

Part I CHARTER¹

ARTICLE I. GENERAL

1.01 City created.

The City of Key West is hereby created which shall be the successor to the City of Key West organized and existing under the provisions of Chapter 23374, Laws of Florida (1945), as amended. The city shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

1.02 Police powers and jurisdiction.

The City of Key West is hereby authorized to exercise its police powers and jurisdiction extending six hundred (600) feet into the tidal waters adjacent to its corporate limits as herein established; provided, however, that the exercise of such police powers and jurisdiction beyond the corporate limits of the city shall extend only to the abatement of nuisances, the enforcement of sanitary laws and regulations, the regulation of zoning, and the suppression of crime.

1.03 Authority of city commission in development of free port.

The city commission is hereby authorized for the purpose of developing, restoring and extending the shipping and transportation facilities of the city, to construct, purchase, lease or otherwise acquire and to equip, own and maintain yards, terminals, warehouses docking facilities and all buildings and appurtenances deemed necessary and appropriate in connection therewith for the receipt, housing, storage, transfer, transshipment, transportation and delivery of freight, cargoes, mail and express from, into and within the free port zone lying within or outside of the city and not distant more than ten (10) miles from the city limits as now or hereafter constituted; also to extend or connect with the free port zone any lines or transportation facilities that may be necessary to connect with lines of any common carrier; the municipal lines of railways or other transportation facilities provided by the city may be upon lands or easements now owned or hereafter acquired, located in any part of the city or in the area designated for the free port; also to acquire by donation, purchase, condemnation or otherwise all land, easements, rights or property deemed necessary for such time and upon such terms and

¹Editor's note(s)—Printed herein is Charter of the City of Key West, Florida, as adopted by Ordinance Number 84-7 on February 2, 1984, and by referendum on March 13, 1984. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State law reference(s)—Municipal home rule powers, F.S. ch. 166.

conditions as may be determined by the city commission by ordinance, duly approved by the qualified electors of the city at a referendum.

1.04 Equality of rights.

The equality of rights under the laws of the City of Key West shall not be denied or abridged because of sex, sexual orientation, gender identity/expression, age, disability, race, creed, irreligion, color, immigration status, or national origin.

(Ord. No. 98-21, § 2(Exh. A), 8-4-1998)

State law reference(s)—Discrimination in employment, F.S. §§ 112.042—112.044.

1.05 Height restriction.

- (a) Building height restrictions in the city's land development regulations and building code in effect as of the adoption of this charter section are subject to change only upon approval of a majority of the qualified electors casting ballots at a general municipal election.
- (b) If the board of adjustment approves a height variance for habitable building space, this approval shall be submitted to the voters for ratification in the next regularly scheduled election. Board of adjustment approval shall not become effective until voter ratification. Board of adjustment height variances for nonhabitable purposes, including, but not limited to, radio towers, antennae and spires, shall be final and not be subject to referendum. Board of adjustment height variances for a build back of involuntarily destroyed structures which are nonconforming in their height shall also be final and not be subject to referendum.
- (c) The maximum allowable height for habitable space on approximately 2.62 acres of City owned property on College Road in the HDR-1 zoning district shall be 40 feet for those projects that are devoted entirely to affordable workforce housing.
- (d) The maximum allowable height for habitable space shall be 50 feet for mixed-use development projects that include a minimum 70 percent of workforce housing units and that are located in appropriately zoned areas outside the Historic District.

(Ord. No. 98-21, § 2(Exh. A), 8-4-1998; Ord. No. 17-16, § 2, 12-6-2017)

1.06 Historic architectural review commission.

- (a) There shall be an Historic Architectural Review Commission whose duties shall be prescribed by ordinance.
- (b) Appeals of decisions of the Historic Architectural Review Commission shall be made to a special master. The qualifications, method of selection, term of office and procedures governing the special master shall be prescribed by ordinance. This ordinance shall be proposed at a public hearing at least thirty (30) days prior to the voters' consideration of approval of this section.

(Ord. No. 98-21, § 2(Exh. A), 8-4-1998)

1.07 Citizen review board.

I. Duties and powers of the board.

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- (a) The Citizen Review Board (CRB) is an independent board with authority to review and/or investigate complaints involving Key West police officers and forward findings and/or recommendations to City management, the chief of police, State Attorney, other state and federal law enforcement agencies and/or grand juries. The chief of police must respond to CRB recommendations in writing within thirty (30) days.
 - (b) The CRB may make written recommendations to the city commission, city manager and chief of police concerning police department policies and procedures. The chief of police must respond to CRB recommendations in writing within thirty (30) days.
 - (c) The CRB may retain the services of an attorney and professional investigators and may conduct investigations, inquiries and hearings, ~~working as appropriate with the State Attorney and chief of police.~~ The existence of ongoing investigations does not preclude the CRB from acting, but the board should exercise its powers so as not to interfere with ongoing investigations and conduct its activities consistent with applicable law, including the Florida Government in the Sunshine Law ~~and applicable labor laws.~~
 - (d) The CRB may subpoena witnesses and documents when conducting an investigation as follows:
 - (1) A request for a subpoena must be reviewed by the CRB attorney;
 - (2) The CRB attorney may or may not approve the request after consulting with the State Attorney's Office; and
 - (3) The CRB does not have the authority to offer immunity from prosecution.

II. Board membership.

- (a) The CRB shall consist of seven (7) volunteer members, to be appointed as follows:
 - (1) The city commission shall appoint four (4) members from nominations from community-based civic and social service organizations, ~~including, but not limited to: the League of Women Voters, the Key West Business Guild, the Bahama Village Business Association, the NAACP, the Key West Chamber of Commerce, the local chapter of the Florida Bar and local organizations of clergymen.~~ Each nomination must be accompanied by an application from the prospective member, outlining why he or she wishes to serve, detailing qualifications and agreeing to the time demands of the job. ~~The Committee for a Citizens Review Board shall, on an ad hoc basis, coordinate the nomination process, including publicly noticing organizations, soliciting nominations, and ensuring that nominations are complete and that the qualifications of prospective members meet the membership criteria specified in this ordinance before they are submitted to the city commission.~~
 - (2) ~~The original four (4) members will then meet to select three (3) additional members from applications from the general public. The Committee for a Citizen Review Board shall coordinate the nomination process, including the placement of public notices soliciting applications and ensuring that nominations are complete and that the qualifications of prospective members meet the membership criteria specified in this ordinance before they are submitted to the first four appointees of the Board for consideration.~~
 - (2) All appointments to the CRB should be made with sensitivity to the racial, gender, ethnic, religious, linguistic and cultural diversity of the City of Key West.

