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1 A bill to be entitled

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

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30 providing for recall; providing for initiative and  
 31 referenda; providing for future amendments of the charter;  
 32 providing for standards of conduct in office; providing  
 33 for severability; providing for a personnel system;  
 34 providing for charitable contributions; providing for  
 35 referendum on land use changes; providing the town a  
 36 transitional schedule and procedures for first election;  
 37 providing for first-year expenses; providing for adoption  
 38 of transitional ordinances, resolutions, comprehensive  
 39 plan, and local development regulations; providing for  
 40 accelerated entitlement to state-shared revenues;  
 41 providing for gas tax revenue; providing for continuation  
 42 of the Palm Beach County Fire Rescue Municipal Service  
 43 Taxing Unit; providing for law enforcement; providing for  
 44 continuation of the Palm Beach County Library District;  
 45 providing for dissolution of the Palm Beach County  
 46 Municipal Service Taxing Unit B and dissolution of the  
 47 Palm Beach County Municipal Service Taxing Unit F;  
 48 providing for continuation of the Loxahatchee Groves Water  
 49 Control District; providing for continuation of  
 50 Loxahatchee Groves Park; providing funding for  
 51 comprehensive planning; repealing section 6 of section 2  
 52 of chapter 99-425, Law of Florida; providing for waivers;  
 53 requiring a referendum; providing effective dates.

54  
 55 Be It Enacted by the Legislature of the State of Florida:

56  
 57 Section 1. Corporate existence; form of government;  
 58 boundary and powers.--

59 (1) Corporate existence.--

60 (a) There is hereby created, pursuant to the Florida  
 61 Constitution, effective December 31, 2005, in Palm Beach County,  
 62 a new municipality to be known as the Town of Loxahatchee  
 63 Groves, (the "town"), a rural community.

64 (b) The Loxahatchee Groves area in Palm Beach County  
 65 includes a compact and contiguous rural community of  
 66 approximately 3,120 persons, who are experiencing certain  
 67 impacts, such as the destruction of rural habitats and the  
 68 threat to equestrian, farming, and nursery businesses, resulting  
 69 from urbanization in the surrounding areas. The residents within  
 70 the town would like to control the effects of those impacts  
 71 through the incorporation of the town, and continued existence  
 72 as an historic, rural community with the benefits of self-  
 73 determination.

74 (c) It is in the best interests of the public health,  
 75 safety, and welfare of the residents of the Loxahatchee Groves  
 76 area to form a separate municipality for the Loxahatchee Groves  
 77 area with all the powers and authority necessary to provide  
 78 adequate and efficient municipal services to its residents.

79 (d) It is intended that this charter and the incorporation  
 80 of the Loxahatchee Groves area will serve to preserve and  
 81 protect the distinctive rural characteristics of the community  
 82 and to acknowledge its close ties to the agriculture and  
 83 equestrian industries within the boundaries of the Town of  
 84 Loxahatchee Groves.

85 (e) It is the intent of this charter and the incorporation  
 86 of the Loxahatchee Groves community to secure the benefits of  
 87 self-determination and affirm the values of representative

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88 democracy, citizen participation, strong community leadership,  
 89 professional management, and regional cooperation.

90 (f) The council shall exempt agricultural activities  
 91 conducted on farm land from any ordinances that interfere with  
 92 reasonable agricultural activities conducted on farm land as  
 93 defined in section 823.14, Florida Statutes, the Florida Right  
 94 to Farm Act, as may be amended from time to time.

95 (g) The town shall not annex that area now known as  
 96 Callery-Judge Groves, generally described as that area of land  
 97 bounded on the north by M canal, on the south by the northern  
 98 border of the town, on the east by 140<sup>th</sup>, and on the west by M  
 99 canal.

100 (2) Form of government.--The town shall have a council-  
 101 manager form of government.

102 (3) Corporate boundary.--The corporate boundaries of the  
 103 Town of Loxahatchee Groves, hereinafter referred to as "the  
 104 town," shall be as described as follows:

105  
 106 That portion of Loxahatchee Sub-Drainage District,  
 107 Township 43 South, Range 41 East and Range 40 East,  
 108 Palm Beach County, Florida, being more particularly  
 109 described as follows:  
 110 Beginning at the Northwest corner of Section Eighteen  
 111 (18) in Township Forty-three (43) South, Range Forty-  
 112 one (41) East, Palm Beach County, Florida, and run  
 113 thence along the North line of Section Eighteen (18)  
 114 and Seventeen (17) of said Township to the Northeast  
 115 corner of Section Seventeen (17) in said Township and  
 116 Range; thence run South along the Eastern boundary of

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117 Section Seventeen (17) to the Southeast corner of said  
 118 Section;  
 119 Thence run East along the Northern boundary of Section  
 120 Twenty-one (21) and of Section Twenty-two (22) to the  
 121 Northeast corner of the Northwest quarter of the said  
 122 Section Twenty-two (22); Thence run South along the  
 123 East line of the Northwest quarter of said Section  
 124 Twenty-two (22) to the Southeast corner of said  
 125 Northwest quarter of said Section; Thence run West  
 126 along the South line of the Southeast quarter of  
 127 Northwest quarter of said Section Twenty-two (22) to  
 128 the Southwest corner of said Southeast quarter of  
 129 Northwest quarter of said Section; Thence run South  
 130 along the East line of the West half of the Southwest  
 131 quarter of Section Twenty-two (22) and of the West  
 132 half of West half of Section Twenty-seven (27) and of  
 133 the West half of West half of Section Thirty-four (34)  
 134 to the North Right of Way line of State Road 80, in  
 135 Section Thirty-four (34); Thence West along the  
 136 Northern edge of the North Right of Way line of State  
 137 Road 80, across the West half of West half of Section  
 138 Thirty-four (34) and across Section Thirty-three (33),  
 139 Thirty-two (32), and Thirty-one (31) in said Township  
 140 to the point where the range line dividing ranges  
 141 Forty (40) and Forty-one (41) East intersects said  
 142 North Right of Way line of State Road 80;  
 143 Thence North along the West line of Sections Thirty-  
 144 one (31), Thirty (30), Nineteen (19) and Eighteen (18)  
 145 to the Point of Beginning, embracing approximately Six

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146 Thousand Nine Hundred Thirty five and 56/100  
 147 (6,935.56) acres.  
 148 Said lands lying within the above described boundary  
 149 lines are described more particularly as follow, to  
 150 wit:  
 151 All of Section Seventeen (17), Eighteen (18), Nineteen  
 152 (19), Twenty (20), and Twenty-one (21) and the  
 153 Northwest quarter and West half of Southwest quarter  
 154 of Section Twenty-two (22); and West half of West half  
 155 of Section Twenty-seven (27); and all Section Twenty-  
 156 eight (28), Twenty-nine (29) and Thirty (30) and all  
 157 of Section Thirty-one (31) North of North Right of Way  
 158 line of State Road 80; and all of Section Thirty-three  
 159 (32) North of North Right of Way line of State Road  
 160 80; and all of Section Thirty-three (33) North of  
 161 North Right of Way line of State Road 80; and all of  
 162 the West half of West half of Section Thirty-four (34)  
 163 North of North Right of Way line of State Road 80; all  
 164 in Township Forty-three (43) South Range Forty-one  
 165 (41) East, all of said lands being situate in Palm  
 166 Beach County, State of Florida, according to the  
 167 United States official surveys of said lands.  
 168 TOGETHER WITH  
 169 The South 1/2 of Sections 7 and 8, T43S, R41E.  
 170 The South 1/2 of the East 1/4 of Section 12, The East  
 171 1/4 of Sections 13, 24, 25, T43S, R40E, and that part  
 172 of the East 1/4 of Section 36, T43S, R40E, lying North  
 173 of the North Right of Way of S.R. 80, all in Palm  
 174 Beach County, Florida, containing 1320 acres, more or

