

CHAMBER ACTION

1 The Local Government Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Palm Beach County; creating the Town of  
7 Loxahatchee Groves; providing a charter; establishing the  
8 Town of Loxahatchee Groves; providing legislative intent;  
9 providing a council-manager form of government; providing  
10 municipal boundaries and municipal powers; providing for  
11 election of a town council; providing for membership,  
12 qualifications, terms, powers, and duties of its members,  
13 including the mayor; providing for a vice mayor; providing  
14 general powers and duties; providing circumstances  
15 resulting in vacancy in office; providing grounds for  
16 forfeiture and suspension; providing for filling of  
17 vacancies; providing for compensation and expenses;  
18 providing for appointment of charter officers, including a  
19 town manager and town attorney; providing for removal,  
20 compensation, and filling of vacancies; providing  
21 qualifications, powers, and duties; providing for  
22 meetings; providing for adoption, distribution, and  
23 recording of technical codes; providing for keeping of

24 records; providing a limitation upon employment of council  
 25 members; prohibiting certain interference with town  
 26 employees which shall constitute malfeasance in office;  
 27 establishing the fiscal year; providing for adoption of  
 28 annual budget and appropriation; providing amendments for  
 29 supplemental, reduction, and transfer of appropriations;  
 30 providing for limitations; providing for referendum  
 31 requirements for revenue bonds and other multi-year  
 32 contracts; providing for financial audit; providing for  
 33 nonpartisan elections and for matters relative thereto;  
 34 providing for recall; providing for initiative and  
 35 referenda; providing for future amendments of the charter;  
 36 providing for standards of conduct in office; providing  
 37 for severability; providing for a personnel system;  
 38 providing for charitable contributions; providing for land  
 39 use changes; providing the town a transitional schedule  
 40 and procedures for first election; providing for first-  
 41 year expenses; providing for adoption of transitional  
 42 ordinances, resolutions, comprehensive plan, and local  
 43 development regulations; providing for accelerated  
 44 entitlement to state-shared revenues; providing for gas  
 45 tax revenue; providing for continuation of the Palm Beach  
 46 County Fire Rescue Municipal Service Taxing Unit;  
 47 providing for law enforcement; providing for continuation  
 48 of the Palm Beach County Library District; providing for  
 49 dissolution of the Palm Beach County Municipal Service  
 50 Taxing Unit B and dissolution of the Palm Beach County  
 51 Municipal Service Taxing Unit F; providing for

HB 1339

2005  
CS

52 continuation of the Loxahatchee Groves Water Control  
 53 District; providing for continuation of Loxahatchee Groves  
 54 Park; repealing section 6 of section 2 of chapter 99-425,  
 55 Law of Florida; providing for waivers; requiring a  
 56 referendum; providing effective dates.

57

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

59

60 Section 1. Corporate existence; form of government;  
 61 boundary and powers.--

62 (1) Corporate existence.--

63 (a) Pursuant to the referendum held on November 8, 2005,  
 64 there is hereby created, pursuant to the Florida Constitution,  
 65 effective December 31, 2005, in Palm Beach County, a new  
 66 municipality to be known as the Town of Loxahatchee Groves, (the  
 67 "town"), a rural community.

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

78 (c) It is in the best interests of the public health,  
 79 safety, and welfare of the residents of the Loxahatchee Groves

HB 1339

2005  
CS

80 area to form a separate municipality for the Loxahatchee Groves  
 81 area with all the powers and authority necessary to provide  
 82 adequate and efficient municipal services to its residents.

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

89 (e) It is the intent of this charter and the incorporation  
 90 of the Loxahatchee Groves community to secure the benefits of  
 91 self-determination and affirm the values of representative  
 92 democracy, citizen participation, strong community leadership,  
 93 professional management, and regional cooperation.

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

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

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

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

109  
 110        That portion of Loxahatchee Sub-Drainage District,  
 111 Township 43 South, Range 41 East and Range 40 East,  
 112 Palm Beach County, Florida, being more particularly  
 113 described as follows:  
 114 Beginning at the Northwest corner of Section Eighteen  
 115 (18) in Township Forty-three (43) South, Range Forty-  
 116 one (41) East, Palm Beach County, Florida, and run  
 117 thence along the North line of Section Eighteen (18)  
 118 and Seventeen (17) of said Township to the Northeast  
 119 corner of Section Seventeen (17) in said Township and  
 120 Range; thence run South along the Eastern boundary of  
 121 Section Seventeen (17) to the Southeast corner of said  
 122 Section;  
 123 Thence run East along the Northern boundary of Section  
 124 Twenty-one (21) and of Section Twenty-two (22) to the  
 125 Northeast corner of the Northwest quarter of the said  
 126 Section Twenty-two (22); Thence run South along the  
 127 East line of the Northwest quarter of said Section  
 128 Twenty-two (22) to the Southeast corner of said  
 129 Northwest quarter of said Section; Thence run West  
 130 along the South line of the Southeast quarter of  
 131 Northwest quarter of said Section Twenty-two (22) to  
 132 the Southwest corner of said Southeast quarter of  
 133 Northwest quarter of said Section; Thence run South

134 along the East line of the West half of the Southwest  
 135 quarter of Section Twenty-two (22) and of the West  
 136 half of West half of Section Twenty-seven (27) and of  
 137 the West half of West half of Section Thirty-four (34)  
 138 to the North Right of Way line of State Road 80, in  
 139 Section Thirty-four (34); Thence West along the  
 140 Northern edge of the North Right of Way line of State  
 141 Road 80, across the West half of West half of Section  
 142 Thirty-four (34) and across Section Thirty-three (33),  
 143 Thirty-two (32), and Thirty-one (31) in said Township  
 144 to the point where the range line dividing ranges  
 145 Forty (40) and Forty-one (41) East intersects said  
 146 North Right of Way line of State Road 80;  
 147 Thence North along the West line of Sections Thirty-  
 148 one (31), Thirty (30), Nineteen (19) and Eighteen (18)  
 149 to the Point of Beginning, embracing approximately Six  
 150 Thousand Nine Hundred Thirty five and 56/100  
 151 (6,935.56) acres.  
 152 Said lands lying within the above described boundary  
 153 lines are described more particularly as follow, to  
 154 wit:  
 155 All of Section Seventeen (17), Eighteen (18), Nineteen  
 156 (19), Twenty (20), and Twenty-one (21) and the  
 157 Northwest quarter and West half of Southwest quarter  
 158 of Section Twenty-two (22); and West half of West half  
 159 of Section Twenty-seven (27); and all Section Twenty-  
 160 eight (28), Twenty-nine (29) and Thirty (30) and all  
 161 of Section Thirty-one (31) North of North Right of Way