III. Vacancies.

- (a) If a vacancy occurs among the four members of the CRB appointed by the city commission, that vacancy shall be filled by the city commission from nominations submitted by community-based organizations within ninety (90) days from the time the vacancy is announced. Every nomination must be accompanied by an application from the potential member. The executive director of the CRB will coordinate the nominating process, including noticing the organizations, soliciting nominations, and ensuring that nominations are

complete and the qualifications of prospective members meet membership criteria specified in this ordinance before they are submitted to the city commission.

- (b) If a vacancy occurs among the three members appointed by the CRB, the CRB, by majority vote, shall fill that vacancy from nominations from the general public. ~~The executive director of the CRB will coordinate the nominating process.~~

IV. Qualifications for members of the CRB; training and education.

- (a) All members of the CRB shall be residents of the City of Key West and shall have good reputations for integrity and community service.
- (b) No appointee to the CRB, nor any member of his or her immediate family, shall be currently employed by the City of Key West.
- (c) No appointee may be currently a party in litigation against the City of Key West.
- (1) The filing of a complaint against the City of Key West alleging liability of the City through actions of any law enforcement officer shall immediately disqualify any appointee from serving on the CRB.
- (2) Any appointee who has been a legal representative of any party in litigation against the City of Key West is prohibited from serving on the CRB for two years from the conclusion of such litigation.
- (d) Training and education. In applying to become a member of the CRB, applicants must agree to participate in at least 30 hours of structured training, as recommended by the National Association for Civilian Oversight of Law Enforcement, before participating in Board activities, plus extensive continuing education throughout their term of office. In addition, the city manager and city attorney shall coordinate training for the Board concerning applicable City laws and procedures. ~~The CRB must undergo up to six (6) months of training and organization before it accepts the first complaint for action.~~

V. Terms of office.

- (a) The terms of office for all members is four (4) years. ~~except for the initial terms as follows: two (2) members shall serve for four (4) years; three (3) members shall serve for three (3) years; and two (2) members shall serve for two (2) years. All initial terms shall be determined by lot after all appointments have been made. This formula will result in the terms of either two or three members expiring every year.~~
- (b) CRB members will continue to serve until their successors have been appointed; but no member shall serve more than nine consecutive years on the Board.

VI. Meetings, quorum and voting; officers.

- (a) Meetings, quorum and voting. All meetings of the CRB will be open to the public and advertised in advance as per the Florida Government in the Sunshine Law. ~~Exceptions shall be to discuss confidential matters before the Board.~~ Meetings shall be conducted at Old City Hall.
- (1) The chairperson and three members may call a meeting.
- (2) A quorum shall consist of four members of the CRB.
- (3) An affirmative vote of not less than 51 percent of the members present and voting at any meeting is required for any action to be taken by the CRB unless otherwise set forth herein.
- (b) Parliamentary authority and rules of procedure. The parliamentary authority of the CRB shall be Robert's Rules of Order (current legislation) unless the CRB adopts its own order of business and rules of procedure governing its meetings.
- (c) The CRB meetings shall be open to the public as per the Florida Government in the Sunshine Law. ~~Notice of the meetings shall be posted by the city clerk at City Hall and other appropriate locations after being advised by the CRB of an upcoming meeting.~~ Advertisements of meetings shall be placed in newspapers of general

circulation no less than seven (7) days prior to the meeting. ~~The CRB executive director shall coordinate with the city clerk concerning noticing of CRB meetings.~~

- (d) Recordation. The CRB shall be responsible for the recordation and transmittal of its minutes as per the Florida Government in the Sunshine Law. Copies of minutes of all CRB meetings shall be furnished to the ~~mayor, city commissioners, city manager, city clerk and chief of police, and shall be available for public inspection as per provisions in the Sunshine Law.~~
- (e) Officers. The CRB shall select, from its members, by majority vote, a chairperson, a vice-chairperson, and such other officers as deemed necessary. The chairperson shall have the authority to appoint all members serving on the various committees that the CRB may establish from time to time.

VII. Procedures.

The following procedures shall be followed:

- (a) Complaints concerning allegations of police officer misconduct may be submitted to the CRB. All complaints shall be in writing using a form approved by the CRB for that purpose. The Chief of police shall be notified of complaints received by the CRB within two (2) working days;
- (b) The review or investigation of complaints shall proceed as follows:
- (1) Consulting with the Key West police department and the State Attorney's Office, the CRB Executive Director or attorney will determine if an investigation related to the complaint is already underway.
 - (2) The existence of an ongoing investigation does not preclude the CRB from opening its own investigation when, for example, an internal affairs investigation seems to be taking an inordinately long time to complete. If the CRB votes to take such action, however, it should be based on advice of counsel that such action will not interfere with any ongoing criminal investigation.
 - ~~(3) A decision of the CRB to proceed with an investigation may be challenged by any agency engaged in such investigation or prosecution by seeking a judicial order. Written notification of such challenge to the CRB shall stay the investigation for 48 hours to permit the agency to obtain such an order.~~
 - (3 4) If it is determined that there is already an ongoing investigation into the complaint submitted to the CRB, the CRB may opt to take no immediate action or delay the investigation and consideration of the complaint, except to monitor the progress and outcome of the current investigation.
 - (4 5) If the complaint received by the CRB is already being investigated by police internal affairs, the final internal affairs report prepared for the chief of police shall be transmitted to the CRB for review within three (3) working days after it is sent to the chief.
 - (5 6) When a decision is made to launch an independent investigation of a complaint or after review of an internal affairs report, the CRB may:
 - (i) request that the chief of police conduct further investigation; or
 - (ii) obtain further case-specific information from the chief of police, including written materials, audio or video tapes and related documents; or
 - (iii) conduct an independent investigation, such investigation to be concluded within 180 days or within a time period set by the CRB; or
 - (iv) notice and hold a hearing to gather evidence; or
 - (v) report its written findings and conclusions to the chief of police, with copies to the mayor, city commissioners, and city manager.
 - (6 7) The CRB chairperson may assign a member or committee to review internal affairs reports and make a recommendation that the CRB take one of the actions enumerated in subsection (5 6) above.

