

ORDINANCE 01- 04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AMENDING CHAPTER 98, ARTICLE IV OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA RELATING TO THE PORT ST. JOHN DEPENDENT SPECIAL DISTRICT; SPECIFICALLY AMENDING SECTION 98-107 RELATING TO ELECTIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on July 2, 1996 the Brevard County Board of County Commissioners adopted Ordinance 96-30 creating the Port St. John Dependent Special District; and

WHEREAS, Section 98 of the Code of Ordinances of Brevard County, Florida sets forth a procedure for replacement of elected representatives; and

WHEREAS, the Board of County Commissioners desires to establish a process for filling vacant seats in the event that a sufficient number of candidates do not qualify to fill all vacant seats.

NOW, THEREFORE BE IT ORDAINED by the Brevard County Board of County Commissioners as follows

SECTION 1. REVISION OF CHAPTER 98, ARTICLE IV, PORT ST. JOHN DEPENDENT SPECIAL DISTRICT* is hereby amended to read as follows:

Sec. 98-101. Creation.

There is hereby created a dependent special district to be known and referred to as the "Port St. John Dependent Special District."

Sec. 98-102. Purpose.

The dependent special district is being created for the purpose of providing the citizens of the Port St. John unincorporated area a formal means of establishing an elected board to review and provide the board of county commissioners with recommendations on particular matters which affect the Port St. John area of the county.

Sec. 98-103. Establishment and dissolution.

The dependent special district is established by ordinance of the board of county commissioners. The dependent special district may be dissolved by an ordinance repealing the provisions of this article or by resolution of the governing body of the dependent special district, a copy of which is filed within 30 days of its effective date with (1) the special district information program and (2) the board of county commissioners.

Officially filed with
The Secretary of State
January 29, 2001

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County Attorney

Sec. 98-104. Membership and organization.

The governing board of the dependent special district shall be comprised of seven elected representatives who are registered voters residing within the boundaries of the dependent special district.

Sec. 98-105. Powers, functions and duties.

The governing board of the dependent special district shall have the power and duty to:

- (1) In lieu of the planning and zoning board, review and provide the board of county commissioners with a recommendation upon rezoning applications made for property located within the boundaries of the dependent special district;
- (2) In lieu of the applicable CRG, review and provide recommendations to the board of county commissioners upon-site-specific applications requesting a change in designation on the county future land use map;
- (3) Review and provide recommendations to the board of county commissioners on any issue or subject referred to the governing body of the district by the county commission which matter may include the priority, location, maintenance, and use of public improvements or infrastructure provided within the district by the county;
- (4) Adopt bylaws setting forth procedures for conducting business.

The provisions of this section establishing a review process shall supersede and replace any conflicting review procedure set forth in any other ordinance.

Sec. 98-106. Disclosure and open government laws.

The governing body of the dependent special district shall comply with all financial disclosure, reporting, open government, public records, and public meeting laws set forth in the laws of the state including, but not limited to, F.S. §§ 189.417 through 189.422; F.S. ch. 218, part 111, ch. 119, and ch. 286.

Sec. 98-107. Elections.

The ~~seven~~ ~~nine~~ representatives on the governing body of the dependent special district shall be elected by plurality vote of the registered electors residing within the boundaries of the dependent special district with the candidates for open seats being ranked according to votes received, and those receiving the highest number of votes being deemed to be elected to the corresponding number of open seats. Elected representatives shall take office at the same time prescribed for county commissioners. Each elected representative shall serve a term of four years with the exception of the initial election for governing body. ~~The five elected candidates receiving the highest number of votes of the initial election for governing body shall serve terms of four years. The four candidates in the initial election for governing body seats receiving the fewest votes of the top nine vote-getters shall serve terms of two years. At the conclusion of the two-year terms of these four representatives, a new election shall be held for these four seats and the four candidates receiving the highest number of votes shall be elected for a term of four years.~~ Pursuant to F.S. § 189.405(1), the election shall be conducted by the supervisor of elections of the county in accordance with the Florida Election Code, F.S. chs. 97 through 106. The governing body shall be known as the "Port St. John

special district governing board." Candidates shall qualify in the manner set forth in F.S. ch. 99. Qualifying shall take place between August 12th and 16th in the year of the initial election and, in subsequent elections, at the time that candidates for county offices must qualify.

In the event that a sufficient number of candidates do not qualify to fill all vacant seats, the representative shall be selected by a majority vote of the advisory board to serve for a two year term, or the remainder of a two year term if the selection is made after beginning of the term. At the time of the next regular general election, that seat shall be filled by election for the remaining two years. Any appointment by the advisory board shall be submitted to the board of county commissioners for confirmation.

Sec. 98-108. Removal of elected representatives.

Any elected representative on the governing body of the dependent special district may be removed by the board of county commissioners for malfeasance, nonfeasance or misfeasance as those terms are defined under state law.

Sec. 98-109. Replacement of elected representatives.

In the event a vacancy occurs, the representative shall be the candidate for the advisory board receiving the next highest number of votes during the last election. If there is no candidate, the representative shall be selected by a majority vote of the advisory board to serve until a new member is elected. If two years remain in the term of the vacated seat, at the time of the next regular general election, that seat shall be filled by election for the remaining two years. Any appointment by the advisory board shall be submitted to the board of county commissioners for confirmation.

Sec. 98-110. Financing.

The dependent special district shall have no authority to borrow money or incur debt of any kind.

Sec. 98-111. Budget.

The dependent special district shall have no operating budget.

Sec. 98-112. Area embraced/geographical boundaries.

The geographical boundaries of the dependent special district and the area embraced by this article is that described in Exhibit A (on file with the county clerk).

SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance Amendment, or the particular application thereof, shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION 3. EFFECTIVE DATE

This ordinance shall become effective upon filing as provided by law. A certified copy of this ordinance shall be filed with the Office of Secretary of State, State of Florida, within ten days of enactment.


DONE, ORDERED AND ADOPTED in Regular Session this 23rd day of January, 2001

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Scott Ellis, Clerk



Susan Carlson, Chairman
(As approved by the Board of County Commissioners
on 1-23-01)