175        less.  
 176        LESS AND EXCEPT The All or Nothing Legislation Parcel  
 177        as described in Senate Bill No. 2616, Laws of Florida,  
 178        Chapter 99-425, formerly known as The Palms West  
 179        Hospital property  
 180        A parcel bounded by Southern Boulevard (S.R. 80) on  
 181        the South, the Southern boundary of the drainage/road  
 182        Right of Way known as collecting canal on the North,  
 183        Folsom/Crestwood of the East, and the Western boundary  
 184        of The All or Nothing Legislation Parcel as described  
 185        in Senate Bill No. 2616, Laws of Florida, Chapter 99-  
 186        425 on the west, said parcel being more particularly  
 187        described as follows:  
 188        A parcel of land located in the County of Palm Beach,  
 189        State of Florida, to wit:  
 190        The point of beginning being the intersection of the  
 191        Easterly line of Lot 4, Block K, Loxahatchee District,  
 192        according to the plat thereof on file in the Office of  
 193        the Clerk of the Circuit Court recorded in Plat Book  
 194        7, Page 81, of the Public Records of Palm Beach  
 195        County, Florida, and the Southerly boundary of the  
 196        "Collecting Canal" as shown on the Replat of  
 197        Loxahatchee Groves Subdivision according to the Plat  
 198        thereof, recorded in Plat Book 12, Page 29, of the  
 199        Public Records of Palm Beach County, Florida; Thence  
 200        Easterly along said Southerly boundary of the  
 201        "Collecting Canal" to the Easterly boundary of said  
 202        Replat of Loxahatchee Groves; Thence South along said  
 203        Easterly boundary line of the Replat of Loxahatchee

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204 Groves to the North Right of Way line of State Road  
 205 80; Thence Westerly along said Northerly Right of Way  
 206 line of State Road 80 to the Easterly line of Lot 4,  
 207 Block K, Loxahatchee District;  
 208 Thence Northerly along said Easterly line of Lot 4 to  
 209 the Point of Beginning.

211 (4) Municipal powers.--The town shall be a body corporate  
 212 and politic and shall have all available governmental,  
 213 corporate, and proprietary powers of a municipality under the  
 214 State Constitution and laws of the state, as fully and  
 215 completely as though such powers were specifically enumerated in  
 216 this charter, and may exercise them, except when prohibited by  
 217 law. Through the adoption of this charter, it is the intent of  
 218 the electors of the town that the municipal government  
 219 established herein have the broadest exercise of home rule  
 220 powers permitted under the State Constitution and laws of the  
 221 state. This charter and the powers of the town shall be  
 222 construed liberally in favor of the town. It is recognized that  
 223 certain services within the municipal boundaries are provided by  
 224 independent special districts created by special acts of the  
 225 Legislature and by Palm Beach County.

226 Section 2. Council; mayor and vice mayor.--

227 (1) Town council.--There shall be a five-member town  
 228 council ("council") vested with all legislative powers of the  
 229 town, consisting of five members ("council members"), each  
 230 elected from and representing the town at large. Council members  
 231 shall occupy seats numbered 1 through 5. Unless otherwise stated  
 232 within this charter, all charter powers shall be exercised by

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233 the council.

234 (2) The mayor; powers and duties.--

235 (a) The council, at its first regular meeting after the  
 236 fourth Tuesday of each March, shall elect from its members a  
 237 mayor who shall serve for a period of 1 year and who shall have  
 238 the same legislative powers and duties as any other council  
 239 member, except as provided herein.

240 (b) In addition to carrying out the regular duties as a  
 241 council member, the mayor shall preside at the meetings of the  
 242 council and shall be recognized as the head of town government  
 243 for service of process, ceremonial matters, and the signature or  
 244 execution of ordinances, contracts, deeds, bonds, and other  
 245 instruments and documents and for purposes of military law. The  
 246 mayor shall also serve as the ceremonial head of the town and  
 247 the town official designated to represent the town when dealing  
 248 with other entities. The mayor shall have no administrative  
 249 duties other than those necessary to accomplish these actions,  
 250 or such other actions as may be authorized by the town council,  
 251 consistent with general or special law.

252 (3) The vice mayor.--

253 (a) The council, at its first regular meeting after the  
 254 fourth Tuesday of each March, shall elect from its members a  
 255 vice mayor who shall serve for a period of 1 year and who shall  
 256 have the same legislative powers and duties as the mayor or any  
 257 other council member.

258 (b) The vice mayor shall serve as acting mayor during the  
 259 absence or disability of the mayor. In the absence of the mayor  
 260 and the vice mayor, the remaining council members shall select a  
 261 council member to serve as acting mayor.

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262 Section 3. Election and terms of office.--

263 (1) Each council member shall be elected at large for a 3-  
 264 year term by the electors of the town in the manner provided  
 265 herein. Council members shall be sworn into office at the first  
 266 regularly scheduled meeting following their election. Each  
 267 council member shall remain in office until his or her successor  
 268 is elected and assumes the duties of the position.

269 (2) The town council shall be divided into five separate  
 270 council seats to be designated as seats 1, 2, 3, 4, and 5, to be  
 271 voted on town-wide, with each qualified elector entitled to vote  
 272 for one candidate for each seat.

273 (3) Candidates for each council seat must qualify for  
 274 council elections by seat in accordance with applicable Florida  
 275 Statutes, and the council members elected to those seats shall  
 276 hold the seats 1 through 5, respectively. To qualify for office:

277 (a) Each candidate for council member shall file a written  
 278 notice of candidacy with the town clerk at such time and in such  
 279 manner as may be prescribed by ordinance and payment to the town  
 280 of any fees required by Florida Statutes as a qualifying fee.

281 (b) Each candidate for council member shall be a  
 282 registered voter in the state.

283 (c) Each candidate for council member shall have  
 284 maintained his or her domicile within the boundaries of the town  
 285 for a period of 1 year prior to qualifying for election and, if  
 286 elected, shall maintain such residency throughout his or her  
 287 term of office.

288 (d) Any resident of the town who wishes to become a  
 289 candidate for a council member seat shall qualify with the town  
 290 clerk no sooner than noon on the last Tuesday in January, nor

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291 later than noon on the first Tuesday in February, of the year in  
 292 which the election is to be held.

293 (4)(a) Vacancies.--A vacancy in the office of mayor, vice  
 294 mayor, or any council member shall occur upon the death of the  
 295 incumbent, removal from office as authorized by law,  
 296 resignation, appointment to other public office which creates  
 297 dual office holding, judicially determined incompetent, or  
 298 forfeiture of office as described herein.

299 (b) Forfeiture of office.--Any council member shall  
 300 forfeit his or her office upon determination by the council,  
 301 acting as a body, at a duly noticed public meeting that he or  
 302 she:

303 1. Lacks at any time, or fails to maintain during his or  
 304 her term of office, any qualification for the office prescribed  
 305 by this charter or otherwise required by law;

306 2. Is convicted of a felony or enters a plea of guilty or  
 307 nolo contendere to a crime punishable as a felony, even if  
 308 adjudication is withheld;

309 3. Is convicted of a first degree misdemeanor arising  
 310 directly out of his or her official conduct or duties, or enters  
 311 a plea of guilty or nolo contendere thereto, even if  
 312 adjudication of guilt has been withheld;

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

317 5. Is absent from 3 consecutive regular council meetings  
 318 without good cause, or for any other reason established in this  
 319 charter.

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320  
321 The council shall be the sole judge of the qualifications of its  
322 members and shall hear all questions relating to forfeiture of a  
323 council member's office, including whether or not good cause for  
324 absence has been or may be established. The burden of  
325 establishing good cause shall be on the council member in  
326 question; however, any council member may at any time during any  
327 duly held meeting move to establish good cause for his or her  
328 absence or the absence of any other commission member from any  
329 past, present, or future meeting or meetings, which motion, if  
330 carried, shall be conclusive. A council member whose  
331 qualifications are in question or who is otherwise subject to  
332 forfeiture of his or her office shall not vote on any such  
333 matters. The council member in question shall be entitled to a  
334 public hearing on request regarding an alleged forfeiture of  
335 office. If a public hearing is requested, notice thereof shall  
336 be published in one or more newspapers of general circulation in  
337 the town at least 1 week in advance of the hearing. Any final  
338 determination by the council that a council member has forfeited  
339 his or her office shall be made by resolution. All votes and  
340 other acts of the council member in question prior to the  
341 effective date of such resolution shall be valid regardless of  
342 the grounds of forfeiture.