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- (7 8)** Affected officers and complainants, to the extent permitted by law, shall receive copies of CRB reports to the police department and of the CRB's requests for information.
- (c) The review or investigation process shall be concluded within 180 days or within a time period set by the CRB.
- (d) At the conclusion of each review or investigation, the CRB shall render one of the following findings based on the preponderance of the evidence:
- (1) Unfounded - where the review or investigation shows that the act or acts complained of did not occur or were misconstrued;
 - (2) Exonerated - where the acts that provide the basis for the complaint occurred, but the review or investigation shows such acts were proper;
 - (3) Not sustained - where, for example, the review or investigation fails to disclose sufficient facts to prove or disprove the allegation made in the complaint;
 - (4) Sustained - where, for example, the review or investigation discloses sufficient facts to prove the allegations made in the complaint;
 - (5) No finding - where, for example, the complainant failed to produce information to further the investigation, the review or investigation revealed that another agency was responsible and the complaint has been referred to that agency, the complainant withdrew the complaint, or the CRB did not reach a conclusion.
- (e) At the conclusion of the review or investigation, the CRB shall forward its written findings and conclusions to the chief of police and to affected officers and, to the extent permitted by law, to the complainants. The chief of police shall respond in writing within 30 days.

VIII. Procedures related to city employees and witnesses.

- (a) When a City of Key West employee, including police officers, appears before the CRB in response to a request or subpoena, such employee shall be formally advised prior to the commencement of testimony that if the employee has a good-faith belief that the testimony would tend to be self-incriminating, and if, in reliance upon that good-faith belief, the employee declines to answer any question, that employee's decision not to provide testimony will not subject him or her to any adverse employment consequences. Any employee who, after receiving such advice, decides to testify or provide evidence, must sign a statement acknowledging that the employee understands the advice and is testifying or providing evidence voluntarily and knowingly.
- (b) A police officer who is the subject of an investigation shall be informed of the nature of the investigation and provided with a copy of the complaint prior to being interrogated.
- (c) A person who appears before the CRB in response to a request or subpoena may be represented by counsel or any other representative of his or her choice, which representative may be present at all times during the subject's appearance before the CRB. Rules of procedure shall be established by the CRB.
- ~~(d) Policies and procedures shall be established to ensure compliance with Chapters 112 and 119 of the Florida Statutes and other applicable laws.~~

IX. Review and approval of annual budget.

- (a) The City shall adequately fund the CRB to allow it to carry out its function effectively of citizen oversight of the Key West police department.
- (b)** The CRB will adopt a fiscal year that coincides with that of the City. The city manager shall assign appropriate personnel to assist the CRB in the preparation of an annual budget and that budget shall be submitted to the city commission as part of his the annual budget proposal.

(c) While the members of the CRB are volunteers, there shall be a full-time paid Executive Director ~~with clerical assistance~~. The CRB shall also retain an attorney to advise the Board. The CRB may also engage the services of professional investigators, as needed. The cost of appropriate office space, equipment and reasonable office expenses shall also be included in the budget. ~~The cost of necessary training of the CRB members and staff may be a significant budget item the first year.~~

(d) ~~No expenditure shall be made in any given year without approval by the city commission of the CRB budget for that year and all expenditures shall comply with City procedures for acquisition of goods and services. The city manager shall assign personnel to brief the CRB and staff concerning these procedures and to assist as appropriate.~~

(d e) Nothing contained herein shall be construed to prohibit the CRB from submitting a supplemental budget and appearing before the City Commission to request approval.

X. Annual reports.

The CRB shall, at least annually, provide a report in writing to the mayor, the city commission, the city manager, the chief of police and the city attorney. Such reports should include, but are not restricted to, statistics and summaries of citizen complaints, a comparison of the CRB's findings and conclusions with the actions taken by the chief of police, recommendations related to changes in police policies and procedures, and any recommended changes concerning this ordinance.

XI. Severability.

If any section, part of a section, paragraph, clause, phrase or word of this charter section is declared invalid, the remaining provisions of this charter section shall not be affected.

(Referendum of 11-5-2002)

Editor's note(s)—At an election held Nov. 5, 2002, the electors of the city approved the addition of § 1.07Editor's note(s)—, Citizen review board. See also § 8.01Editor's note(s)—(b) of this Charter.

Cross reference(s)—Methods of amending charter, § 8.01Cross reference(s)—.

1.08 Approval by electorate required for annexation of any real property.

Annexation or acquisition by any means, of any and all real property may only be by a vote of a super-majority of the City Commission. ~~the electors of the City.~~

(Referendum of 11-6-2007)

Editor's note(s)—At an election held Nov. 6, 2007, the electors of the city approved the addition of the provisions which have been set out as § 1.08Editor's note(s)—. See also § 8.01Editor's note(s)—(b) of this Charter.

Cross reference(s)—Methods of amending charter, § 8.01Cross reference(s)—.

1.09 Limit on number of persons disembarking from cruise ships.

The number of persons disembarking from cruise ships shall be limited to a total of not more than 1,500 persons per day at any and all public and privately owned or leased property located within the municipal boundary of the City of Key West.

(Referendum of 11-3-2020)

1.10 Persons prohibited from disembarking from cruise ships with capacity of 1,300 or more.

Cruise ships with the capacity to carry 1,300 or more persons (passengers and crew) shall be prohibited from disembarking individuals at any and all public or privately owned or leased property located within the municipal boundary of the City of Key West.

(Referendum of 11-3-2020)

1.11 Priority to cruise lines with best environmental and health records.

The City of Key West shall give preference and priority to cruise ships and cruise lines that have the best environmental record (the lowest number of environmental violations, penalties and fines) and best health record (the best scores and least number of violations in health inspections and reports issued by the Center for Disease Control Vessel Sanitation Program).