162 line of State Road 80; and all of Section Thirty-three  
 163 (32) North of North Right of Way line of State Road  
 164 80; and all of Section Thirty-three (33) North of  
 165 North Right of Way line of State Road 80; and all of  
 166 the West half of West half of Section Thirty-four (34)  
 167 North of North Right of Way line of State Road 80; all  
 168 in Township Forty-three (43) South Range Forty-one  
 169 (41) East, all of said lands being situate in Palm  
 170 Beach County, State of Florida, according to the  
 171 United States official surveys of said lands.  
 172 TOGETHER WITH  
 173 The South 1/2 of Sections 7 and 8, T43S, R41E.  
 174 The South 1/2 of the East 1/4 of Section 12, The East  
 175 1/4 of Sections 13, 24, 25, T43S, R40E, and that part  
 176 of the East 1/4 of Section 36, T43S, R40E, lying North  
 177 of the North Right of Way of S.R. 80, all in Palm  
 178 Beach County, Florida, containing 1320 acres, more or  
 179 less.  
 180 LESS AND EXCEPT The All or Nothing Legislation Parcel  
 181 as described in Senate Bill No. 2616, Laws of Florida,  
 182 Chapter 99-425, formerly known as The Palms West  
 183 Hospital property  
 184 A parcel bounded by Southern Boulevard (S.R. 80) on  
 185 the South, the Southern boundary of the drainage/road  
 186 Right of Way known as collecting canal on the North,  
 187 Folsom/Crestwood of the East, and the Western boundary  
 188 of The All or Nothing Legislation Parcel as described  
 189 in Senate Bill No. 2616, Laws of Florida, Chapter 99-

190        425 on the west, said parcel being more particularly  
 191        described as follows:  
 192        A parcel of land located in the County of Palm Beach,  
 193        State of Florida, to wit:  
 194        The point of beginning being the intersection of the  
 195        Easterly line of Lot 4, Block K, Loxahatchee District,  
 196        according to the plat thereof on file in the Office of  
 197        the Clerk of the Circuit Court recorded in Plat Book  
 198        7, Page 81, of the Public Records of Palm Beach  
 199        County, Florida, and the Southerly boundary of the  
 200        "Collecting Canal" as shown on the Replat of  
 201        Loxahatchee Groves Subdivision according to the Plat  
 202        thereof, recorded in Plat Book 12, Page 29, of the  
 203        Public Records of Palm Beach County, Florida; Thence  
 204        Easterly along said Southerly boundary of the  
 205        "Collecting Canal" to the Easterly boundary of said  
 206        Replat of Loxahatchee Groves; Thence South along said  
 207        Easterly boundary line of the Replat of Loxahatchee  
 208        Groves to the North Right of Way line of State Road  
 209        80; Thence Westerly along said Northerly Right of Way  
 210        line of State Road 80 to the Easterly line of Lot 4,  
 211        Block K, Loxahatchee District;  
 212        Thence Northerly along said Easterly line of Lot 4 to  
 213        the Point of Beginning, and  
 214        A portion of Lot 4, Block "K," Loxahatchee District  
 215        subdivision, according to the map or plat thereof as  
 216        recorded in Plat Book 7, page 81, public records, Palm



217 Beach County, Florida, being more particularly described as  
 218 follows:

219 Commencing at the northeast corner of said lot 4; thence,  
 220 south 02°16'42" west, along the east line of said lot 4, a  
 221 distance of 834.00 feet for a point of beginning.  
 222 Thence, continue south 02°16'42" west along said east line,  
 223 a distance of 1221.92 feet, more or less, to the  
 224 intersection thereof with the north right-of-way line of  
 225 State Road No. 80 as recorded in official records book  
 226 12372, page 468, said public records; thence, north  
 227 88°08'61" west, departing said east line and along said  
 228 north right-of-way line, a distance of 260.20 feet; thence,  
 229 north 02°16'46" east, departing said right-of-way line, a  
 230 distance of 80.00 feet; thence, north 88°08'51" west, a  
 231 distance of 248.59 feet; thence, north 02°16'46" east, a  
 232 distance of 321.11; thence, north 88°08'51" west, a  
 233 distance of 275.01 feet, more or less, to the intersection  
 234 thereof with the west line of said lot 4; thence, north  
 235 02°16'46" east, along said west line, a distance of 806.33  
 236 feet; thence, south 89°12'21" east, departing said west  
 237 line and along the south line of the north 834.00 feet of  
 238 said lot 4, as measured along the east and west lines of  
 239 said lot 4, a distance of 784.02 feet to the point of  
 240 beginning.

241 Containing: 18.867 acres, more or less.

242  
 243 (4) Municipal powers.--The town shall be a body corporate  
 244 and politic and shall have all available governmental,

HB 1339

2005  
CS

245 corporate, and proprietary powers of a municipality under the  
 246 State Constitution and laws of the state, as fully and  
 247 completely as though such powers were specifically enumerated in  
 248 this charter, and may exercise them, except when prohibited by  
 249 law. Through the adoption of this charter, it is the intent of  
 250 the electors of the town that the municipal government  
 251 established herein have the broadest exercise of home rule  
 252 powers permitted under the State Constitution and laws of the  
 253 state. This charter and the powers of the town shall be  
 254 construed liberally in favor of the town. It is recognized that  
 255 certain services within the municipal boundaries are provided by  
 256 independent special districts created by special acts of the  
 257 Legislature and by Palm Beach County.

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

259 (1) Town council.--There shall be a five-member town  
 260 council ("council") vested with all legislative powers of the  
 261 town, consisting of five members ("council members"), each  
 262 elected from and representing the town at large. Council members  
 263 shall occupy seats numbered 1 through 5. Unless otherwise stated  
 264 within this charter, all charter powers shall be exercised by  
 265 the council.

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

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

272        (b) In addition to carrying out the regular duties as a  
 273 council member, the mayor shall preside at the meetings of the  
 274 council and shall be recognized as the head of town government  
 275 for service of process, ceremonial matters, and the signature or  
 276 execution of ordinances, contracts, deeds, bonds, and other  
 277 instruments and documents and for purposes of military law. The  
 278 mayor shall also serve as the ceremonial head of the town and  
 279 the town official designated to represent the town when dealing  
 280 with other entities. The mayor shall have no administrative  
 281 duties other than those necessary to accomplish these actions,  
 282 or such other actions as may be authorized by the town council,  
 283 consistent with general or special law.

284        (3) The vice mayor.--

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

290        (b) The vice mayor shall serve as acting mayor during the  
 291 absence or disability of the mayor. In the absence of the mayor  
 292 and the vice mayor, the remaining council members shall select a  
 293 council member to serve as acting mayor.

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

295        (1) Each council member shall be elected at large for a 3-  
 296 year term by the electors of the town in the manner provided  
 297 herein. Council members shall be sworn into office at the first  
 298 regularly scheduled meeting following their election. Each

HB 1339

2005  
CS

299 council member shall remain in office until his or her successor  
 300 is elected and assumes the duties of the position.

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

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

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

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

315 (c) Each candidate for council member shall have  
 316 maintained his or her domicile within the boundaries of the town  
 317 for a period of 1 year prior to qualifying for election and, if  
 318 elected, shall maintain such residency throughout his or her  
 319 term of office.

320 (d) Any resident of the town who wishes to become a  
 321 candidate for a council member seat shall qualify with the town  
 322 clerk no sooner than noon on the last Tuesday in January, nor  
 323 later than noon on the first Tuesday in February, of the year in  
 324 which the election is to be held.

325 (4)(a) Vacancies.--A vacancy in the office of mayor, vice  
 326 mayor, or any council member shall occur upon the death of the

HB 1339

2005  
CS

327 incumbent, removal from office as authorized by law,  
 328 resignation, appointment to other public office which creates  
 329 dual office holding, judicially determined incompetent, or  
 330 forfeiture of office as described herein.

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

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

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

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

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

349 5. Is absent from 3 consecutive regular council meetings  
 350 without good cause, or for any other reason established in this  
 351 charter.

