

1 A bill to be entitled

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

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

53
 54 Be It Enacted by the Legislature of the State of Florida:

55
 56 Section 1. Charter; creation; form of government;

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57 boundaries and powers.--

58 (1) CHARTER; CREATION.--

59 (a) This act, together with any future amendments thereto,
60 may be known as the "Charter of the Town of Loxahatchee Groves"
61 (the "charter"), and the Town of Loxahatchee Groves (the "town")
62 is hereby created.

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

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

78 (d) It is intended that this charter and the incorporation
79 of the Loxahatchee Groves area will serve to preserve and
80 protect the distinctive rural characteristics of the community,
81 such as low density, minimal lot coverage, substantial open
82 spaces, agricultural and nursery interests, and rural habitats,
83 and to acknowledge its close ties to the agriculture and
84 equestrian industries within the boundaries of the town.

85 (e) It is the intent of this charter and the incorporation
 86 of the town to secure the benefits of self-determination and
 87 affirm the values of representative democracy, citizen
 88 participation, strong community leadership, professional
 89 management, and regional cooperation.

90 (2) FORM OF GOVERNMENT.--The town shall have a council-
 91 manager form of government.

92 (3) (a) CORPORATE BOUNDARIES.--The corporate boundaries of
 93 the Town of Loxahatchee Groves shall be as described as follows:

94 That portion of Loxahatchee Sub-Drainage District,
 95 Township 43 South, Range 41 East and Range 40 East,
 96 Palm Beach County, Florida, being more particularly
 97 described as follows:
 98 Beginning at the Northwest corner of Section Eighteen
 99 (18) in Township Forty-three (43) South, Range Forty-
 100 one (41) East, Palm Beach County, Florida, and run
 101 thence along the North line of Section Eighteen (18)
 102 and Seventeen (17) of said Township to the Northeast
 103 corner of Section Seventeen (17) in said Township and
 104 Range; thence run South along the Eastern boundary of
 105 Section Seventeen (17) to the Southeast corner of said
 106 Section;
 107 Thence run East along the Northern boundary of Section
 108 Twenty-one (21) and of Section Twenty-two (22) to the
 109 Northeast corner of the Northwest quarter of the said
 110 Section Twenty-two (22); Thence run South along the
 111 East line of the Northwest quarter of said Section
 112

113 Twenty-two (22) to the Southeast corner of said
 114 Northwest quarter of said Section; Thence run West
 115 along the South line of the Southeast quarter of
 116 Northwest quarter of said Section Twenty-two (22) to
 117 the Southwest corner of said Southeast quarter of
 118 Northwest quarter of said Section; Thence run South
 119 along the East line of the West half of the Southwest
 120 quarter of Section Twenty-two (22) and of the West
 121 half of West half of Section Twenty-seven (27) and of
 122 the West half of West half of Section Thirty-four (34)
 123 to the North Right of Way line of State Road 80, in
 124 Section Thirty-four (34); Thence West along the
 125 Northern edge of the North Right of Way line of State
 126 Road 80, across the West half of West half of Section
 127 Thirty-four (34) and across Section Thirty-three (33),
 128 Thirty-two (32), and Thirty-one (31) in said Township
 129 to the point where the range line dividing ranges
 130 Forty (40) and Forty-one (41) East intersects said
 131 North Right of Way line of State Road 80;
 132 Thence North along the West line of Sections Thirty-
 133 one (31), Thirty (30), Nineteen (19) and Eighteen (18)
 134 to the Point of Beginning, embracing approximately Six
 135 Thousand Nine Hundred Thirty five and 56/100
 136 (6,935.56) acres.
 137 Said lands lying within the above described boundary
 138 lines are described more particularly as follow, to
 139 wit:
 140 All of Section Seventeen (17), Eighteen (18), Nineteen

141 (19), Twenty (20), and Twenty-one (21) and the
 142 Northwest quarter and West half of Southwest quarter
 143 of Section Twenty-two (22); and West half of West half
 144 of Section Twenty-seven (27); and all Section Twenty-
 145 eight (28), Twenty-nine (29) and Thirty (30) and all
 146 of Section Thirty-one (31) North of North Right of Way
 147 line of State Road 80; and all of Section Thirty-three
 148 (32) North of North Right of Way line of State Road
 149 80; and all of Section Thirty-three (33) North of
 150 North Right of Way line of State Road 80; and all of
 151 the West half of West half of Section Thirty-four (34)
 152 North of North Right of Way line of State Road 80; all
 153 in Township Forty-three (43) South Range Forty-one
 154 (41) East, all of said lands being situate in Palm
 155 Beach County, State of Florida, according to the
 156 United States official surveys of said lands.

157 TOGETHER WITH
 158 The South 1/2 of Sections 7 and 8, T43S, R41E.
 159 The South 1/2 of the East 1/4 of Section 12, The East
 160 1/4 of Sections 13, 24, 25, T43S, R40E, and that part
 161 of the East 1/4 of Section 36, T43S, R40E, lying North
 162 of the North Right of Way of S.R. 80, all in Palm
 163 Beach County, Florida, containing 1320 acres, more or
 164 less.