(Referendum of 11-3-2020)

ARTICLE II. BOUNDARIES

2.01 Description.

The territorial boundaries of the City of Key West, Florida, shall include the entire Island of Key West, Monroe County, Florida, and all territories whether natural or filled, separated from the Island of Key West by artificial canals or natural channels or waterways, and all territories that have been filled in, built up and developed and are not contiguous, adjacent to or abutting on said Island of Key West and served by bridges or other direct connections therewith including bay bottoms owned by the City of Key West, Florida and the property, situate, lying and being in the County of Monroe, State of Florida, and more particularly described as follows:

Point 1 is identified as the point of intersection of the north right-of-way line of Angela Street and the centerline of Emma Street as it proceeds in a northwesterly direction on to the Key West Naval Station. Proceed from Point 1 along a line at the bearing of North 33 degrees 45 minutes 00 seconds West for a distance 1,100 feet to set Point 2, thence from Point 2 along a line at the bearing of North 1 degree 30 minutes 00 seconds West for a distance of 1,095 feet to set Point 3 along a line at a bearing of North 59 degrees 30 minutes 00 seconds West for a distance of 36 feet to set Point 10, defined as the point of beginning or the southeastern corner of the requested tract. Proceed from Point 10 along a line at a bearing of North 1 degree 30 minutes 00 seconds West for a distance of 160 feet to set Point 11, thence from Point 11 along a line at the bearing of South 88 degrees 30 minutes 00 seconds West for a distance of 25 feet to set Point 12, thence from Point 12 along a line at the bearing of South 43 degrees 30 minutes 00 seconds West for a distance of 60 feet to set Point 13, thence from Point 13, along a line at bearing of South 88 degrees 30 minutes 00 seconds West for a distance of 180 feet to set Point 14, thence from Point 14 along a line at the bearing of South 1 degree 30 minutes 00 seconds East for a distance of 110 feet to set Point 15, thence from Point 15 along a line at bearing of South 86 degrees 15 minutes 00 seconds East for a distance of 90 feet to set Point 16, thence from Point 16 along a line at the bearing of North 88 degrees 45 minutes 00 seconds East for a distance of 160 feet to the point of beginning or Point 10, fully enclosing the estimated 0.71 acres.

and

Commencing at Point 17, which is defined as the centerline of Tank No. 2 on the "fuel depot" island more clearly defined by the USCGS co-ordinates 83,394.25N and 229,398.13E along a line at the bearing of South

52 degrees 40 minutes 34 seconds East for a distance of 260 feet to set Point 18 defined as the point of beginning of the Regional Wastewater Treatment Plant Site. Proceed from Point 18 along a line at a bearing of North 47 degrees 11 minutes 44 seconds East for a distance of 410 feet to set Point 19, thence from Point 19 along a line at the bearing of South 42 degrees 48 minutes 16 seconds East for a distance of 250 feet to set Point 20, thence from Point 20 along a line at the bearing of North 47 degrees 11 minutes 44 seconds East for a distance of 780 feet to set Point 21, thence from Point 21 along a line at a bearing of North 60 degrees 00 minutes 00 seconds West for a distance of 1,080 feet to set Point 22, thence from Point 22 along a line at the bearing of South 30 degrees 00 minutes 00 seconds West for a distance of 1,600 feet to set Point 23, thence from Point 23 along a line at a bearing of South 60 degrees 00 minutes 00 seconds East for a distance of 340 feet to set Point 24, thence from Point 24 along a line at the bearing of North 47 degrees 11 minutes 44 seconds East a distance of 110 feet to set Point 9, thence from Point 9 along a line at the bearing of North 47 degrees 11 minutes 44 seconds East for a distance of 470 feet to the point of beginning or Point 18, fully enclosing the estimated 26.16 acres of which an estimated 10.20 acres is submerged.

Also including all that part of Stock Island and bay bottoms lying northerly of U.S. Highway 1 which is now owned by the existing municipality of the City of Key West, Florida, the Florida Keys Community College, and privately owned property and islands including natural or filled or submerged lands lying contiguous to or separated from Stock Island by artificial canals, natural channels or waterways, particularly described as follows:

A tract of submerged land in the Bay of Florida in Section 27, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, being more particularly described as follows:

Commence at the point of intersection of U.S. Highway No. 1 with the centerline of "Old Country Club Road"; thence northwesterly along said centerline of "Old Country Club Road," a distance of 1,400 feet; thence North 60 degrees 00 minutes West a distance of 200 feet to the point of beginning; thence continue North 60 degrees 00 minutes West a distance of 1,548 feet to a point; thence continue North 30 degrees 00 minutes East a distance of 1,100 feet to a point; thence continue South 60 degrees 00 minutes East a distance of 1,548 feet to a point; thence continue South 30 degrees 00 minutes West a distance of 1,100 feet to the point of beginning containing 39.06 acres, more or less.

A tract of submerged land in Section 27, Township 67 South, Range 25 East, offshore from the northwesterly shoreline of Stock Island in Monroe County, Florida, more particularly described as follows: Commence at the intersection of the centerlines of U.S. Highway No. 1 and "Old Country Club Road"; thence northwesterly along the centerline of said "Old Country Club Road" for a distance of 1,400 feet; thence North 60 degrees West, 200 feet; thence at right angles to the last named course, North 30 degrees East, 1,100 feet to the point of beginning of the property hereinafter described; from said point of beginning, thence at right angles to the last named course North 60 degrees West, 1,548 feet; thence South 30 degrees West, 160 feet, more or less, back to the point of beginning. Containing 13.05 acres, more or less. Lying and being in Section 27, Township 67 South, Range 25 East, Monroe County, Florida.

provided, that no island lying between Roosevelt Boulevard on the easterly shore of the Island of Key West and Cow Key Channel shall be included in the territorial boundaries of the City of Key West, Florida, nor shall the property commonly known as Key Haven be included in the territorial boundaries of the City of Key West, Florida, nor shall the property known as Wisteria Island and/or any other islands situated and lying west of the Island of Key West be included in the territorial boundaries of the City of Key West, Florida, except as specifically described above.