343 (c) Suspension from office.--Any council member shall be  
344 suspended from office upon return of an indictment or issuance  
345 of any information charging the council member with any crime  
346 which is punishable as a felony or with any crime arising out of  
347 his or her official duties which is punishable as a first degree  
348 misdemeanor. Pursuant thereto:

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349 1. During the period of suspension, a council member shall  
 350 not perform any official act, duty, or function or receive any  
 351 pay, allowance, emolument, or privilege of office.

352 2. If the council member is subsequently found not guilty  
 353 of the charge, or if the charge is otherwise dismissed, reduced,  
 354 or altered in such a manner that suspension would no longer be  
 355 required as provided herein, the suspension shall be lifted and  
 356 the council member shall be entitled to receive full back pay  
 357 and such other emoluments or allowances as he or she would have  
 358 been entitled to had the suspension not occurred.

359 (d) Filling of vacancies.--

360 1. If any vacancy occurs in the office of any council  
 361 member and the remainder of the council member's unexpired term  
 362 is less than 1 year and 81 days, the remaining council members  
 363 shall, within 30 days following the occurrence of such vacancy,  
 364 by majority vote, appoint a person to fill the council member  
 365 vacancy for the remainder of the unexpired term.

366 2. If any vacancy occurs in the office of any council  
 367 member and the remainder of the unexpired term is equal to or  
 368 exceeds 1 year and 81 days, the remaining council members shall,  
 369 within 30 days following the occurrence of such vacancy, by  
 370 majority vote, appoint a person to fill the vacancy until the  
 371 next regularly scheduled town election, at which time an  
 372 election shall be held to fill the vacant council member seat.

373 3. If a vacancy occurs in the office of mayor and less  
 374 than 120 days remain in the term of the council member who was  
 375 elected mayor, then the vice mayor shall serve as mayor until a  
 376 new mayor is elected by the council and assumes the duties of  
 377 his or her office. If a vacancy occurs in the office of mayor

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378 and 120 days or more remain in the term of the mayor, then the  
 379 vice mayor shall serve as mayor until a new council member is  
 380 elected, and the council elects a new mayor and vice mayor as  
 381 provided by this charter.

382 4. Any person appointed to fill a vacant seat on the  
 383 council shall be required to meet the qualifications of the seat  
 384 to which he or she is appointed.

385 5. Notwithstanding any quorum requirements established  
 386 herein, if at any time the full membership of the council is  
 387 reduced to less than a quorum, the remaining members may, by  
 388 majority vote, appoint additional members to the extent  
 389 otherwise permitted or required under this subsection.

390 6. In the event that all the members of the council are  
 391 removed by death, disability, recall, forfeiture of office, or  
 392 resignation, or any combination thereof, the Governor shall  
 393 appoint interim council members who shall call a special  
 394 election within not less than 30 days or more than 60 days after  
 395 such appointment. Such election shall be held in the same  
 396 manner as the initial elections under this charter. However, if  
 397 there are fewer than 6 months remaining in the unexpired terms,  
 398 the interim council appointed by the Governor shall serve out  
 399 the unexpired terms. Appointees must meet all requirements for  
 400 candidates as provided in this charter.

401 (e) Compensation and expenses.--

402 1. Town council members shall be entitled to receive  
 403 reimbursement in accordance with Florida Statutes for authorized  
 404 travel and per diem expenses incurred in the performance of  
 405 their official duties.

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406       2. The town council, by not less than four affirmative  
 407 votes, may elect to provide for an increase in compensation by  
 408 ordinance. However, no such ordinance establishing or increasing  
 409 compensation shall take effect until the date of commencement of  
 410 the terms of council members elected at the next regular  
 411 election which follows the adoption of said ordinance.

412       Section 4. Administrative.--

413       (1) Designation of charter officers.--The town manager and  
 414 the town attorney are designated as charter officers, except  
 415 that the office of town attorney may be contracted to an  
 416 attorney or law firm.

417       (2) Appointment; removal; compensation; filling of  
 418 vacancies.--

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

422       (b) The charter officers shall be removed from office only  
 423 by a super majority vote of the full council. Upon demand by a  
 424 charter officer, a public hearing shall be held prior to such  
 425 removal.

426       (c) The compensation of the charter officers shall be  
 427 fixed by the town council through the approval of an acceptable  
 428 employment contract.

429       (d) The town council shall begin the process to fill a  
 430 vacancy in a charter office within 90 days of the vacancy. An  
 431 acting town manager or an acting town attorney may be appointed  
 432 by the council during a vacancy in such charter office.

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433 (e) A charter officer shall not be a member of the town  
 434 council or a candidate for town council while holding a charter  
 435 officer position.

436 (3) Town manager.--The town manager shall be the chief  
 437 administrative officer of the town.

438 (a) The town council shall appoint a town manager who  
 439 shall be the administrative head of the municipal government  
 440 under the direction and supervision of the town council. The  
 441 town manager shall hold office at the pleasure of the town  
 442 council. The town manager shall be appointed by resolution  
 443 approving an employment contract between the town and the town  
 444 manager. The town manager shall receive such compensation as  
 445 determined by the town council through the adoption of an  
 446 appropriate resolution.

447 (b) The town manager shall have the minimum qualifications  
 448 of a combination of a bachelor's degree in public  
 449 administration, business administration, or other related fields  
 450 from an accredited college or university and 3 years' public  
 451 administration experience or 6 years' experience in a city  
 452 manager or assistant city manager position, which is certified  
 453 by the International City Manager Association.

454 (c) The town manager shall possess a City Manager  
 455 Certification or obtain such certification within a period of 2  
 456 years after being appointed.

457 (d) During the absence or disability of the town manager,  
 458 the town council may by resolution designate some properly  
 459 qualified person to temporarily execute the functions of the  
 460 town manager. The person thus designated shall have the same  
 461 powers and duties as the town manager and shall be known while

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462 so serving as "acting town manager." The town manager or acting  
463 town manager may be removed by the town council at any time.

464 (e) As the chief administrative officer the town manager  
465 shall:

466 1. Direct and supervise the administration of all  
467 departments, offices, and agencies of the town, except the  
468 offices of town attorney, and except as otherwise provided by  
469 this charter or by law.

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

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

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

483 5. Attend meetings of the town council.

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

487 7. Sign all licenses issued by the town, issue receipts  
488 for all moneys paid to the town, and deposit said moneys in the  
489 proper depositories on the first banking day after receipt. The  
490 town manager may delegate the responsibilities of this

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491 subparagraph to an appropriate town employee who shall be  
 492 bonded.

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

495 9. Keep the council advised as to the financial condition  
 496 and future needs of the town and make recommendations to the  
 497 council concerning the affairs of the town.

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

501 11. Sign contracts on behalf of the town to the extent  
 502 authorized by ordinance.

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

505 (4) Town attorney.--

506 (a) The town attorney shall be employed under terms and  
 507 conditions deemed advisable by the town council, which may  
 508 include the appointment of a law firm.

509 (b) The town attorney shall have been admitted to practice  
 510 in the state for 5 years and having not less than 2 years'  
 511 experience in the practice of law for local government.

512 (c) The town attorney has sole discretion to appoint,  
 513 promote, suspend, demote, remove, or terminate deputy and  
 514 assistant town attorneys, subject to the town's annual budget.

515 (d) The town attorney shall perform the following  
 516 functions in addition to other functions as designated by the  
 517 town council:

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518 1. Serve as chief legal advisor to the town council, the  
 519 charter officers, and all town departments, offices, and  
 520 agencies.