352  
 353 The council shall be the sole judge of the qualifications of its  
 354 members and shall hear all questions relating to forfeiture of a

HB 1339

2005  
CS

355 council member's office, including whether or not good cause for  
356 absence has been or may be established. The burden of  
357 establishing good cause shall be on the council member in  
358 question; however, any council member may at any time during any  
359 duly held meeting move to establish good cause for his or her  
360 absence or the absence of any other commission member from any  
361 past, present, or future meeting or meetings, which motion, if  
362 carried, shall be conclusive. A council member whose  
363 qualifications are in question or who is otherwise subject to  
364 forfeiture of his or her office shall not vote on any such  
365 matters. The council member in question shall be entitled to a  
366 public hearing on request regarding an alleged forfeiture of  
367 office. If a public hearing is requested, notice thereof shall  
368 be published in one or more newspapers of general circulation in  
369 the town at least 1 week in advance of the hearing. Any final  
370 determination by the council that a council member has forfeited  
371 his or her office shall be made by resolution. All votes and  
372 other acts of the council member in question prior to the  
373 effective date of such resolution shall be valid regardless of  
374 the grounds of forfeiture.

375 (c) Suspension from office.--Any council member shall be  
376 suspended from office upon return of an indictment or issuance  
377 of any information charging the council member with any crime  
378 which is punishable as a felony or with any crime arising out of  
379 his or her official duties which is punishable as a first degree  
380 misdemeanor. Pursuant thereto:

HB 1339

2005  
CS

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

384 2. If the council member is subsequently found not guilty  
 385 of the charge, or if the charge is otherwise dismissed, reduced,  
 386 or altered in such a manner that suspension would no longer be  
 387 required as provided herein, the suspension shall be lifted and  
 388 the council member shall be entitled to receive full back pay  
 389 and such other emoluments or allowances as he or she would have  
 390 been entitled to had the suspension not occurred.

391 (d) Filling of vacancies.--

392 1. If any vacancy occurs in the office of any council  
 393 member and the remainder of the council member's unexpired term  
 394 is less than 1 year and 81 days, the remaining council members  
 395 shall, within 30 days following the occurrence of such vacancy,  
 396 by majority vote, appoint a person to fill the council member  
 397 vacancy for the remainder of the unexpired term.

398 2. If any vacancy occurs in the office of any council  
 399 member and the remainder of the unexpired term is equal to or  
 400 exceeds 1 year and 81 days, the remaining council members shall,  
 401 within 30 days following the occurrence of such vacancy, by  
 402 majority vote, appoint a person to fill the vacancy until the  
 403 next regularly scheduled town election, at which time an  
 404 election shall be held to fill the vacant council member seat.

405 3. If a vacancy occurs in the office of mayor and less  
 406 than 120 days remain in the term of the council member who was  
 407 elected mayor, then the vice mayor shall serve as mayor until a  
 408 new mayor is elected by the council and assumes the duties of

HB 1339

2005  
CS

409 his or her office. If a vacancy occurs in the office of mayor  
 410 and 120 days or more remain in the term of the mayor, then the  
 411 vice mayor shall serve as mayor until a new council member is  
 412 elected, and the council elects a new mayor and vice mayor as  
 413 provided by this charter.

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

417 5. Notwithstanding any quorum requirements established  
 418 herein, if at any time the full membership of the council is  
 419 reduced to less than a quorum, the remaining members may, by  
 420 majority vote, appoint additional members to the extent  
 421 otherwise permitted or required under this subsection.

422 6. In the event that all the members of the council are  
 423 removed by death, disability, recall, forfeiture of office, or  
 424 resignation, or any combination thereof, the Governor shall  
 425 appoint interim council members who shall call a special  
 426 election within not less than 30 days or more than 60 days after  
 427 such appointment. Such election shall be held in the same manner  
 428 as the initial elections under this charter. However, if there  
 429 are fewer than 6 months remaining in the unexpired terms, the  
 430 interim council appointed by the Governor shall serve out the  
 431 unexpired terms. Appointees must meet all requirements for  
 432 candidates as provided in this charter.

433 (e) Compensation and expenses.--

434 1. Town council members shall be entitled to receive  
 435 reimbursement in accordance with Florida Statutes for authorized



436 travel and per diem expenses incurred in the performance of  
 437 their official duties.

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

444 Section 4. Administrative.--

445 (1) Designation of charter officers.--The town manager and  
 446 the town attorney are designated as charter officers, except  
 447 that the office of town attorney may be contracted to an  
 448 attorney or law firm.

449 (2) Appointment; removal; compensation; filling of  
 450 vacancies.--

451 (a) The charter officers shall be appointed by a majority  
 452 vote of the full council and shall serve at the pleasure of the  
 453 council.

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

458 (c) The compensation of the charter officers shall be  
 459 fixed by the town council through the approval of an acceptable  
 460 employment contract.

461 (d) The town council shall begin the process to fill a  
 462 vacancy in a charter office within 90 days of the vacancy. An

HB 1339

2005  
CS

463 acting town manager or an acting town attorney may be appointed  
 464 by the council during a vacancy in such charter office.

465 (e) A charter officer shall not be a member of the town  
 466 council or a candidate for town council while holding a charter  
 467 officer position.

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

470 (a) The town council shall appoint a town manager who  
 471 shall be the administrative head of the municipal government  
 472 under the direction and supervision of the town council. The  
 473 town manager shall hold office at the pleasure of the town  
 474 council. The town manager shall be appointed by resolution  
 475 approving an employment contract between the town and the town  
 476 manager. The town manager shall receive such compensation as  
 477 determined by the town council through the adoption of an  
 478 appropriate resolution.

479 (b) The town manager shall have the minimum qualifications  
 480 of a combination of a bachelor's degree in public  
 481 administration, business administration, or other related fields  
 482 from an accredited college or university and 3 years' public  
 483 administration experience or 6 years' experience in a city  
 484 manager or assistant city manager position, which is certified  
 485 by the International City Manager Association.

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

489 (d) During the absence or disability of the town manager,  
 490 the town council may by resolution designate some properly

491 qualified person to temporarily execute the functions of the  
 492 town manager. The person thus designated shall have the same  
 493 powers and duties as the town manager and shall be known while  
 494 so serving as "acting town manager." The town manager or acting  
 495 town manager may be removed by the town council at any time.

496 (e) As the chief administrative officer the town manager  
 497 shall:

498 1. Direct and supervise the administration of all  
 499 departments, offices, and agencies of the town, except the  
 500 offices of town attorney, and except as otherwise provided by  
 501 this charter or by law.

502 2. Appoint, suspend, or remove any employee of the town or  
 503 appointive administrative officer provided for, by, or under  
 504 this charter, except the office of town attorney, and except as  
 505 may otherwise be provided by law, this charter, or personnel  
 506 rules adopted pursuant to the charter. The town manager may  
 507 authorize any administrative officer who is subject to his or  
 508 her direction and supervision to exercise these powers with  
 509 respect to subordinates in that officer's department, office, or  
 510 agency.

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

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

515 5. Attend meetings of the town council.

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

519        7. Sign all licenses issued by the town, issue receipts  
 520 for all moneys paid to the town, and deposit said moneys in the  
 521 proper depositories on the first banking day after receipt. The  
 522 town manager may delegate the responsibilities of this  
 523 subparagraph to an appropriate town employee who shall be  
 524 bonded.