[and annexing certain real property known as Tank Island, as hereinafter described:]

A parcel of submerged and filled land lying westerly of the Island of Key West in Section 36, Township 67 South, Range 24 East and Section 1, Township 68 South, Range 24 East, Monroe County, Florida, and being more particularly described as follows:

Commence at a found P.K. nail and brass washer stamped #2437 being the westerly right-of-way line of Front Street and the southerly right-of-way line of Whitehead Street; thence run along said westerly right-of-

way line of Front Street South 01 degrees 56 minutes 59 seconds East (bearings derived from the State Plane Coordinate System, Florida East Zone, National Geodetic Survey, 1982 Adjustment) 99.02 feet; thence leaving said right-of-way line, run North 70 degrees 31 minutes 09 seconds West 220.72 feet; thence run south 10 degrees 47 minutes 42 seconds West 220.41 feet; thence run north 71 degrees 43 minutes 15 seconds West 315.95 feet to a brass disc stamped PIER A—1981" the State Plane Coordinates for which are North 82419.914, East 231252.582; thence run North 82 degrees 45 minutes 19 seconds West 1,478.33 feet to a point of submerged land whose State Plane Coordinates are North 82606.34, East 229786.05, said point being the point of beginning of the following described land. Thence run North 60 degrees 00 minutes 00 seconds West 1,500 feet; thence run North 30 degrees 00 minutes 00 seconds East 1,600 feet; thence run South 60 degrees 00 minutes 00 seconds East 1,500 feet; thence run South 30 degrees 00 minutes 00 seconds West 1,600 feet to the point of beginning containing 55.096 Acres, more or less;

Together with:

A parcel of submerged land lying westerly of the Island of Key West in Section 36, Township 67 South, Range 24 East and Section 1, Township 68 South, Range 24 East, Monroe County, Florida, and being more particularly described as follows: Commence at a found P.K. nail and brass washer stamped #2437 being the westerly right-of-way line of Whitehead Street; thence run along said westerly right-of-way line of Front Street south 01 degrees 56 minutes 59 inches East (bearings derived from the State Plane Coordinate System, Florida East Zone, National Geodetic Survey, 1982 Adjustment) 99.02 feet; thence leaving said right-of-way line, run North 70 degrees 31 minutes 09 seconds West 220.72 feet; thence run South 10 degrees 47 minutes 42 seconds West 220.41 feet; thence run North 71 degrees 43 minutes 15 seconds West 315.95 feet to a brass disc stamped "N.O.S. PIER A—1981" the State Plane Coordinates for which are North 82419.914, East 231252.582; thence run North 82 degrees 45 minutes 19 seconds West 1,478.33 feet to a point of submerged land whose State Plane Coordinates are North 82606.34, East 229786.05, said point being the point of beginning of the following described land. Thence run North 30 degrees 00 minutes 00 seconds East 900 feet; thence run South 60 degrees 00 minutes 00 seconds East 150 feet; thence run South 30 degrees 00 minutes 00 seconds West 900 feet; thence run North 60 degrees 00 minutes 00 seconds 150 feet to the point of beginning containing 3.099 acres, more or less.

(Ord. No. 87-36, § 1, 9-30-1987; Ord. No. 90-25, § 1, 10-16-1990)

ARTICLE III. LEGISLATIVE

3.01 City commission and mayor; election, term; term limits.

- (a) There shall be a city commission with all legislative powers of the city vested therein. The city commission shall consist of seven (7) commissioners, six (6) of whom shall be elected from single member districts numbered I, II, III, IV, V and VI. The mayor shall be elected by the people at large for a term of ~~two (2)~~ four (4) years. Commissioners from districts numbered I, II, III, IV, V and VI shall be elected for a term of four (4) years.
- (b) ~~No person~~ The currently serving mayor, as of September 29, 2021 shall serve no more than a total of eight years in the position of mayor. ~~No person~~ The currently serving city commissioners, as of September 29, 2021, shall serve no more than a total of twelve years in the position of city commissioner. ~~No previous term, or term in progress as of the effective date of this provision, shall be counted toward the limitations contained herein. If the term limit occurs during a term in office, the person holding the office may complete the term.~~

(Ord. No. 92-45, § 2, 8-31-1992; Ord. No. 96-15, § 2, 9-4-1996; Ord. No. 06-06, § 2, 4-4-2006)

State law reference(s)—Florida election code, F.S. chs. 97—106.

3.02 Qualifications for mayor and commissioners.

Any elector of the city shall be eligible to hold the office of mayor. Any candidate for mayor shall reside in the City of Key West at the time of qualification. Any elector of the city who, as of the date of qualification, resides in the district which he or she is seeking to represent shall be eligible to hold the office of city commissioner. Any person elected to represent a district shall maintain residency in that district for the term of office. The city commission shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of this office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the city at least one (1) week in advance of the hearing.

(Ord. No. 93-10, § 1, 3-2-1993)

3.03 Determination of compensation for mayor and commissioners.

The city commission may determine the annual salary of the mayor and commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the mayor and commission elected at the next regular election.

3.04 Duties of commission regarding administrative officers and employees.

- (a) Neither the commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, except as provided in this Charter, but the commission may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (b) Except for the purpose of inquiries and investigations, the commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager and neither the commission nor its members shall give orders to any such officer or employee, either publicly or privately.
- (c) Nothing in the foregoing is to be construed to prohibit individual members of the commission from closely scrutinizing by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the commission. It is the express intent of this Charter, however, that recommendations for improvement in city government operations by individual commissioners be made to and through the city manager, so that the manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.
- (d) Any commissioner who shall violate the provisions of subsections (a) and (b) set forth above is guilty of a misdemeanor of the first degree, to be tried by a court of competent jurisdiction and punishable as provided by state law. Conviction under this part shall be grounds for censure, suspension or removal of the commissioner violating the provisions of this section by a majority vote of the remaining members of the city commission.

3.05 Regular commission meetings.

The city commissioners shall meet at such times as may be prescribed by ordinance or resolution.

(Ord. No. 96-12, § 2, 8-20-1996)

State law reference(s)—Open meetings law, F.S. § 286.011.

3.06 Attendance requirements.

No commissioner shall be absent from any regular meeting of the commission without an excuse acceptable to the commission. Absence from four (4) consecutive regular meetings of the commission shall operate to vacate the seat of the member, unless such absence is excused by the commission by resolution setting forth the facts of each excuse duly entered upon the journal.

3.07 Special meetings; minutes; rules; journal.

The mayor, any two (2) members of the city commission, consistent with the Sunshine Law, or the city manager, may call special meetings of the commission, ~~with every effort made to contact each member~~, upon at least twenty-four (24) hours' notice ~~to each member, served personally, or left at his usual place of residence with every effort made to contact the member by the city clerk.~~ All meetings of the city commission and of the committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall adopt Robert's Rules of Order, determine other of its own rules and order of business, and keep a journal of its proceedings.

(Ord. No. 98-21, § 2(Exh. A), 8-4-1998)

3.08 Quorum; voting.

A majority of all members elected to the city commission shall constitute a quorum but a less number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members in attendance is necessary to adopt any ordinance or resolution, except when adoption or approval is specifically required by this charter or otherwise required by law to have a super-majority or unanimous affirmative vote, and the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal.