521 2. Attend all regular and special town council meetings  
 522 unless excused by the town council, and shall perform such  
 523 professional duties as may be required by law or by the council  
 524 in furtherance of the law.

525 3. Approve all contracts, bonds, and other instruments in  
 526 which the town is concerned and shall endorse on each his or her  
 527 approval of the form and correctness thereof. No contract with  
 528 the town shall take effect until his or her approval is so  
 529 endorsed thereon.

530 4. When requested to do so by the council, prosecute and  
 531 defend on behalf of the town all complaints, suits, and  
 532 controversies in which the town is a party.

533 5. Perform such other professional duties as required of  
 534 him or her by resolution of the council or as prescribed for  
 535 municipal attorneys in the general laws of the state which are  
 536 not inconsistent with this charter.

537 6. Prepare an annual budget for the operation of the  
 538 office of the town attorney and shall submit this budget to the  
 539 town manager for inclusion in the annual town budget, in  
 540 accordance with uniform town procedures.

541 (5) Town clerk.--The town manager shall appoint a town  
 542 clerk or management firm to serve as town clerk (the "clerk").  
 543 The clerk shall give notice of council meetings to its members  
 544 and the public, shall keep minutes of its proceedings, and shall  
 545 perform such other duties as the council or town manager may

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546 prescribe from time to time. The clerk shall report to the town  
 547 manager.

548 (6) Expenditure of town funds.--No funds of the town shall  
 549 be expended except pursuant to duly approved appropriations or  
 550 for the payment of bonds, notes, or other indebtedness duly  
 551 authorized by the council and only from such funds so  
 552 authorized.

553 (7) Town boards and agencies.--Except as otherwise  
 554 provided by law, the council may establish or terminate such  
 555 boards and agencies as it may deem advisable from time to time.  
 556 The boards and agencies shall report to the council. Members of  
 557 boards and agencies shall be appointed by the council by  
 558 resolution.

559 Section 5. Legislative.--

560 (1) The council shall conduct regular meetings at such  
 561 times and places as the council shall prescribe by resolution.  
 562 Such meetings shall be public meetings within the meaning of  
 563 state law, and shall be subject to notice and other requirements  
 564 of law applicable to public meetings.

565 (2) Special meetings may be held at the call of the mayor  
 566 or, in his or her absence, at the call of the vice mayor.  
 567 Special meetings may also be called upon the request of a  
 568 majority of the council members. Unless of an emergency nature,  
 569 the person or persons calling such a meeting shall provide not  
 570 less than 72 hours' prior notice of the meeting to the public.

571 (3) All meetings shall be scheduled to commence no earlier  
 572 than 7 a.m. nor later than 10 p.m.

573 (4) The council shall determine its own rules and order of  
 574 business.

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575 (5) A majority of the full council shall constitute a  
 576 quorum.

577 (6) No action of the council shall be valid unless adopted  
 578 by an affirmative vote of the majority of the full council,  
 579 unless otherwise provided by law.

580 (7) Except as otherwise prescribed herein or as provided  
 581 by law, the legislative powers of the town shall be vested in  
 582 the council. The council shall provide for the exercise of its  
 583 powers and for the performance of all duties and obligations  
 584 imposed on the town by law.

585 (8) The council may establish such other departments as it  
 586 determines necessary for the efficient administration and  
 587 operation of the town. Such departments, offices, or agencies  
 588 shall be established by ordinance.

589 (9) The council may adopt any standard code of technical  
 590 regulations by reference thereto in an adopting ordinance and  
 591 may amend the code in the adopting ordinance or later amendatory  
 592 ordinance. The procedures and requirements governing such an  
 593 adopting ordinance shall be as prescribed for ordinances  
 594 generally, except that:

595 (a) Requirements regarding distribution and filing of  
 596 copies of the ordinance shall not be construed to require  
 597 distribution and filing of copies of the adopted code of  
 598 technical regulations.

599 (b) A copy of each adopted code of technical regulations,  
 600 as well as of the adopting ordinance, shall be authenticated and  
 601 recorded by the town clerk.

602 (10)(a) To meet a public emergency affecting life, health,  
 603 property, or the public peace, the council may adopt, in the

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604 manner provided by Florida Statutes, one or more emergency  
605 ordinances, but such ordinances may not enact or amend a land  
606 use plan or rezone private property; levy taxes; grant, renew,  
607 or extend any municipal franchise; set service or user charges  
608 for any municipal services; or authorize the borrowing of money,  
609 except as provided under the emergency appropriations provisions  
610 of this charter, if applicable. An emergency ordinance shall be  
611 introduced in the form and manner prescribed for ordinances  
612 generally, except that it shall be plainly designated in a  
613 preamble as an emergency ordinance and shall contain, after the  
614 enacting clause, a declaration stating that an emergency exists  
615 and describing it in clear and specific terms.

616 (b) Upon the affirmative vote of four council members, an  
617 emergency ordinance may be adopted with or without amendment or  
618 rejected at the meeting at which it is introduced. After its  
619 adoption, the ordinance shall be advertised and printed as  
620 prescribed for other ordinances.

621 (c) Emergency ordinances shall become effective upon  
622 adoption or at such other date as may be specified in the  
623 ordinance.

624 (d) Every emergency ordinance, except emergency  
625 appropriation ordinances, shall automatically be repealed as of  
626 the 61st day following its effective date, but this shall not  
627 prevent reenactment of the ordinance under regular procedures  
628 or, if the emergency still exists, in the manner specified in  
629 this section. An emergency ordinance may also be repealed by  
630 adoption of a repealing ordinance in the same manner specified  
631 in this section for adoption of emergency ordinances.

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632       (11) To meet a public emergency affecting life, health,  
633 property, or the public peace, the council, by resolution, may  
634 make emergency appropriations. To the extent that there are no  
635 unappropriated revenues to meet such appropriation, the council  
636 may by such emergency resolution authorize the issuance of  
637 emergency notes, which may be renewed from time to time, but the  
638 emergency notes and renewals in any fiscal year shall be paid  
639 not later than the last day of the fiscal year succeeding that  
640 in which the emergency appropriations were made.

641       (12) The council shall, in a properly indexed book kept  
642 for the purpose, provide for the authentication and recording in  
643 full of all minutes of meetings and all ordinances and  
644 resolutions adopted by the council, and the same shall at all  
645 times be a public record. The council shall further maintain a  
646 current codification of all ordinances. Such codification shall  
647 be printed and shall be made available for distribution to the  
648 public on a continuing basis. All ordinances or resolutions of  
649 the council shall be signed by all council members and attested  
650 to by the town clerk.

651       (13) No present or former elected town official shall hold  
652 any compensated appointive office or employment of the town  
653 while in office, nor shall any former council member be employed  
654 by the town until after the expiration of one year from the time  
655 of leaving office.

656       (14) Except for the purposes of inquiry and information,  
657 council members are expressly prohibited from interfering with  
658 the performance of the duties of any employee of the town  
659 government who is under the direct or indirect supervision of  
660 the town manager or town attorney. Such action shall be

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661 malfeasance within the meaning of sections 112.317 and 112.51,  
 662 Florida Statutes, as may be amended from time to time.  
 663 Recommendations for improvements in the town government  
 664 operations shall come through the town manager, but each member  
 665 of the council shall be free to discuss or recommend  
 666 improvements to the town manager, and the council is free to  
 667 direct the town manager to implement specific recommendations  
 668 for improvement in town government operations.

669 Section 6. Budget and appropriations.--

670 (1) The town shall have a fiscal year which shall begin on  
 671 the first day of October and shall end on the last day of  
 672 September of the following calendar year, unless otherwise  
 673 defined by Florida Statutes. Such fiscal year shall also  
 674 constitute the annual budget and accounting year.