525        8. Provide administrative services in support of the  
 526 official duties of the mayor and the council.

527        9. Keep the council advised as to the financial condition  
 528 and future needs of the town and make recommendations to the  
 529 council concerning the affairs of the town.

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

533        11. Sign contracts on behalf of the town to the extent  
 534 authorized by ordinance.

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

537        (4) Town attorney.--

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

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

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

HB 1339

2005  
CS

547       (d) The town attorney shall perform the following  
 548 functions in addition to other functions as designated by the  
 549 town council:

550       1. Serve as chief legal advisor to the town council, the  
 551 charter officers, and all town departments, offices, and  
 552 agencies.

553       2. Attend all regular and special town council meetings  
 554 unless excused by the town council, and shall perform such  
 555 professional duties as may be required by law or by the council  
 556 in furtherance of the law.

557       3. Approve all contracts, bonds, and other instruments in  
 558 which the town is concerned and shall endorse on each his or her  
 559 approval of the form and correctness thereof. No contract with  
 560 the town shall take effect until his or her approval is so  
 561 endorsed thereon.

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

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

569       6. Prepare an annual budget for the operation of the  
 570 office of the town attorney and shall submit this budget to the  
 571 town manager for inclusion in the annual town budget, in  
 572 accordance with uniform town procedures.

573       (5) Town clerk.--The town manager shall appoint a town  
 574 clerk or management firm to serve as town clerk (the "clerk").

HB 1339

2005  
CS

575 The clerk shall give notice of council meetings to its members  
 576 and the public, shall keep minutes of its proceedings, and shall  
 577 perform such other duties as the council or town manager may  
 578 prescribe from time to time. The clerk shall report to the town  
 579 manager.

580 (6) Expenditure of town funds.--No funds of the town shall  
 581 be expended except pursuant to duly approved appropriations or  
 582 for the payment of bonds, notes, or other indebtedness duly  
 583 authorized by the council and only from such funds so  
 584 authorized.

585 (7) Town boards and agencies.--Except as otherwise  
 586 provided by law, the council may establish or terminate such  
 587 boards and agencies as it may deem advisable from time to time.  
 588 The boards and agencies shall report to the council. Members of  
 589 boards and agencies shall be appointed by the council by  
 590 resolution.

591 Section 5. Legislative.--

592 (1) The council shall conduct regular meetings at such  
 593 times and places as the council shall prescribe by resolution.  
 594 Such meetings shall be public meetings within the meaning of  
 595 state law, and shall be subject to notice and other requirements  
 596 of law applicable to public meetings.

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

HB 1339

2005  
CS

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

605       (4) The council shall determine its own rules and order of  
606 business.

607       (5) A majority of the full council shall constitute a  
608 quorum.

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

612       (7) Except as otherwise prescribed herein or as provided  
613 by law, the legislative powers of the town shall be vested in  
614 the council. The council shall provide for the exercise of its  
615 powers and for the performance of all duties and obligations  
616 imposed on the town by law.

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

621       (9) The council may adopt any standard code of technical  
622 regulations by reference thereto in an adopting ordinance and  
623 may amend the code in the adopting ordinance or later amendatory  
624 ordinance. The procedures and requirements governing such an  
625 adopting ordinance shall be as prescribed for ordinances  
626 generally, except that:

627       (a) Requirements regarding distribution and filing of  
628 copies of the ordinance shall not be construed to require  
629 distribution and filing of copies of the adopted code of  
630 technical regulations.

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

634       (10)(a) To meet a public emergency affecting life, health,  
 635 property, or the public peace, the council may adopt, in the  
 636 manner provided by Florida Statutes, one or more emergency  
 637 ordinances, but such ordinances may not enact or amend a land  
 638 use plan or rezone private property; levy taxes; grant, renew,  
 639 or extend any municipal franchise; set service or user charges  
 640 for any municipal services; or authorize the borrowing of money,  
 641 except as provided under the emergency appropriations provisions  
 642 of this charter, if applicable. An emergency ordinance shall be  
 643 introduced in the form and manner prescribed for ordinances  
 644 generally, except that it shall be plainly designated in a  
 645 preamble as an emergency ordinance and shall contain, after the  
 646 enacting clause, a declaration stating that an emergency exists  
 647 and describing it in clear and specific terms.

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

653       (c) Emergency ordinances shall become effective upon  
 654 adoption or at such other date as may be specified in the  
 655 ordinance.

656       (d) Every emergency ordinance, except emergency  
 657 appropriation ordinances, shall automatically be repealed as of  
 658 the 61st day following its effective date, but this shall not



HB 1339

2005  
CS

659 prevent reenactment of the ordinance under regular procedures  
 660 or, if the emergency still exists, in the manner specified in  
 661 this section. An emergency ordinance may also be repealed by  
 662 adoption of a repealing ordinance in the same manner specified  
 663 in this section for adoption of emergency ordinances.

664 (11) To meet a public emergency affecting life, health,  
 665 property, or the public peace, the council, by resolution, may  
 666 make emergency appropriations. To the extent that there are no  
 667 unappropriated revenues to meet such appropriation, the council  
 668 may by such emergency resolution authorize the issuance of  
 669 emergency notes, which may be renewed from time to time, but the  
 670 emergency notes and renewals in any fiscal year shall be paid  
 671 not later than the last day of the fiscal year succeeding that  
 672 in which the emergency appropriations were made.

673 (12) The council shall, in a properly indexed book kept  
 674 for the purpose, provide for the authentication and recording in  
 675 full of all minutes of meetings and all ordinances and  
 676 resolutions adopted by the council, and the same shall at all  
 677 times be a public record. The council shall further maintain a  
 678 current codification of all ordinances. Such codification shall  
 679 be printed and shall be made available for distribution to the  
 680 public on a continuing basis. All ordinances or resolutions of  
 681 the council shall be signed by all council members and attested  
 682 to by the town clerk.

683 (13) No present or former elected town official shall hold  
 684 any compensated appointive office or employment of the town  
 685 while in office, nor shall any former council member be employed

686 by the town until after the expiration of one year from the time  
 687 of leaving office.

688 (14) Except for the purposes of inquiry and information,  
 689 council members are expressly prohibited from interfering with  
 690 the performance of the duties of any employee of the town  
 691 government who is under the direct or indirect supervision of  
 692 the town manager or town attorney. Such action shall be  
 693 malfeasance within the meaning of sections 112.317 and 112.51,  
 694 Florida Statutes, as may be amended from time to time.  
 695 Recommendations for improvements in the town government  
 696 operations shall come through the town manager, but each member  
 697 of the council shall be free to discuss or recommend  
 698 improvements to the town manager, and the council is free to  
 699 direct the town manager to implement specific recommendations  
 700 for improvement in town government operations.

701 Section 6. Budget and appropriations.--

702 (1) The town shall have a fiscal year which shall begin on  
 703 the first day of October and shall end on the last day of  
 704 September of the following calendar year, unless otherwise  
 705 defined by Florida Statutes. Such fiscal year shall also  
 706 constitute the annual budget and accounting year.

707 (2) The council shall adopt a budget in accordance with  
 708 applicable Florida Statutes and any amendments thereto,  
 709 following a minimum of two public hearings on the proposed  
 710 budget. A resolution adopting the annual budget shall constitute  
 711 appropriation of the amounts specified therein as expenditures  
 712 from funds indicated.