(Ord. No. 12-23, § 3, 8-7-2012)

3.09 Duties of mayor.

The mayor shall preside at all meetings of the commission and perform such other duties consistent ~~with his or her~~ the office as may be imposed by it, and ~~he or she~~ they shall have a voice and a vote in the proceedings of the commission, but no veto power. ~~He or she~~ They may use the title of mayor in any case in which the execution of legal instruments or writing or other necessity arising from the general laws of the state so requires, but this shall not be considered as conferring upon ~~him or her~~ them the administrative or judicial functions of a mayor under the general laws of the state. ~~He or she~~ The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil processes; by the governor in the exercise of military laws; and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred upon ~~him or her~~ them by the city commission in pursuance of the provisions of this Charter and no others.

Assuming responsibility as the strategic leader of the city: (1) in assuring that a vision and long-range goals established by the Commission for the City are established and reviewed annually; (2) in presenting an annual State of the City address which must include an analysis of progress on city vision and goals before the City Commission; (3) in educating the public on citywide issues; (4) in setting the tone for city government; and (5) in assuring that the Commission looks beyond the legal and geographical jurisdiction of the municipality and coordinates Key West leadership with that of regional jurisdictions.

3.10 Power of voters to propose ordinances; initiative and referendum.

- (1) (a) *Initiative.* The qualified voters of the city shall have power to propose ordinances to the commission and, if the commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (b) *Referendum.* The qualified voters of the city shall have power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

- (2) Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

~~Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee at the committee's expense.~~

- (3) (a) Initiative and referendum petitions scheduled for a regular election must be signed by qualified voters of the city equal in number to at least ten (10) percent of the total number of qualified voters registered to vote at the last regular city election. Initiative and referendum petitions scheduled for a special election must be signed by qualified voters of the city equal in number to at least twenty percent (20%) of the total number of qualified voters registered to vote in the last regular city election.
- (b) All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that ~~he~~ they personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in ~~his~~ their presence, that ~~he believes~~ they believe them to be the genuine signature of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) Referendum petitions must be filed within thirty (30) days after adoption by the commission of the ordinance sought to be reconsidered.
- (e) Referendum and initiative petitions seeking a special municipal election under subsection (3)(a) shall be titled "Proposed Special Municipal Election." Immediately after the title, the petition shall state the following: "By signing this petition, I am requesting that a special election be held for this question, instead of the scheduling of this question for the next general municipal or statewide election. I understand that the additional cost to the City of Key West to hold such a special election is anticipated to be \$ [insert amount], as determined by the city clerk."

- (4) (a) Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by

certified mail. Grounds for insufficiency are only those specified in subsection (3). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsection (3) of section 3.10, and within five (5) days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners committee does not elect to amend or request commission review under subsection (b) of this section within the time required, {the clerk shall promptly present ~~his~~ their certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition}.

If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee, may within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

- (5) When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:
- (a) There is final determination of insufficiency of the petition, or;
 - (b) The petitioners' committee withdraws the petition, or;
 - (c) The commission repeals the ordinance; or;
 - (d) After a vote of the city on the ordinance has been certified.
- (6) (a) When an initiative or referendum petition has been finally determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the city.
- (b) The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than sixty (60) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period described in this subsection, the commission shall provide for a special election, except that the commission may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.
 - (c) An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the city by filing with the city clerk or other official designated by the commission a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.
- (7) (a) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

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- (b) If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(Ord. No. 98-21, § 2(Exh. A), 8-4-1998)

ARTICLE IV. EXECUTIVE AND ADMINISTRATIVE

4.01 City manager.

There shall be a city manager who shall be the chief executive and the administrative officer of the city. The manager shall be responsible to the commission for the administration of all city functions and affairs placed in ~~his~~ their charge by or under this Charter.

4.02 Appointment of manager.

The commission shall appoint a city manager for an indefinite term by a majority vote of all the commissioners to serve at the pleasure of the commission.

4.03 Designation of administrative officer during temporary absence of manager.

By letter filed with the clerk, the manager shall designate, subject to approval of the commission, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the commission may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or ~~his~~ their disability shall cease.

4.04 Duties of city manager.

The city manager shall:

- (a) Appoint, and when ~~he deems~~ they deem it necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter, civil service board rules and regulations or personnel rules adopted pursuant to this Charter. ~~He~~ The manager may authorize any administrative officer who is subject to ~~his~~ their direction and supervision to exercise these powers with respect to subordinates in that officer's department, ~~officer~~ office or agency;
- (b) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law;
- (c) Attend all commission meetings and shall have the right to take part in discussion but may not vote;
- (d) See that all laws, provisions of this Charter and acts of the commission, subject to enforcement by ~~him~~ the manager or by officers subject to ~~his~~ direction and supervision, are faithfully executed.

4.05 Departments of city.

All functions of municipal government shall be allotted among various departments including, but not limited to, a finance department, a department of general services, a police department and a fire department. Police and fire departments shall be headed by a police chief and a fire chief whose chiefs shall have exclusive control of the stationing and transfer of all officers and employees of the department as may be prescribed by the ordinances of the city. Department heads shall not be considered employees of the city ~~and~~ covered by the civil service system.

4.06 City attorney.

There shall be a city attorney who shall be the legal advisor to, and attorney and counselor for, the municipality and all of its officers, boards, commissions, agencies, authorities and subdivisions except as otherwise expressly provided by general or special law. The city attorney shall be appointed by, and shall serve at the pleasure of, the city commission. The city attorney may appoint an assistant or assistants, subject to confirmation by the city commission, who shall serve at the pleasure of the city attorney.

4.07 City clerk.

There shall be a city clerk who shall give notice of the meetings of the city commission, and the meetings of other boards and commissions of the city when required by ordinance. The city clerk shall be appointed and removed by the city commission, subject to the provisions of Article V of this Charter. The city clerk shall hold civil service status in accordance with this Charter. The city clerk shall keep the journal of the proceedings of the city commission and such other boards and commissions when required by ordinance, and shall keep the aforementioned records in a central depository available to the public at all reasonable hours. The city clerk may appoint a deputy or deputies subject to the approval of the city manager.

4.08 Records of boards and commissions to be filed.

All rules, regulations, rates, and charges set by any board or commission of the city shall be filed in the office of the city clerk and shall not be effective until so filed.

State law reference(s)—Open records act, F.S. ch. 119.