675 (2) The council shall adopt a budget in accordance with  
 676 applicable Florida Statutes and any amendments thereto,  
 677 following a minimum of two public hearings on the proposed  
 678 budget. A resolution adopting the annual budget shall constitute  
 679 appropriation of the amounts specified therein as expenditures  
 680 from funds indicated.

681 (3) The budget shall not provide for expenditures in an  
 682 amount greater than the revenues budgeted.

683 (4)(a) Supplemental appropriations.--If, during the fiscal  
 684 year, revenues in excess of those estimated in the budget are  
 685 available for appropriation, the council by resolution may make  
 686 supplemental appropriations for the year in an amount not to  
 687 exceed such excess.

688 (b) Reduction of appropriations.--If, at any time during  
 689 the fiscal year, it appears probable to the town manager that

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690 the revenues available will be insufficient to meet the amount  
 691 appropriated, the town manager shall report to the council  
 692 without delay, indicating the estimated amount of the deficit,  
 693 any remedial action taken, and recommendations as to any other  
 694 steps that should be taken. The council shall then take such  
 695 further action as it deems necessary to prevent or minimize any  
 696 deficit and, for that purpose, the council may by resolution  
 697 reduce one or more appropriations accordingly.

698 (c) Limitations; effective date.--No appropriation for  
 699 debt service may be reduced or transferred, and no appropriation  
 700 may be reduced below any amount required by law to be  
 701 appropriated, or by more than the unencumbered balance thereof.  
 702 Other provisions of law to the contrary notwithstanding, the  
 703 supplemental and emergency appropriations and reduction or  
 704 transfer of appropriations authorized by this section may be  
 705 made effective immediately upon adoption.

706 (5)(a) Subject to the referendum requirements of the State  
 707 Constitution, if applicable, the town may from time to time  
 708 borrow money and issue bonds or other obligations or evidence of  
 709 indebtedness (collectively, "bonds") of any type or character  
 710 for any of the purposes for which the town is now or hereafter  
 711 authorized by law to borrow money, including to finance the cost  
 712 of any capital or other project and to refund any and all  
 713 previous issues of bonds at or prior to maturity. Such bonds may  
 714 be issued pursuant to one or more resolutions adopted by a  
 715 majority of the council.

716 (b) The town may assume all outstanding indebtedness  
 717 related to facilities it acquires from other units of local

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718 government and be liable for payment thereon in accordance with  
 719 its terms.

720 (6) Unless authorized by the electors of the town at a  
 721 duly held referendum election, the council shall not authorize  
 722 or allow to be authorized the issuance of revenue bonds or enter  
 723 into lease-purchase contracts or any other unfunded multiyear  
 724 contracts all for the purchase of real property or the  
 725 construction of any capital improvement, the repayment of which  
 726 extends in excess of 36 months, unless mandated by state or  
 727 federal governing agencies.

728 (7) The council shall provide for an independent annual  
 729 financial audit of all town accounts and may provide for more  
 730 frequent audits as it deems necessary. Such audits shall be made  
 731 by a certified public accountant or a firm of such accountants  
 732 who have no personal interest, direct or indirect, in the fiscal  
 733 affairs of the town government or in any of its officers.  
 734 Residency in the town shall not be construed as a prohibited  
 735 interest.

736 Section 7. Elections.--

737 (1) Electors.--Any person who is a resident of the town,  
 738 who has qualified as an elector of this state, and who registers  
 739 in the manner prescribed by law shall be an elector of the town.

740 (2) Nonpartisan elections.--All elections for the town  
 741 council members shall be conducted on a nonpartisan basis  
 742 without any designation of political party affiliation.

743 (3) Election dates.--A special election shall be held on  
 744 the second Tuesday in March 2006, and regular elections shall be  
 745 held on the second Tuesday in March of each election year,  
 746 provided as follows:

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747 (a) For the two council member seats that received the  
 748 highest number of votes in the March 2006 election, the next  
 749 election to fill the council member seats shall be held on the  
 750 second Tuesday in March after the first Monday in March in 2009,  
 751 and every 3 years thereafter.

752 (b) For the two council member seats that received the  
 753 next highest number of votes in the March 2006 election, the  
 754 next election to fill the council member seats shall be held on  
 755 the second Tuesday in March after the first Monday in March in  
 756 2008, and every 3 years thereafter.

757 (c) For the remaining council member seat, the next  
 758 election to fill the council member seat shall be held on the  
 759 second Tuesday in March after the first Monday in March in 2007,  
 760 and every 3 years thereafter.

761 (d) Such town elections shall be general town elections.

762 (4) Runoff elections.--In the event no candidate for an  
 763 office receives a majority of the votes cast for said office,  
 764 then the person receiving the largest number of votes cast will  
 765 be elected. In the event two candidates receive an equal number  
 766 of votes, a runoff election shall be held on the fourth Tuesday  
 767 in March.

768 (5) Town canvassing board.--The town canvassing board  
 769 shall be composed of those members of the town council who are  
 770 not candidates for reelection and the town clerk, who shall act  
 771 as chair. At the close of the polls of any town election, or as  
 772 soon thereafter as practicable, the canvassing board shall meet  
 773 at a time and place designated by the chair and shall proceed to  
 774 publicly canvass the vote as shown by the returns then on file  
 775 in the office of the town clerk, and then shall publicly canvass

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776 the absentee elector ballots. The canvassing board shall prepare  
 777 and sign a certificate containing the total number of votes cast  
 778 for each candidate or other measure voted upon. The certificate  
 779 shall be placed on file with the town clerk.

780 (6) Special elections.--Special municipal elections, when  
 781 required, shall be held in the same manner as regular elections,  
 782 except that the town council, by ordinance, shall fix the time  
 783 for holding such elections consistent with this charter and  
 784 state law.

785 (7) General election.--

786 (a) The ballot for the general election shall contain the  
 787 names of all qualified candidates for each respective council  
 788 member seat and shall instruct electors to cast one vote for  
 789 each council member seat, with a maximum of one vote per  
 790 candidate. The candidate for each council member seat receiving  
 791 the most votes shall be the duly elected council member for that  
 792 designated council member seat.

793 (b) No election for any council member seat shall be  
 794 required in any election if there is only one duly qualified  
 795 candidate for the council member seat.

796 (c) If more than one candidate for a designated council  
 797 member seat receive an equal and highest number of votes, then  
 798 the candidates for the office receiving the highest vote in the  
 799 general election shall run again in the runoff election.

800 (d) The candidate receiving the highest number of votes  
 801 cast for the designated council member seat in the runoff  
 802 election shall be elected to the designated council member seat.  
 803 If the vote at the runoff election results in a tie, the outcome  
 804 shall be determined by lot.

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805 (e) The term of office of any elected official shall  
 806 commence immediately after the election.

807 (f) All elected officers, before entering upon their  
 808 duties, shall take and subscribe to the following oath of  
 809 office:

810 I do solemnly swear (or affirm) that I will support, protect,  
 811 and defend the Constitution and Government of the United States  
 812 and of the state, and the charter of the Town of Loxahatchee  
 813 Groves; that I am duly qualified to hold office under the  
 814 Constitution of the State and the charter of the Town of  
 815 Loxahatchee Groves; and that I will well and faithfully perform  
 816 the duties of council member upon which I am now about to enter.

817 (g) The election laws of the state shall apply to all  
 818 elections.

819 (h) Any member of the town council may be removed from  
 820 office by the electors of the town following the procedures for  
 821 recall established by general law.

822 Section 8. Initiative and referendum.--

823 (1) Power to initiate and reconsider ordinances.--

824 (a) Initiative.--The electors of the town shall have the  
 825 power to propose ordinances to the town council and, if the town  
 826 council fails to adopt an ordinance so proposed without any  
 827 change in substance, to adopt or reject it at a town election,  
 828 provided that such power shall not extend to the annual budget  
 829 or capital program or any ordinance appropriating money, levying  
 830 taxes, or setting salaries of town officers or employees.