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

715       (4)(a) Supplemental appropriations.--If, during the fiscal  
 716 year, revenues in excess of those estimated in the budget are  
 717 available for appropriation, the council by resolution may make  
 718 supplemental appropriations for the year in an amount not to  
 719 exceed such excess.

720       (b) Reduction of appropriations.--If, at any time during  
 721 the fiscal year, it appears probable to the town manager that  
 722 the revenues available will be insufficient to meet the amount  
 723 appropriated, the town manager shall report to the council  
 724 without delay, indicating the estimated amount of the deficit,  
 725 any remedial action taken, and recommendations as to any other  
 726 steps that should be taken. The council shall then take such  
 727 further action as it deems necessary to prevent or minimize any  
 728 deficit and, for that purpose, the council may by resolution  
 729 reduce one or more appropriations accordingly.

730       (c) Limitations; effective date.--No appropriation for  
 731 debt service may be reduced or transferred, and no appropriation  
 732 may be reduced below any amount required by law to be  
 733 appropriated, or by more than the unencumbered balance thereof.  
 734 Other provisions of law to the contrary notwithstanding, the  
 735 supplemental and emergency appropriations and reduction or  
 736 transfer of appropriations authorized by this section may be  
 737 made effective immediately upon adoption.

738       (5)(a) Subject to the referendum requirements of the State  
 739 Constitution, if applicable, the town may from time to time  
 740 borrow money and issue bonds or other obligations or evidence of

HB 1339

2005  
CS

741 indebtedness (collectively, "bonds") of any type or character  
 742 for any of the purposes for which the town is now or hereafter  
 743 authorized by law to borrow money, including to finance the cost  
 744 of any capital or other project and to refund any and all  
 745 previous issues of bonds at or prior to maturity. Such bonds may  
 746 be issued pursuant to one or more resolutions adopted by a  
 747 majority of the council.

748 (b) The town may assume all outstanding indebtedness  
 749 related to facilities it acquires from other units of local  
 750 government and be liable for payment thereon in accordance with  
 751 its terms.

752 (6) Unless authorized by the electors of the town at a  
 753 duly held referendum election, the council shall not authorize  
 754 or allow to be authorized the issuance of revenue bonds or enter  
 755 into lease-purchase contracts or any other unfunded multiyear  
 756 contracts all for the purchase of real property or the  
 757 construction of any capital improvement, the repayment of which  
 758 extends in excess of 36 months, unless mandated by state or  
 759 federal governing agencies.

760 (7) The council shall provide for an independent annual  
 761 financial audit of all town accounts and may provide for more  
 762 frequent audits as it deems necessary. Such audits shall be made  
 763 by a certified public accountant or a firm of such accountants  
 764 who have no personal interest, direct or indirect, in the fiscal  
 765 affairs of the town government or in any of its officers.

766 Residency in the town shall not be construed as a prohibited  
 767 interest.

768 Section 7. Elections.--

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

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

775        (3) Election dates.--A special election shall be held on  
 776 the second Tuesday in March 2006, and regular elections shall be  
 777 held on the second Tuesday in March of each election year,  
 778 provided as follows:

779        (a) For the two council member seats that received the  
 780 highest number of votes in the March 2006 election, the next  
 781 election to fill the council member seats shall be held on the  
 782 second Tuesday in March after the first Monday in March in 2009,  
 783 and every 3 years thereafter.

784        (b) For the two council member seats that received the  
 785 next highest number of votes in the March 2006 election, the  
 786 next election to fill the council member seats shall be held on  
 787 the second Tuesday in March after the first Monday in March in  
 788 2008, and every 3 years thereafter.

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

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

794        (4) Runoff elections.--In the event no candidate for an  
 795 office receives a majority of the votes cast for said office,  
 796 then the person receiving the largest number of votes cast will

797 be elected. In the event two candidates receive an equal number  
 798 of votes, a runoff election shall be held on the fourth Tuesday  
 799 in March.

800 (5) Town canvassing board.--The town canvassing board  
 801 shall be composed of those members of the town council who are  
 802 not candidates for reelection and the town clerk, who shall act  
 803 as chair. At the close of the polls of any town election, or as  
 804 soon thereafter as practicable, the canvassing board shall meet  
 805 at a time and place designated by the chair and shall proceed to  
 806 publicly canvass the vote as shown by the returns then on file  
 807 in the office of the town clerk, and then shall publicly canvass  
 808 the absentee elector ballots. The canvassing board shall prepare  
 809 and sign a certificate containing the total number of votes cast  
 810 for each candidate or other measure voted upon. The certificate  
 811 shall be placed on file with the town clerk.

812 (6) Special elections.--Special municipal elections, when  
 813 required, shall be held in the same manner as regular elections,  
 814 except that the town council, by ordinance, shall fix the time  
 815 for holding such elections consistent with this charter and  
 816 state law.

817 (7) General election.--

818 (a) The ballot for the general election shall contain the  
 819 names of all qualified candidates for each respective council  
 820 member seat and shall instruct electors to cast one vote for  
 821 each council member seat, with a maximum of one vote per  
 822 candidate. The candidate for each council member seat receiving  
 823 the most votes shall be the duly elected council member for that  
 824 designated council member seat.

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

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

832       (d) The candidate receiving the highest number of votes  
 833 cast for the designated council member seat in the runoff  
 834 election shall be elected to the designated council member seat.  
 835 If the vote at the runoff election results in a tie, the outcome  
 836 shall be determined by lot.

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

839       (f) All elected officers, before entering upon their  
 840 duties, shall take and subscribe to the following oath of  
 841 office:

842  
 843 I do solemnly swear (or affirm) that I will support, protect,  
 844 and defend the Constitution and Government of the United States  
 845 and of the state, and the charter of the Town of Loxahatchee  
 846 Groves; that I am duly qualified to hold office under the  
 847 Constitution of the State and the charter of the Town of  
 848 Loxahatchee Groves; and that I will well and faithfully perform  
 849 the duties of council member upon which I am now about to enter.

850  
 851       (g) The election laws of the state shall apply to all  
 852 elections.

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

856        Section 8. Initiative and referendum.--

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

858        (a) Initiative.--The electors of the town shall have the  
 859 power to propose ordinances to the town council and, if the town  
 860 council fails to adopt an ordinance so proposed without any  
 861 change in substance, to adopt or reject it at a town election,  
 862 provided that such power shall not extend to the annual budget  
 863 or capital program or any ordinance appropriating money, levying  
 864 taxes, or setting salaries of town officers or employees.

865        (b) Referendum.--

866        1. The town council shall have the power, by resolution,  
 867 to call for a referendum vote by the electors of the town at any  
 868 time, provided that the purpose of such referendum is presented  
 869 to the town at a public hearing at least 60 days prior to the  
 870 adoption of said resolution. Any resolution calling for a  
 871 referendum vote of the electors of the town must be passed by  
 872 the affirmative vote of not less than four members of the  
 873 council.

874        2. The electors of the town shall have the power to  
 875 require reconsideration by the town council of any adopted  
 876 ordinance and, if the town council fails to repeal an ordinance  
 877 so reconsidered, to approve or reject it at a town election,  
 878 provided that such power shall not extend to the annual budget  
 879 or capital program or any ordinance appropriating money, levying  
 880 taxes, or setting salaries of town officers or employees.