4.09 Eligibility of elected board or commission members for city employment.

No member of any elected board or commission shall be eligible for employment by the city for a period of one (1) year after expiration of his term as a member of such board or commission.

4.10 Disclosure of financial interests by officers and employees.

Any city officer, employee, board member or members of their immediate families who have a financial interest, direct or indirect, in any corporation, partnership or other organization in any contract with the city, in zoning and land classification, or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city, shall make known that interest at the time the matter is under consideration; and, if substantial, shall refrain from participating in such capacity as a city officer, employee or board member in the making of such sale or in the making or performance of such contract. Nor shall any city officer, employee or board member, or members of their immediate families subsequently benefit from any contract with the city, or matters of zoning and land classification, or the sale of any land, material, supplies or services to the city or to a contractor supplying the city wherein his financial interest failed to be disclosed under penalty of forfeiture of office or position and such additional penalties as may be prescribed by law. Any city officer, employee, or board member who willfully conceals such a substantial financial interest or willfully violates the requirements of this section, shall be guilty of malfeasance in office or position and shall forfeit such office or position, subject to the provisions of Article V of this Charter. Violation of this section with the knowledge, express or implied, of the person, corporation, partnership or other organization contracting with or making a sale to the city may render the contract or sale voidable by the city commission after a majority vote.

State law reference(s)—Code of ethics, F.S. § 112.311 et seq.

ARTICLE V. CIVIL SERVICE

5.01 Civil service board.

There shall be a civil service system for employees of the City of Key West. Its specific terms and conditions shall be established by ordinance.

(Ord. No. 98-21, § 2(Exh. A), 8-4-1998)

Editor's note(s)—Formerly, Art. V contained §§ 5.02—5.05 which pertained to filling vacancies, duties, city employees as members, and recall provisions. Such sections bore no history notes, and were repealed by Ord. No. 98-21, § 2(Exh. A), adopted August 4, 1998, approved by the voters at an election held November 3, 1998.

ARTICLE VI. ELECTIONS²

6.01 City commission election; runoff.

The election for city commissioners in districts I, III and VI shall be held on the State of Florida primary election date in 2013 for a three-year term, and beginning in 2016 shall serve a four-year term. The election for city commissioners in districts II, IV, and V, shall be held on the State of Florida primary election date in 2015 for a three-year term, and beginning in 2018 shall serve a four-year term. The mayor, chosen by voters city wide shall be elected for a one-year term on the State of Florida primary election date in 2013, and beginning in 2014 shall serve a two-year term. Elections shall be held biennially in accordance with the State of Florida primary election date thereafter. The name of any qualified elector of the city shall appear on the ballot as a candidate for the office of city commissioner upon said elector paying as a qualifying fee to the city a sum equal to five (5) percent of the annual salary of the office which said elector seeks, or by the elector qualifying by a petition process prescribed by State law and adopted in specific terms by city ordinance. The candidate qualifying and reporting periods shall be run in conjunction with the state schedule. A majority of votes cast in a particular district is required for a candidate to be elected. If no candidate receives such a majority, then a runoff election shall be held on the State of Florida General Election date following the first election between the two (2) candidates receiving the greatest number of votes. All ties in either election shall be decided by lot in the presence of the candidates concerned, under the direction of the city commission.

(Ord. No. 85-31, § 1, 8-6-1985; Ord. No. 92-45, § 3, 8-31-1992; Ord. No. 98-21, § 2(Exh. A), 8-4-1998; Ord. No. 10-11, § 2, 6-1-2010; Ord. No. 12-25, § 3, 8-7-2012)

6.02 Qualification of electors.

Any person who is a resident of the city, who has qualified as an elector of the State of Florida, and who registers in the manner prescribed by general law with the supervisor of elections of Monroe County shall be a qualified elector of the city.

²State law reference(s)—Florida election code, F.S. chs. 97—106.

State law reference(s)—Municipal electors, F.S. § 166.032.

6.03 Voter registration; precincts.

- (a) The registration books for the permanent registration system of Monroe County shall be the registration books for all persons who are qualified as electors of the city under the provisions of this Charter.
- (b) The board of county commissioners of Monroe County shall arrange the precincts of Monroe County so that no precinct in the city extends beyond the boundaries of the city.
- (c) The city commission of the City of Key West shall arrange the voting districts so that no district extends beyond the boundaries of the city.
- (d) As provided by ordinance, the city clerk shall be the chief elections administrator of the city.

(Ord. No. 88-6, § 2, 1-20-1988; Ord. No. 92-45, § 4, 8-31-1992)

6.04 Election preparations; state statutes supplementary.

The city commission shall make all the necessary arrangements for holding all municipal elections and shall declare the results thereof. Except as otherwise provided by this Charter or the laws of the city, elections shall be governed by the laws of the State of Florida pertaining to general elections.

(Ord. No. 88-6, § 2, 1-20-1988)

State law reference(s)—Florida election code, F.S. chs. 97—106.

6.05 Certification of results; assumption of office.

The two (2) city commission members representing groups not involved in the election, together with the city clerk, shall meet following the election to canvass the returns, and certify the results of the election. If any such person is unavailable, the city commission shall temporarily appoint a replacement. Those elected shall be sworn in and assume office at noon on the second day following certification of the results of the election.

(Ord. No. 88-6, § 2, 1-20-1988)

6.06 Recall provisions.

The qualified voters of the city shall have the power to recall and remove from office any elected official of the city as provided by general law.

State law reference(s)—Municipal recall, F.S. § 100.361.

ARTICLE VII. ORDINANCES; RIGHT TO BE HEARD³

³State law reference(s)—Uniform minimum mandatory procedure for adoption of ordinances, F.S. § 166.041.

7.01 Acts requiring adoption of ordinance generally.

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the city commission shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any city department or agency; except as herein provided;
- (2) Establish a rule or regulations the violation of which carries a penalty;
- (3) Levy taxes authorized by general law;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charges for municipal services or granting administrative authority for such charges;
- (6) Authorize the borrowing of money not inconsistent with the limitations established in the Constitution and general laws of the state; [and]
- (7) Amend or repeal any ordinance previously adopted, except as otherwise provided herein.

State law reference(s)—Procedure for adoption, F.S. § 166.041.

7.02 Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the commission may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; set service or user charges for any municipal services; or authorize the borrowing of money, except to maintain balanced budget.