831 (b) Referendum.--

832 1. The town council shall have the power, by resolution,  
 833 to call for a referendum vote by the electors of the town at any

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834 time, provided that the purpose of such referendum is presented  
835 to the town at a public hearing at least 60 days prior to the  
836 adoption of said resolution. Any resolution calling for a  
837 referendum vote of the electors of the town must be passed by  
838 the affirmative vote of not less than four members of the  
839 council.

840 2. The electors of the town shall have the power to  
841 require reconsideration by the town council of any adopted  
842 ordinance and, if the town council fails to repeal an ordinance  
843 so reconsidered, to approve or reject it at a town election,  
844 provided that such power shall not extend to the annual budget  
845 or capital program or any ordinance appropriating money, levying  
846 taxes, or setting salaries of town officers or employees.

847 (2) Commencement of proceedings.--Any 10 electors may  
848 commence initiative or referendum proceedings by filing with the  
849 town clerk an affidavit stating that they shall constitute the  
850 petitioner's committee and be responsible for circulating the  
851 petition and filing it in proper form stating their names and  
852 addresses and specifying the address to which all notices to the  
853 committee are to be sent, and setting out in full the proposed  
854 initiative ordinance or citing the ordinance sought to be  
855 reconsidered. Promptly after the affidavit of the petitioner's  
856 committee is filed, the town clerk may, at the committee's  
857 request, issue the appropriate petition blanks to the  
858 petitioner's committee at the committee's expense.

859 (3) Petitions.--

860 (a) Initiative and referendum petitions must be signed by  
861 electors of the town equal in number to at least 10 percent of

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862 the total number of electors registered to vote in the last  
 863 regular town election.

864 (b) All papers of a petition shall be assembled as one  
 865 instrument of filing. Each signature shall be executed in ink  
 866 and shall be followed by the printed name and address of the  
 867 person signing. Petitions shall contain or have attached thereto  
 868 throughout their circulation the full text of the ordinance  
 869 proposed or sought to be reconsidered.

870 (c) Each paper of a petition shall have attached to it  
 871 when filed an affidavit executed by the circulator thereof  
 872 stating that he or she personally circulated the paper, the  
 873 number of signatures thereon, that all signatures were affixed  
 874 in his or her presence, that he or she believes them to be the  
 875 genuine signatures of the persons whose names they purport to  
 876 be, and that each signer had an opportunity before signing to  
 877 read the full text of the ordinance proposed or sought to be  
 878 reconsidered.

879 (d) Except as otherwise provided herein, all initiative  
 880 and referendum petitions must be filed within 60 days of the  
 881 date on which proceedings with respect to such initiative or  
 882 referendum are commenced, and all requirements of the process,  
 883 including, but not limited to, the submission of the signatures  
 884 required, must be completed no later than 90 days following the  
 885 date of filing said initiative or referendum petition.

886 (4) Procedure for filing.--

887 (a) Generally.--Within 20 days after an initiative  
 888 petition or a referendum petition is filed, the town clerk shall  
 889 complete a certificate as to its sufficiency, specifying, if it  
 890 is insufficient, the particulars wherein it is defective and

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891 shall promptly send a copy of the certificate to the  
 892 petitioner's committee by registered mail. Grounds for  
 893 insufficiency are only those specified herein that are not met.  
 894 A petition certified insufficient for lack of the required  
 895 number of valid signatures may be amended once if the  
 896 petitioner's committee files a notice of intent to amend it with  
 897 the designated official within 2 business days after receiving  
 898 the copy of the certificate and files a supplementary petition  
 899 upon additional papers within 10 days after receiving the copy  
 900 of such certificate. Such supplementary petition shall comply  
 901 with original petition requirements, and within 5 days after it  
 902 is filed, the town clerk shall complete a certificate as to the  
 903 sufficiency of the petition as amended and promptly send a copy  
 904 of such certificate to the petitioner's committee by registered  
 905 mail. If a petition or an amended petition is certified  
 906 sufficient, or if a petition or amended petition is certified  
 907 insufficient and the petitioner's committee does not elect to  
 908 amend or request the town council review within the time  
 909 required, the town clerk shall promptly present a certificate to  
 910 the town council and such certificate shall then be a final  
 911 determination as to the sufficiency of the petition.

912 (b) The town council review.--If a petition has been  
 913 certified insufficient and the petitioner's committee does not  
 914 file notice of intent to amend it or if an amended petition has  
 915 been certified insufficient, the committee may, within 2  
 916 business days after receiving the copy of such certificate, file  
 917 a request that it be reviewed by the town council. The town  
 918 council shall review the certificate at its next meeting  
 919 following the town council's filing of such request and approve

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920 or disapprove it, and determination shall then be final as to  
921 the sufficiency of the petition.

922 (5) Action on petitions.--

923 (a) Action by the town council.--When an initiative or  
924 referendum petition has been determined sufficient, the town  
925 council shall promptly consider the proposed initiative  
926 ordinance or reconsider the referendum ordinance by voting its  
927 repeal. If the town council fails to adopt a proposed initiative  
928 ordinance without any change in substance within 45 days or  
929 fails to repeal the referendum ordinance within 30 days after  
930 the date on which the petition is determined to be sufficient,  
931 it shall submit the proposed initiative or referendum ordinance  
932 to the electors of the town. If the town council fails to act on  
933 a proposed initiative ordinance or a referendum ordinance within  
934 the time period specified, the town council shall be deemed to  
935 have failed to adopt the proposed initiative ordinance or failed  
936 to repeal the referendum ordinance on the last day that the town  
937 council was authorized to act on such matter.

938 (b) Submission to electors.--The vote of the town on a  
939 proposed initiative or referendum ordinance shall be held not  
940 less than 30 or more than 60 days from the date the town council  
941 acted or was deemed to have acted pursuant to this charter that  
942 the petition was determined sufficient. If no regular election  
943 is to be held within the period described in this paragraph, the  
944 town council shall provide for a special election, except that  
945 the town council may, in its discretion, provide for a special  
946 election at an earlier date within the described period. Copies  
947 of the proposed initiative or referendum ordinance shall be made  
948 available at the polls.

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949 (c) Withdrawal of petitions.--An initiative or referendum  
 950 petition may be withdrawn at any time prior to the 15th day  
 951 preceding the day scheduled for a vote of the town by filing  
 952 with the town clerk a request for withdrawal signed by at least  
 953 eight members of the petitioner's committee. Upon the filing of  
 954 such request, the petition shall have no further force or effect  
 955 and all proceedings thereon shall be terminated.

956 (6) Results of election.--

957 (a) Initiative.--If a majority of the qualified electors  
 958 voting on a proposed initiative ordinance vote in its favor, it  
 959 shall be considered adopted upon certification of the election  
 960 results. If conflicting ordinances are approved at the same  
 961 election, the one receiving the greatest number of affirmative  
 962 votes shall prevail to the extent of such conflict.

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

966 Section 9. General provisions.--

967 (1) Severability.--If any section or part of any section  
 968 of this charter shall be held invalid by a court of competent  
 969 jurisdiction, such holding shall not affect the remainder of  
 970 this charter or the context in which such section or part of a  
 971 section so held invalid may appear, except to the extent that an  
 972 entire section or part of a section may be inseparably connected  
 973 in meaning and effect with the section or part of a section to  
 974 which such holding shall directly apply.

975 (2) Town personnel system.--All new employments,  
 976 appointments, and promotions of town officers and employees

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977 shall be made pursuant to personnel procedures to be established  
 978 by the town manager from time to time.

979 (3) Charitable contributions.--The town shall not make any  
 980 charitable contribution to any person or entity unless  
 981 authorized by the council.

982 (4) Variation of pronouns.--All pronouns and any  
 983 variations thereof used in this charter shall be deemed to refer  
 984 to masculine, feminine, neutral, singular, or plural as the  
 985 identity of the person or persons shall require and are not  
 986 intended to describe, interpret, define, or limit the scope,  
 987 extent, or intent of this charter.