HB 1339

2005  
CS

881       (2) Commencement of proceedings.--Any 10 electors may  
882 commence initiative or referendum proceedings by filing with the  
883 town clerk an affidavit stating that they shall constitute the  
884 petitioner's committee and be responsible for circulating the  
885 petition and filing it in proper form stating their names and  
886 addresses and specifying the address to which all notices to the  
887 committee are to be sent, and setting out in full the proposed  
888 initiative ordinance or citing the ordinance sought to be  
889 reconsidered. Promptly after the affidavit of the petitioner's  
890 committee is filed, the town clerk may, at the committee's  
891 request, issue the appropriate petition blanks to the  
892 petitioner's committee at the committee's expense.

893       (3) Petitions.--

894       (a) Initiative and referendum petitions must be signed by  
895 electors of the town equal in number to at least 10 percent of  
896 the total number of electors registered to vote in the last  
897 regular town election.

898       (b) All papers of a petition shall be assembled as one  
899 instrument of filing. Each signature shall be executed in ink  
900 and shall be followed by the printed name and address of the  
901 person signing. Petitions shall contain or have attached thereto  
902 throughout their circulation the full text of the ordinance  
903 proposed or sought to be reconsidered.

904       (c) Each paper of a petition shall have attached to it  
905 when filed an affidavit executed by the circulator thereof  
906 stating that he or she personally circulated the paper, the  
907 number of signatures thereon, that all signatures were affixed  
908 in his or her presence, that he or she believes them to be the

HB 1339

2005  
CS

909 genuine signatures of the persons whose names they purport to  
 910 be, and that each signer had an opportunity before signing to  
 911 read the full text of the ordinance proposed or sought to be  
 912 reconsidered.

913 (d) Except as otherwise provided herein, all initiative  
 914 and referendum petitions must be filed within 60 days of the  
 915 date on which proceedings with respect to such initiative or  
 916 referendum are commenced, and all requirements of the process,  
 917 including, but not limited to, the submission of the signatures  
 918 required, must be completed no later than 90 days following the  
 919 date of filing said initiative or referendum petition.

920 (4) Procedure for filing.--

921 (a) Generally.--Within 20 days after an initiative  
 922 petition or a referendum petition is filed, the town clerk shall  
 923 complete a certificate as to its sufficiency, specifying, if it  
 924 is insufficient, the particulars wherein it is defective and  
 925 shall promptly send a copy of the certificate to the  
 926 petitioner's committee by registered mail. Grounds for  
 927 insufficiency are only those specified herein that are not met.  
 928 A petition certified insufficient for lack of the required  
 929 number of valid signatures may be amended once if the  
 930 petitioner's committee files a notice of intent to amend it with  
 931 the designated official within 2 business days after receiving  
 932 the copy of the certificate and files a supplementary petition  
 933 upon additional papers within 10 days after receiving the copy  
 934 of such certificate. Such supplementary petition shall comply  
 935 with original petition requirements, and within 5 days after it  
 936 is filed, the town clerk shall complete a certificate as to the

HB 1339

2005  
CS

937 sufficiency of the petition as amended and promptly send a copy  
 938 of such certificate to the petitioner's committee by registered  
 939 mail. If a petition or an amended petition is certified  
 940 sufficient, or if a petition or amended petition is certified  
 941 insufficient and the petitioner's committee does not elect to  
 942 amend or request the town council review within the time  
 943 required, the town clerk shall promptly present a certificate to  
 944 the town council and such certificate shall then be a final  
 945 determination as to the sufficiency of the petition.

946 (b) The town council review.--If a petition has been  
 947 certified insufficient and the petitioner's committee does not  
 948 file notice of intent to amend it or if an amended petition has  
 949 been certified insufficient, the committee may, within 2  
 950 business days after receiving the copy of such certificate, file  
 951 a request that it be reviewed by the town council. The town  
 952 council shall review the certificate at its next meeting  
 953 following the town council's filing of such request and approve  
 954 or disapprove it, and determination shall then be final as to  
 955 the sufficiency of the petition.

956 (5) Action on petitions.--

957 (a) Action by the town council.--When an initiative or  
 958 referendum petition has been determined sufficient, the town  
 959 council shall promptly consider the proposed initiative  
 960 ordinance or reconsider the referendum ordinance by voting its  
 961 repeal. If the town council fails to adopt a proposed initiative  
 962 ordinance without any change in substance within 45 days or  
 963 fails to repeal the referendum ordinance within 30 days after  
 964 the date on which the petition is determined to be sufficient,

965 it shall submit the proposed initiative or referendum ordinance  
 966 to the electors of the town. If the town council fails to act on  
 967 a proposed initiative ordinance or a referendum ordinance within  
 968 the time period specified, the town council shall be deemed to  
 969 have failed to adopt the proposed initiative ordinance or failed  
 970 to repeal the referendum ordinance on the last day that the town  
 971 council was authorized to act on such matter.

972 (b) Submission to electors.--The vote of the town on a  
 973 proposed initiative or referendum ordinance shall be held not  
 974 less than 30 or more than 60 days from the date the town council  
 975 acted or was deemed to have acted pursuant to this charter that  
 976 the petition was determined sufficient. If no regular election  
 977 is to be held within the period described in this paragraph, the  
 978 town council shall provide for a special election, except that  
 979 the town council may, in its discretion, provide for a special  
 980 election at an earlier date within the described period. Copies  
 981 of the proposed initiative or referendum ordinance shall be made  
 982 available at the polls.

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

990 (6) Results of election.--

991 (a) Initiative.--If a majority of the qualified electors  
 992 voting on a proposed initiative ordinance vote in its favor, it

HB 1339

2005  
CS

993 shall be considered adopted upon certification of the election  
 994 results. If conflicting ordinances are approved at the same  
 995 election, the one receiving the greatest number of affirmative  
 996 votes shall prevail to the extent of such conflict.

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

1000 Section 9. General provisions.--

1001 (1) Severability.--If any section or part of any section  
 1002 of this charter shall be held invalid by a court of competent  
 1003 jurisdiction, such holding shall not affect the remainder of  
 1004 this charter or the context in which such section or part of a  
 1005 section so held invalid may appear, except to the extent that an  
 1006 entire section or part of a section may be inseparably connected  
 1007 in meaning and effect with the section or part of a section to  
 1008 which such holding shall directly apply.

1009 (2) Town personnel system.--All new employments,  
 1010 appointments, and promotions of town officers and employees  
 1011 shall be made pursuant to personnel procedures to be established  
 1012 by the town manager from time to time.

1013 (3) Charitable contributions.--The town shall not make any  
 1014 charitable contribution to any person or entity unless  
 1015 authorized by the council.

1016 (4) Variation of pronouns.--All pronouns and any  
 1017 variations thereof used in this charter shall be deemed to refer  
 1018 to masculine, feminine, neutral, singular, or plural as the  
 1019 identity of the person or persons shall require and are not

HB 1339

2005  
CS

1020 intended to describe, interpret, define, or limit the scope,  
 1021 extent, or intent of this charter.

1022 (5) Calendar day.--For the purpose of this charter, a day  
 1023 shall mean a calendar day.

1024 (6) Charter review committee.--

1025 (a) At its first regular meeting in March, 2011, and every  
 1026 10th year thereafter, the town council may appoint a charter  
 1027 review committee consisting of fifteen individuals, who are not  
 1028 members of the town council, to serve in an advisory capacity to  
 1029 the town council.