- (a) An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (b) An emergency ordinance may be adopted with or without amendment or rejected at a meeting at which it is introduced by a two-thirds vote of the city commission. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances.
- (c) Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (d) Every emergency ordinance except emergency appropriations and the issuance of emergency notes pursuant thereto shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section.

An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

7.03 Referendum required for conveyance of city owned real property; exceptions.

The city shall not sell, convey or otherwise transfer any real property, or any interest therein, to any person without the transfer being approved by referendum. The lease of city-owned real property in areas of the city other than the redevelopment areas for a term greater than ten (10) years shall be considered a conveyance requiring referendum. The lease of city-owned real property, located either in the Caroline Street Corridor and

Bahama Village Redevelopment Agency area or located among those real properties exceded by the United States Navy to the city during the local redevelopment authority process, for a term greater than twenty (20) years shall be considered a conveyance requiring referendum. This provision shall not be applicable to the following:

- (a) A sale, lease, conveyance or other transfer to another governmental agency.
- (b) The release of a claim or interest in land to settle, or aid the settlement of, record title to real property.
- (c) Sales of lots in the city cemeteries.

(Ord. No. 96-13, § 2, 8-20-1996; Ord. No. 98-21, § 2(Exh. A), 8-4-1998)

7.04 Right of individual to be heard.

All persons shall have the right to be heard at regular city commission meetings, subject to rules established by the city commission.

ARTICLE VIII. CHARTER AMENDMENTS; RECORDS; BONDS⁴

8.01 Methods of amending Charter.

This Charter may be amended in two (2) ways:

- (a) The commission may, by ordinance, propose amendments to any part or all of this Charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose. Amendment of Article II resulting from annexation done in accordance with general law shall be by ordinance of the commission and shall not be subject to a vote of the electors except as provided by general law.
- (b) The electors of the city may propose amendments to this Charter for a regular election by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the last regular city election. Charter amendment petitions scheduled for a special election must be signed by qualified voters of the city equal in number to at least twenty percent (20%) of the total number of qualified voters registered to vote in the last regular city election.
 - (1) All papers of a petition shall be uniform in size and style and shall be assembled in one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full extend of the proposed charter amendment.
 - (2) Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating ~~that he~~ they personally circulated the paper, the number of signatures thereon~~],~~ that all the signatures were affixed in ~~his~~ their presence, that ~~he believes~~ they believe them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing, to read the full text of the proposed charter amendment.
 - (3) Upon certification of the petition by the city clerk, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular city election, the

⁴State law reference(s)—Procedure for amending Charter, F.S. § 166.031.

commission shall place the proposed amendment to a vote of the electors at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose. If the petition for Charter amendment seeks a special municipal election, it shall be titled "Proposed Special Municipal Election." Immediately after the title, the petition shall state the following: "By signing this petition, I am requesting that a special election be held for this question, instead of the scheduling of this question for the next general municipal or statewide election. I understand that the additional cost to the City of Key West to hold such a special election is anticipated to be \$ [insert amount], as determined by the city clerk."

(Ord. No. 98-21, § 2(Exh. A), 8-4-1998)

State law reference(s)—Charter amendment, F.S. § 166.031.

8.02 Official acts of city; authentication, record; availability of copies.

- (a) The presiding officer of the commission and the city clerk shall authenticate by their signatures all ordinances and resolutions adopted by the commission. In addition, when charter amendments have been approved by the electors, the presiding officer of the commission and the city clerk shall authenticate by their signatures the charter amendment, such authentication to reflect the approval of the charter amendment, by the electorate.
- (b) The city clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the commission. Ordinances shall, at the direction of the commission, be periodically codified. The city clerk shall also maintain the City Charter in current form, shall enter all charter amendments and send a copy of the revised Charter incorporating amendments to the Secretary of State's Office.
- (c) The commission shall, by ordinance, establish procedure for making all resolutions, ordinances, technical codes adopted by reference and this Charter available for purchase at a reasonable price.

8.03 Approval by electorate required for bond issuance; exception for public emergency.

Except in the event or result of a public emergency affecting life, health, property or the public peace, bonds pledging the full faith and credit of the city or the revenues of the city may be issued only upon approval by a vote of the electors of the city. In the event of such an emergency, the City Commission by super majority vote may issue bonds payable from revenues other than ad valorem taxation in accordance with Florida law.

(Ord. No. 20-10 , § 2, 8-4-2020)

ARTICLE IX. TRANSITION

9.01 Former charter provisions not inconsistent with this document to become ordinances.

All provisions of Chapter 23374, Laws of Florida (1945) as amended, and Chapters 69-1191, and 69-1187, Laws of Florida (1969) as amended, which are not embraced herein and which are not inconsistent with this Charter shall become ordinances of the city subject to modification or repeal in the same manner as other ordinances of the city.

9.02 Ordinances remain in effect.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

9.03 City officers and employees to continue.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected or appointed.

9.04 Continuity of city proceedings except as modified by this Charter.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this Charter.

CHARTER COMPARATIVE TABLE ORDINANCES

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ordinance Number	Adopted Date	Election Date	Section	Section this Charter
84-7	2- 2-1984	3-13-1984	1	1.01—9.04
85-31	8- 6-1985		1	6.01
87-36	9-30-1987		1	2.01
88-6	1-20-1988		2	6.03—6.05
90-25	10-16-1990		1	2.01
92-45	8-31-1992		2	3.01
			3	6.01
			4	6.03
93-10	3- 2-1993		1	3.02
96-12	8-20-1996		2	3.05
96-13	8-20-1996		2	7.03
96-15	9- 4-1996		2	3.01
98-21	8- 4-1998		2(Exh. A)	1.04—1.06
				3.07
				3.09, 3.10
				5.01
				6.01
				7.03
				8.01
		11- 5-2002		1.07
06-06	4- 4-2006	9- 5-2006	2	3.01
		11- 6-2007		1.08
10-11	6- 1-2010	11- 2-2010	2	6.01
12-23	8- 7-2012	11- 6-2012	3	3.08

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Part I - CHARTER
CHARTER COMPARATIVE TABLE ORDINANCES

12-24	8- 7-2012	11- 6-2012	3	3.09
12-25	8- 7-2012	11- 6-2012	3	6.01
17-16	12- 6-2017		2 Added	1.05(c)
20-10	8- 4-2020	11- 3-2020	2	8.03
		11- 3-2020	Added	1.09—1.11