988 (5) Calendar day.--For the purpose of this charter, a day  
 989 shall mean a calendar day.

990 (6) Charter review committee.--

991 (a) At its first regular meeting in March, 2011, and every  
 992 10th year thereafter, the town council may appoint a charter  
 993 review committee consisting of fifteen individuals, who are not  
 994 members of the town council, to serve in an advisory capacity to  
 995 the city council.

996 (b) Each council member shall recommend and nominate three  
 997 individuals to serve on the committee as regular members, which  
 998 appointments shall be approved by a majority vote of the city  
 999 council. Individuals appointed to the charter review committee  
 1000 shall be citizens of the Town of Loxahatchee Groves.

1001 (c) The charter review committee shall appoint its own  
 1002 chair and vice chair and adopt its own rules and procedures.

1003 (d) The town clerk and the town attorney shall advise the  
 1004 town council in advance of the date when such appointments may  
 1005 be made.

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1006 (e) If appointed, the charter review committee shall  
 1007 commence its proceedings within 30 days after the committee is  
 1008 appointed by the town council. The committee shall review the  
 1009 charter and provide input to the town council to modernize and  
 1010 improve the charter. The public shall be given an opportunity to  
 1011 speak and participate at charter review committee meetings in  
 1012 accordance with the rules of the charter review committee.

1013 (f) All recommendations by the charter review committee  
 1014 shall be forwarded to the town council in ordinance form for  
 1015 consideration not later than the 1st day of March of the year  
 1016 following the appointment of the charter review committee, and  
 1017 in sufficient time for any recommendations to be considered by  
 1018 the town council as provided herein.

1019 (g) The town council shall consider the recommendations of  
 1020 the Charter review committee at the regular meeting in November  
 1021 and the regular meeting in December of the year following  
 1022 appointment of the charter review committee.

1023 (7) Charter amendments.--This charter may be amended in  
 1024 accordance with the provisions for charter amendments as  
 1025 specified in Florida Statutes or its successor, or as may  
 1026 otherwise be provided by general law. The form, content, and  
 1027 certification of any petition to amend shall be established by  
 1028 ordinance.

1029 (8) Initiation by petition.--The electors of the town may  
 1030 propose amendments to this charter by petition to be submitted  
 1031 to the council to be placed before the electors, as provided by  
 1032 general law.

1033 (9) Standards of conduct.--All elected officials and  
 1034 employees of the town shall be subject to the standards of

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1035 conduct for public officers and employees set by general law. In  
 1036 addition, the town council shall, no later than 6 months from  
 1037 the effective date of incorporation, establish by ordinance a  
 1038 code of ethics for officials and employees of the town which may  
 1039 be supplemental to general law, but in no case may such an  
 1040 ordinance diminish the provisions of general law. The intent of  
 1041 this provision of the charter is to require more stringent  
 1042 standards than those provided under general law.

1043 (10) Land use, referendum required.--Pursuant to section  
 1044 163.3167(12), Florida Statutes, changes to the town's future  
 1045 land use map that increase allowable densities or intensities  
 1046 for more than 5 parcels of land shall require approval by a vote  
 1047 of the town electors in a referendum election called and held as  
 1048 provided by law. The procedures for the placement of such  
 1049 questions before the voters shall be adopted by ordinance by the  
 1050 town council.

1051 (11) Rezoning; referendum required.--Pursuant to section  
 1052 163.3167(12), Florida Statutes, ordinances amending the town's  
 1053 applicable zoning designations that provide for an increase in  
 1054 the allowable densities or intensities on more than 5 parcels of  
 1055 land shall require approval by vote of the town electors in a  
 1056 referendum election called and held as provided by law. The  
 1057 procedures for the placement of such questions before the voters  
 1058 shall be adopted by ordinance by the town council.

1059 (12) For purposes of the town's charter, a parcel is  
 1060 defined as the smallest buildable lot as provided by the town's  
 1061 code of ordinances and applicable land development regulations.

1062 Section 10. Transition schedule.--

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1063       (1) Referendum.--The referendum election called for by  
 1064       this act shall be held on November 8, 2005, at which time the  
 1065       following question shall be placed upon the ballot:  
 1066       "Shall the creation of the Town of Loxahatchee Groves and its  
 1067       charter be approved?"

1068  
 1069       Yes

1070  
 1071       No

1072  
 1073       In the event this question is answered affirmatively by a  
 1074       majority of voters voting in the referendum, the provisions of  
 1075       this charter will take effect as provided in this act.

1076       (2) Initial election of council members.--

1077       (a) Dates.--Following the adoption of this charter as  
 1078       provided herein, the Palm Beach County Commission shall call a  
 1079       special election for the election of the five town council  
 1080       members to be held on March 14, 2006. Candidates for the  
 1081       election shall qualify for seat 1, seat 2, seat 3, seat 4, and  
 1082       seat 5. The candidate receiving the highest number of votes for  
 1083       that seat shall be elected. If more than one candidate for a  
 1084       designated council member seat receives an equal and highest  
 1085       number of votes, then the candidates receiving the highest votes  
 1086       in the general election shall run again in the runoff election  
 1087       which shall be held on March 28, 2006.

1088       (b) Any individual who wishes to run for one of the five  
 1089       initial seats on the council shall qualify as a candidate with  
 1090       the Palm Beach County Supervisor of Elections in accordance with  
 1091       the provisions of this charter and general law.

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1092 (c) The Palm Beach County Commission shall appoint a  
 1093 canvassing board which shall certify the results of the  
 1094 election.

1095 (d) Those candidates who are elected on March 14, 2006,  
 1096 and March 28, 2006, shall take office at the initial town  
 1097 council meeting, which shall be held at 7 p.m. on March 30,  
 1098 2006.

1099 (3) Creation and establishment of town.--For the purpose  
 1100 of compliance with section 200.066, Florida Statutes, relating  
 1101 to assessment and collection of ad valorem taxes, the town is  
 1102 hereby created and established effective December 31, 2005,  
 1103 notwithstanding anything to the contrary contained herein, the  
 1104 town although created and established as of December 31, 2005,  
 1105 shall not be operational until March 30, 2006.

1106 (4) First year expenses.--The town council, in order to  
 1107 provide moneys for the expenses and support of the town, shall  
 1108 have the power to borrow money necessary for the operation of  
 1109 town government until such time as a budget is adopted and  
 1110 revenues are raised in accordance with the provisions of this  
 1111 charter.

1112 (5) Transitional ordinances and resolutions.--The town  
 1113 council shall adopt ordinances and resolutions required to  
 1114 effect the transition. Ordinances adopted within 60 days after  
 1115 the first council meeting may be passed as emergency ordinances.  
 1116 These transitional ordinances, passed as emergency ordinances,  
 1117 shall be effective for no longer than 90 days after adoption and  
 1118 thereafter may be readopted, renewed, or otherwise continued  
 1119 only in the manner normally prescribed for ordinances.

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1120 (6) Transitional comprehensive plan and land development  
 1121 regulations.--

1122 (a) Until such time as the town adopts a comprehensive  
 1123 plan, Palm Beach County Future Land Use Map, the Palm Beach  
 1124 County Zoning Map, and all other applicable provisions  
 1125 applicable to the Town of Loxahatchee Groves, of the  
 1126 Comprehensive Plan and Land Development Regulations of Palm  
 1127 Beach County, as the same exists on the day the town commences  
 1128 corporate existence, shall remain in effect as the town's  
 1129 transitional comprehensive plan and land development  
 1130 regulations. However, all planning functions, duties, and  
 1131 authority shall thereafter be vested in the Town Council of  
 1132 Loxahatchee Groves which shall also be deemed the local planning  
 1133 agency until the council establishes a separate local planning  
 1134 agency.

1135 (b) Upon this act becoming a law, no changes in the future  
 1136 land use map or the zoning districts within the boundaries of  
 1137 the town shall be considered for alteration, amendment, or other  
 1138 modification in any way until such time as the town adopts  
 1139 appropriate procedures as referenced in section 9.