1030 (b) Each council member shall recommend and nominate three  
 1031 individuals to serve on the committee as regular members, which  
 1032 appointments shall be approved by a majority vote of the town  
 1033 council. Individuals appointed to the charter review committee  
 1034 shall be citizens of the Town of Loxahatchee Groves.

1035 (c) The charter review committee shall appoint its own  
 1036 chair and vice chair and adopt its own rules and procedures.

1037 (d) The town clerk and the town attorney shall advise the  
 1038 town council in advance of the date when such appointments may  
 1039 be made.

1040 (e) If appointed, the charter review committee shall  
 1041 commence its proceedings within 30 days after the committee is  
 1042 appointed by the town council. The committee shall review the  
 1043 charter and provide input to the town council to modernize and  
 1044 improve the charter. The public shall be given an opportunity to  
 1045 speak and participate at charter review committee meetings in  
 1046 accordance with the rules of the charter review committee.

HB 1339

2005  
CS

1047       (f) All recommendations by the charter review committee  
 1048 shall be forwarded to the town council in ordinance form for  
 1049 consideration not later than the 1st day of March of the year  
 1050 following the appointment of the charter review committee, and  
 1051 in sufficient time for any recommendations to be considered by  
 1052 the town council as provided herein.

1053       (g) The town council shall consider the recommendations of  
 1054 the Charter review committee at the regular meeting in November  
 1055 and the regular meeting in December of the year following  
 1056 appointment of the charter review committee.

1057       (7) Charter amendments.--This charter may be amended in  
 1058 accordance with the provisions for charter amendments as  
 1059 specified in Florida Statutes or its successor, or as may  
 1060 otherwise be provided by general law. The form, content, and  
 1061 certification of any petition to amend shall be established by  
 1062 ordinance.

1063       (8) Initiation by petition.--The electors of the town may  
 1064 propose amendments to this charter by petition to be submitted  
 1065 to the council to be placed before the electors, as provided by  
 1066 general law.

1067       (9) Standards of conduct.--All elected officials and  
 1068 employees of the town shall be subject to the standards of  
 1069 conduct for public officers and employees set by general law. In  
 1070 addition, the town council shall, no later than 6 months from  
 1071 the effective date of incorporation, establish by ordinance a  
 1072 code of ethics for officials and employees of the town which may  
 1073 be supplemental to general law, but in no case may such an  
 1074 ordinance diminish the provisions of general law. The intent of

HB 1339

2005  
CS

1075 this provision of the charter is to require more stringent  
 1076 standards than those provided under general law.

1077 (10) Land use, rezoning.--Any change to the town's future  
 1078 land use map or any change to the zoning designation for any  
 1079 parcel within the town shall require the affirmative vote of no  
 1080 less than four members of the town council.

1081 Section 10. Transition schedule.--

1082 (1) Referendum.--The referendum election called for by  
 1083 this act shall be held on November 8, 2005, at which time the  
 1084 following question shall be placed upon the ballot:  
 1085 "Shall the creation of the Town of Loxahatchee Groves and its  
 1086 charter be approved?"

1087  
 1088 Yes

1089  
 1090 No

1091  
 1092 In the event this question is answered affirmatively by a  
 1093 majority of voters voting in the referendum, the provisions of  
 1094 this charter will take effect as provided in section 1(1)(a).

1095 (2) Initial election of council members.--

1096 (a) Dates.--Following the adoption of this charter as  
 1097 provided herein, the Palm Beach County Commission shall call a  
 1098 special election for the election of the five town council  
 1099 members to be held on March 14, 2006. Candidates for the  
 1100 election shall qualify for seat 1, seat 2, seat 3, seat 4, and  
 1101 seat 5. The candidate receiving the highest number of votes for  
 1102 that seat shall be elected. If more than one candidate for a



HB 1339

2005  
CS

1103 designated council member seat receives an equal and highest  
 1104 number of votes, then the candidates receiving the highest votes  
 1105 in the general election shall run again in the runoff election  
 1106 which shall be held on March 28, 2006.

1107 (b) Any individual who wishes to run for one of the five  
 1108 initial seats on the council shall qualify as a candidate with  
 1109 the Palm Beach County Supervisor of Elections in accordance with  
 1110 the provisions of this charter and general law.

1111 (c) The Palm Beach County Commission shall appoint a  
 1112 canvassing board which shall certify the results of the  
 1113 election.

1114 (d) Those candidates who are elected on March 14, 2006,  
 1115 and March 28, 2006, shall take office at the initial town  
 1116 council meeting, which shall be held at 7 p.m. on March 30,  
 1117 2006.

1118 (3) Creation and establishment of town.--For the purpose  
 1119 of compliance with section 200.066, Florida Statutes, relating  
 1120 to assessment and collection of ad valorem taxes, the town is  
 1121 hereby created and established effective December 31, 2005,  
 1122 notwithstanding anything to the contrary contained herein, the  
 1123 town although created and established as of December 31, 2005,  
 1124 shall not be operational until March 30, 2006.

1125 (4) First year expenses.--The town council, in order to  
 1126 provide moneys for the expenses and support of the town, shall  
 1127 have the power to borrow money necessary for the operation of  
 1128 town government until such time as a budget is adopted and  
 1129 revenues are raised in accordance with the provisions of this  
 1130 charter.

HB 1339

2005  
CS

1131       (5) Transitional ordinances and resolutions.--The town  
 1132 council shall adopt ordinances and resolutions required to  
 1133 effect the transition. Ordinances adopted within 60 days after  
 1134 the first council meeting may be passed as emergency ordinances.  
 1135 These transitional ordinances, passed as emergency ordinances,  
 1136 shall be effective for no longer than 90 days after adoption and  
 1137 thereafter may be readopted, renewed, or otherwise continued  
 1138 only in the manner normally prescribed for ordinances.

1139       (6) Transitional comprehensive plan and land development  
 1140 regulations.--

1141       (a) Until such time as the town adopts a comprehensive  
 1142 plan, Palm Beach County Future Land Use Map, the Palm Beach  
 1143 County Zoning Map, and all other applicable provisions  
 1144 applicable to the Town of Loxahatchee Groves, of the  
 1145 Comprehensive Plan and Land Development Regulations of Palm  
 1146 Beach County, as the same exists on the day the town commences  
 1147 corporate existence, shall remain in effect as the town's  
 1148 transitional comprehensive plan and land development  
 1149 regulations. However, all planning functions, duties, and  
 1150 authority shall thereafter be vested in the Town Council of  
 1151 Loxahatchee Groves which shall also be deemed the local planning  
 1152 agency until the council establishes a separate local planning  
 1153 agency.

1154       (b) Upon this act becoming a law, no changes in the future  
 1155 land use map or the zoning districts within the boundaries of  
 1156 the town shall be considered for alteration, amendment, or other  
 1157 modification in any way until such time as the town adopts  
 1158 appropriate procedures as referenced in this act.

HB 1339

2005  
CS

1159        (c) All powers and duties of the planning commission,  
 1160 zoning authority, any boards of adjustment, and the County  
 1161 Commission of Palm Beach County, as set forth in these  
 1162 transitional zoning and land use regulations, shall be vested in  
 1163 the Town Council of Loxahatchee Groves until such time as the  
 1164 town council delegates all or a portion thereof to another  
 1165 entity.

