 948 of the Public Records of St. Johns  
 27        County, thence southerly along the boundary of  
 28        Guana State Park to its intersection with the  
 29        south line of Section 47, Township 4 South  
 30        Range 29 East, thence westerly along said south  
 31        line to its intersection with the boundary of

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1        Guana State Park, thence continue westerly and  
 2        northerly with said boundary to its  
 3        intersection with the southerly right of way  
 4        line Mickler Road, thence northerly crossing  
 5        Mickler Road to a point on the south line of  
 6        Seaside at Ponte Vedra Unit 3, thence easterly  
 7        along the south line of said subdivision to the  
 8        point of beginning.  
 9        Section 14. General provisions.--

10           A. CHARTER AMENDMENTS.--The charter may be amended in  
 11 accordance with the provisions for charter amendments as  
 12 specified in the Municipal Home Rule Powers Act, chapter 166,  
 13 Florida Statutes, as the same may be amended from time to  
 14 time, or its successor, or as may otherwise be provided by  
 15 general law. The town council may, by ordinance, or the  
 16 electors of the town may, by petition signed by 10 percent of  
 17 the registered electors as of the last preceding town  
 18 election, submit to the electors of the town a proposed  
 19 amendment to the charter, which amendment may be to any part  
 20 or to all of the charter except that part describing the  
 21 boundaries of the town. The town council shall place the  
 22 proposed amendment contained in the ordinance or petition to a  
 23 vote of the electors of the town at the next town election or  
 24 at a special election called for such purpose. The form,  
 25 content, and certification of any petition to amend shall be  
 26 established by ordinance.

27           B. STANDARDS OF CONDUCT.--All elected officials and  
 28 employees of the town shall be subject to the standards of  
 29 conduct for public officers and employees set by general law.  
 30 In addition, the council shall, no later than 6 months from  
 31 the effective date of incorporation, establish by ordinance a

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1 code of ethics for officials and employees of the town which  
 2 may be supplemental to general law, but in no case may such an  
 3 ordinance diminish the provisions of general law. The intent  
 4 of this provision of the charter is to require more stringent  
 5 standards than those provided under general law.

6           Section 15. If any provision of this act, or the  
 7 application thereof to any person or circumstance, is held  
 8 invalid, the invalidity shall not affect other provisions or  
 9 applications of this act which can be given effect without the  
 10 invalid provision or application, and to this end the  
 11 provisions of this act are declared severable.

12           Except for this section, which takes effect upon  
 13 becoming law, this act shall take effect upon approval by a  
 14 majority vote of those qualified electors residing within the  
 15 proposed corporate limits of the proposed Town of Ponte Vedre  
 16 as described in section 12 or a majority vote of the qualified  
 17 electors, excluding the electors in the Palm Valley area, as  
 18 described in section 13, voting in a referendum election to be  
 19 called by the St. Johns County Commission to be held November  
 20 3, 1998, in accordance with the provisions of law relating to  
 21 elections currently in force. If a majority of the Palm  
 22 Valley electors, participating in said referendum, vote  
 23 against incorporation, the Palm Valley area shall not be  
 24 included in any town limits ratified by said referendum nor  
 25 are their votes counted in favor of incorporation.

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