1140 (c) All powers and duties of the planning commission,  
 1141 zoning authority, any boards of adjustment, and the County  
 1142 Commission of Palm Beach County, as set forth in these  
 1143 transitional zoning and land use regulations, shall be vested in  
 1144 the Town Council of Loxahatchee Groves until such time as the  
 1145 town council delegates all or a portion thereof to another  
 1146 entity.

1147 (d) Subsequent to the passage of this act, as referenced  
 1148 in section 6, no amendment of the comprehensive plan or land

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1149 development regulations enacted by the Palm Beach County  
 1150 Commission shall be deemed as an amendment of the town's  
 1151 transitional comprehensive plan or land development regulations  
 1152 or otherwise take effect within the town's corporate limits  
 1153 except in accordance with the requirements, and upon adoption of  
 1154 the procedures specified in section 9.

1155 (7) State shared revenues.--The Town of Loxahatchee Groves  
 1156 shall be entitled to participate in all shared revenue programs  
 1157 of the state effective immediately on the date of incorporation.  
 1158 The provisions of section 218.23(1), Florida Statutes, shall be  
 1159 waived for the purpose of eligibility to receive revenue sharing  
 1160 funds from the date of incorporation through the state fiscal  
 1161 year 2006-2007. Initial population estimates for calculating  
 1162 eligibility for shared revenues shall be determined by the  
 1163 University of Florida Bureau of Economic and Business Research.  
 1164 Should the bureau be unable to provide an appropriate population  
 1165 estimate, the Palm Beach County Planning Division estimate  
 1166 should be utilized.

1167 (8) Gas tax revenues.--The Town of Loxahatchee Groves  
 1168 shall be entitled to receive local option gas tax revenues  
 1169 beginning October 1, 2006. This specifically includes the  
 1170 relevant statutorily referenced interlocal agreements.

1171 Section 11. Continuation, merger, and dissolution of  
 1172 existing districts and service providers.--

1173 (1) Palm Beach County Fire Rescue Municipal Service Taxing  
 1174 Unit; continuation.--Notwithstanding the incorporation of the  
 1175 Town of Loxahatchee Groves, that portion of the Palm Beach  
 1176 County Fire Rescue Municipal Service Taxing Unit, a special  
 1177 taxing district created by the Palm Beach County Commission that

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1178 lies within the boundaries of the Town of Loxahatchee Groves, is  
 1179 authorized to continue in existence until the town adopts an  
 1180 ordinance to the contrary. However, the town shall not establish  
 1181 a town fire department without a referendum.

1182 (2) Law enforcement.--Law enforcement services will be  
 1183 provided by contract with the Palm Beach County Sheriff's  
 1184 Office, or contracted with other law enforcement agencies, until  
 1185 the town adopts an ordinance to the contrary; provided that the  
 1186 town shall not establish a town police department without a  
 1187 referendum.

1188 (3) Palm Beach County Library District;  
 1189 continuation.--Notwithstanding the incorporation of the Town of  
 1190 Loxahatchee Groves, that portion of the Palm Beach County  
 1191 Library District, a dependent district of Palm Beach County  
 1192 created by chapter 2000-405, Laws of Florida, that lies within  
 1193 the boundaries of the Town of Loxahatchee Groves, is authorized  
 1194 but not required to continue in existence; provided that in  
 1195 order to be excluded from the library district, the Town of  
 1196 Loxahatchee Groves shall establish a municipal tax-funded  
 1197 library.

1198 (4) Palm Beach County Municipal Service Taxing Unit  
 1199 B.--That portion of Palm Beach County Municipal Service Taxing  
 1200 Unit B, a dependent district of Palm Beach County created by the  
 1201 Palm Beach Commission that lies within the boundaries of the  
 1202 Town of Loxahatchee Groves, shall cease to exist within the  
 1203 municipal boundaries of the Town of Loxahatchee Groves on  
 1204 September 30, 2006.

1205 (5) Palm Beach County Municipal Service Taxing Unit  
 1206 F.--That portion of Palm Beach County Municipal Service Taxing

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1207 Unit F, a dependent district of Palm Beach County created by the  
 1208 Palm Beach County Commission that lies within the boundaries of  
 1209 the Town of Loxahatchee Groves, shall cease to exist within the  
 1210 municipal boundaries of the Town of Loxahatchee Groves on  
 1211 September 30, 2006.

1212 (6) Loxahatchee Groves Water Control District;  
 1213 continuation.--Notwithstanding the incorporation of the Town of  
 1214 Loxahatchee Groves, the Loxahatchee Groves Water Control  
 1215 District, an independent special district created pursuant to  
 1216 the laws of the state, is authorized to continue in existence.

1217 (7) Loxahatchee Groves Park;  
 1218 continuation.--Notwithstanding the incorporation of the Town of  
 1219 Loxahatchee Groves, the Loxahatchee Groves Park will continue to  
 1220 be operated by the Palm Beach County Department of Parks and  
 1221 Recreation, in accordance with existing Palm Beach County  
 1222 standards. All planned improvements to the park shall be  
 1223 subject to approval of the Town of Loxahatchee Groves, and are  
 1224 the responsibility of Palm Beach County. Nothing contained  
 1225 herein shall prevent Palm Beach County and the Town of  
 1226 Loxahatchee Groves from entering into an interlocal agreement  
 1227 related to maintenance, planned improvements, sale, or transfer  
 1228 of the park.

1229 Section 12. Funding for comprehensive planning.--The  
 1230 Legislature shall appropriate \$100,000 for the purposes of  
 1231 development and adoption of the Comprehensive Plan for the Town  
 1232 of Loxahatchee Groves in accordance with chapter 163, Florida  
 1233 Statutes.

1234 Section 13. Repeal of previous legislation.--Effective  
 1235 upon the approval of a majority of electors of the referendum

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1236 enacting this legislation, section 6 of section 2 of chapter 99-  
 1237 425, Laws of Florida, is repealed.

1238 Section 14. Request for waivers.--The thresholds  
 1239 established by section 165.061, Florida Statutes, for  
 1240 incorporation have been met with the following exceptions:

1241 (1) A waiver is granted to provisions of section  
 1242 165.061(1)(b), Florida Statutes, relating to minimum population  
 1243 requirements of 5,000, due to the rural character of the Town of  
 1244 Loxahatchee Groves.

1245 (2) A waiver is granted to provisions of section  
 1246 165.061(1)(c), Florida Statutes, relating to the minimum density  
 1247 of population of 1.5 persons per acre, to protect the historic,  
 1248 rural and agricultural character of the Town of Loxahatchee  
 1249 Groves from surrounding development pressure.

1250 (3) A waiver is granted to provisions of section  
 1251 165.061(1)(d), Florida Statutes, relating to the minimum  
 1252 distance of 2 miles from the Town of Loxahatchee Groves to an  
 1253 existing municipality, due to the marked difference in character  
 1254 between the Town of Loxahatchee Groves, a historic and rural  
 1255 community, and surrounding communities with significantly  
 1256 greater density and urban characteristics.

1257 Section 15. This act shall only take effect upon approval  
 1258 by a majority of those qualified electors residing within the  
 1259 proposed corporate limits of the proposed Town of Loxahatchee  
 1260 Groves as described in section 1, voting in a referendum  
 1261 election to be called by the Board of County Commissioners of  
 1262 Palm Beach County and to be held on November 8, 2005, in  
 1263 accordance with the provisions relating to elections currently  
 1264 in force, except that:

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1265 (1) Section 10(1) and (6)(b) and this section shall take  
 1266 effect upon this act becoming a law.

1267 (2) If a majority of the qualified voters voting do not  
 1268 approve this act, then this act shall not take effect.

1269 (3) If approved by a majority of the qualified voters  
 1270 voting, then this act and charter shall take effect immediately  
 1271 upon certification of the election results by the Palm Beach  
 1272 County Supervisor of Elections.