1166        (d) Subsequent to the passage of this act, no amendment of  
 1167 the comprehensive plan or land development regulations enacted  
 1168 by the Palm Beach County Commission shall be deemed as an  
 1169 amendment of the town's transitional comprehensive plan or land  
 1170 development regulations or otherwise take effect within the  
 1171 town's corporate limits except in accordance with the  
 1172 requirements, and upon adoption of the procedures specified in  
 1173 this act.

1174        (7) State shared revenues.--The Town of Loxahatchee Groves  
 1175 shall be entitled to participate in all shared revenue programs  
 1176 of the state effective immediately on the date of incorporation.  
 1177 The provisions of section 218.23(1), Florida Statutes, shall be  
 1178 waived for the purpose of eligibility to receive revenue sharing  
 1179 funds from the date of incorporation through the state fiscal  
 1180 year 2006-2007. Initial population estimates for calculating  
 1181 eligibility for shared revenues shall be determined by the  
 1182 University of Florida Bureau of Economic and Business Research.  
 1183 Should the bureau be unable to provide an appropriate population  
 1184 estimate, the Palm Beach County Planning Division estimate  
 1185 should be utilized.

HB 1339

2005  
CS

1186       (8) Gas tax revenues.--The Town of Loxahatchee Groves  
 1187 shall be entitled to receive local option gas tax revenues  
 1188 beginning October 1, 2006. This specifically includes the  
 1189 relevant statutorily referenced interlocal agreements.

1190       Section 11. Continuation, merger, and dissolution of  
 1191 existing districts and service providers.--

1192       (1) Palm Beach County Fire Rescue Municipal Service Taxing  
 1193 Unit; continuation.--Notwithstanding the incorporation of the  
 1194 Town of Loxahatchee Groves, that portion of the Palm Beach  
 1195 County Fire Rescue Municipal Service Taxing Unit, a special  
 1196 taxing district created by the Palm Beach County Commission that  
 1197 lies within the boundaries of the Town of Loxahatchee Groves, is  
 1198 authorized to continue in existence until the town adopts an  
 1199 ordinance to the contrary. However, the town shall not establish  
 1200 a town fire department without a referendum.

1201       (2) Law enforcement.--Law enforcement services will be  
 1202 provided by contract with the Palm Beach County Sheriff's  
 1203 Office, or contracted with other law enforcement agencies, until  
 1204 the town adopts an ordinance to the contrary; provided that the  
 1205 town shall not establish a town police department without a  
 1206 referendum.

1207       (3) Palm Beach County Library District;  
 1208 continuation.--Notwithstanding the incorporation of the Town of  
 1209 Loxahatchee Groves, that portion of the Palm Beach County  
 1210 Library District, a dependent district of Palm Beach County  
 1211 created by chapter 2000-405, Laws of Florida, that lies within  
 1212 the boundaries of the Town of Loxahatchee Groves, is authorized  
 1213 but not required to continue in existence; provided that in

HB 1339

2005  
CS

1214 order to be excluded from the library district, the Town of  
 1215 Loxahatchee Groves shall establish a municipal tax-funded  
 1216 library.

1217 (4) Palm Beach County Municipal Service Taxing Unit  
 1218 B.--That portion of Palm Beach County Municipal Service Taxing  
 1219 Unit B, a dependent district of Palm Beach County created by the  
 1220 Palm Beach Commission that lies within the boundaries of the  
 1221 Town of Loxahatchee Groves, shall cease to exist within the  
 1222 municipal boundaries of the Town of Loxahatchee Groves on  
 1223 September 30, 2006.

1224 (5) Palm Beach County Municipal Service Taxing Unit  
 1225 F.--That portion of Palm Beach County Municipal Service Taxing  
 1226 Unit F, a dependent district of Palm Beach County created by the  
 1227 Palm Beach County Commission that lies within the boundaries of  
 1228 the Town of Loxahatchee Groves, shall cease to exist within the  
 1229 municipal boundaries of the Town of Loxahatchee Groves on  
 1230 September 30, 2006.

1231 (6) Loxahatchee Groves Water Control District;  
 1232 continuation.--Notwithstanding the incorporation of the Town of  
 1233 Loxahatchee Groves, the Loxahatchee Groves Water Control  
 1234 District, an independent special district created pursuant to  
 1235 the laws of the state, is authorized to continue in existence.

1236 (7) Loxahatchee Groves Park;  
 1237 continuation.--Notwithstanding the incorporation of the Town of  
 1238 Loxahatchee Groves, the Loxahatchee Groves Park will continue to  
 1239 be operated by the Palm Beach County Department of Parks and  
 1240 Recreation, in accordance with existing Palm Beach County  
 1241 standards. All planned improvements to the park shall be subject

HB 1339

2005  
CS

1242 to approval of the Town of Loxahatchee Groves, and are the  
 1243 responsibility of Palm Beach County. Nothing contained herein  
 1244 shall prevent Palm Beach County and the Town of Loxahatchee  
 1245 Groves from entering into an interlocal agreement related to  
 1246 maintenance, planned improvements, sale, or transfer of the  
 1247 park.

1248 Section 12. Repeal of previous legislation.--Effective  
 1249 upon the approval of a majority of electors of the referendum  
 1250 enacting this legislation, section 6 of section 2 of chapter 99-  
 1251 425, Laws of Florida, is repealed.

1252 Section 13. Request for waivers.--The thresholds  
 1253 established by section 165.061, Florida Statutes, for  
 1254 incorporation have been met with the following exceptions:

1255 (1) A waiver is granted to provisions of section  
 1256 165.061(1)(b), Florida Statutes, relating to minimum population  
 1257 requirements of 5,000, due to the rural character of the Town of  
 1258 Loxahatchee Groves.

1259 (2) A waiver is granted to provisions of section  
 1260 165.061(1)(c), Florida Statutes, relating to the minimum density  
 1261 of population of 1.5 persons per acre, to protect the historic,  
 1262 rural and agricultural character of the Town of Loxahatchee  
 1263 Groves from surrounding development pressure.

1264 (3) A waiver is granted to provisions of section  
 1265 165.061(1)(d), Florida Statutes, relating to the minimum  
 1266 distance of 2 miles from the Town of Loxahatchee Groves to an  
 1267 existing municipality, due to the marked difference in character  
 1268 between the Town of Loxahatchee Groves, a historic and rural

HB 1339

2005  
CS

1269 | community, and surrounding communities with significantly  
 1270 | greater density and urban characteristics.

1271 |         Section 14. This act shall only take effect upon approval  
 1272 | by a majority of those qualified electors residing within the  
 1273 | proposed corporate limits of the proposed Town of Loxahatchee  
 1274 | Groves as described in section 1, voting in a referendum  
 1275 | election to be called by the Board of County Commissioners of  
 1276 | Palm Beach County and to be held on November 8, 2005, in  
 1277 | accordance with the provisions relating to elections currently  
 1278 | in force, except that:

1279 |             (1) Section 10(1) and (6)(b) and this section shall take  
 1280 | effect upon this act becoming a law.

1281 |             (2) If a majority of the qualified voters voting do not  
 1282 | approve this act, then this act shall not take effect.

1283 |             (3) If approved by a majority of the qualified voters  
 1284 | voting, then this act and charter shall take effect immediately  
 1285 | upon certification of the election results by the Palm Beach  
 1286 | County Supervisor of Elections.