165 LESS AND EXCEPT The All or Nothing Legislation Parcel
 166 as described in Senate Bill No. 2616, Laws of Florida,
 167 Chapter 99-425, formerly known as The Palms West
 168 Hospital property

169 A parcel bounded by Southern Boulevard (S.R. 80) on
170 the South, the Southern boundary of the drainage/road
171 Right of Way known as collecting canal on the North,
172 Folsom/Crestwood of the East, and the Western boundary
173 of The All or Nothing Legislation Parcel as described
174 in Senate Bill No. 2616, Laws of Florida, Chapter 99-
175 425 on the west, said parcel being more particularly
176 described as follows:

177 A parcel of land located in the County of Palm Beach,
178 State of Florida, to wit:
179 The point of beginning being the intersection of the
180 Easterly line of Lot 4, Block K, Loxahatchee District,
181 according to the plat thereof on file in the Office of
182 the Clerk of the Circuit Court recorded in Plat Book
183 7, Page 81, of the Public Records of Palm Beach
184 County, Florida, and the Southerly boundary of the
185 "Collecting Canal" as shown on the Replat of
186 Loxahatchee Groves Subdivision according to the Plat
187 thereof, recorded in Plat Book 12, Page 29, of the
188 Public Records of Palm Beach County, Florida; Thence
189 Easterly along said Southerly boundary of the
190 "Collecting Canal" to the Easterly boundary of said
191 Replat of Loxahatchee Groves; Thence South along said
192 Easterly boundary line of the Replat of Loxahatchee
193 Groves to the North Right of Way line of State Road
194 80; Thence Westerly along said Northerly Right of Way
195 line of State Road 80 to the Easterly line of Lot 4,
196 Block K, Loxahatchee District;

197 Thence Northerly along said Easterly line of Lot 4 to
198 the Point of Beginning, and
199 A portion of Lot 4, Block "K," Loxahatchee District
200 subdivision, according to the map or plat thereof as
201 recorded in Plat Book 7, page 81, public records, Palm
202 Beach County, Florida, being more particularly described as
203 follows:
204 Commencing at the northeast corner of said lot 4; thence,
205 south 02°16'42" west, along the east line of said lot 4, a
206 distance of 834.00 feet for a point of beginning.
207 Thence, continue south 02°16'42" west along said east line,
208 a distance of 1221.92 feet, more or less, to the
209 intersection thereof with the north right-of-way line of
210 State Road No. 80 as recorded in official records book
211 12372, page 468, said public records; thence, north
212 88°08'61" west, departing said east line and along said
213 north right-of-way line, a distance of 260.20 feet; thence,
214 north 02°16'46" east, departing said right-of-way line, a
215 distance of 80.00 feet; thence, north 88°08'51" west, a
216 distance of 248.59 feet; thence, north 02°16'46" east, a
217 distance of 321.11; thence, north 88°08'51" west, a
218 distance of 275.01 feet, more or less, to the intersection
219 thereof with the west line of said lot 4; thence, north
220 02°16'46" east, along said west line, a distance of 806.33
221 feet; thence, south 89°12'21" east, departing said west
222 line and along the south line of the north 834.00 feet of
223 said lot 4, as measured along the east and west lines of
224 said lot 4, a distance of 784.02 feet to the point of

225 beginning.
 226 Containing: 18.867 acres, more or less.

227 (b) The town shall not annex that area now known as
 228 Callery-Judge Groves, generally described as that area of land
 229 bounded on the north by M canal, on the south by the northern
 230 border of the town, on the east by 140th, and on the west by M
 231 canal.

232 (4) MUNICIPAL POWERS.--The town shall be a body corporate
 233 and politic and shall have all available governmental,
 234 corporate, and proprietary powers of a municipality under the
 235 State Constitution and laws of the state, as fully and
 236 completely as though such powers were specifically enumerated in
 237 this charter, and may exercise them, except when prohibited by
 238 law. Through the adoption of this charter, it is the intent of
 239 the electors of the town that the municipal government
 240 established herein have the broadest exercise of home rule
 241 powers permitted under the State Constitution and laws of the
 242 state. This charter and the powers of the town shall be
 243 construed liberally in favor of the town. It is recognized that
 244 certain services within the municipal boundaries are provided by
 245 independent special districts created by special acts of the
 246 Legislature and by Palm Beach County.

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

248 (1) TOWN COUNCIL.--There shall be a five-member town
 249 council ("council") vested with all legislative powers of the
 250 town, consisting of five members ("council members"), each
 251 elected from and representing the town at large. Unless
 252 otherwise stated within this charter, all charter powers shall

253 be exercised by the council.

254 (2) THE MAYOR; POWERS AND DUTIES.--

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

260 (b) In addition to carrying out the regular duties of a
 261 council member, the mayor shall preside at the meetings of the
 262 council and shall be recognized as the head of town government
 263 for service of process, ceremonial matters, and the signature or
 264 execution of ordinances, contracts, deeds, bonds, and other
 265 instruments and documents and for purposes of military law. The
 266 mayor shall also serve as the ceremonial head of the town and
 267 the town official designated to represent the town when dealing
 268 with other entities. The mayor shall have no administrative
 269 duties other than those necessary to accomplish these actions,
 270 or such other actions as may be authorized by the town council,
 271 consistent with general or special law.

272 (3) THE VICE MAYOR.--

273 (a) The council, at its first regular meeting after the
 274 fourth Tuesday of each March, shall elect from its members a
 275 vice mayor who shall serve for a period of 1 year and who shall
 276 have the same legislative powers and duties while serving as any
 277 other council member.

278 (b) The vice mayor shall serve as acting mayor during the
 279 absence or disability of the mayor. In the absence of the mayor
 280 and the vice mayor, the remaining council members shall select a

281 council member to serve as acting mayor.

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

283 (1) TERM OF OFFICE.--Each council member shall be elected
 284 at large for a 3-year term by the electors of the town in the
 285 manner provided herein. Council members shall be sworn into
 286 office at the first regularly scheduled meeting following their
 287 election. Each council member shall remain in office until his
 288 or her successor is elected and assumes the duties of the
 289 position.

290 (2) SEATS.--The town council shall be divided into five
 291 separate council seats to be designated as seats 1, 2, 3, 4, and
 292 5, to be voted on townwide, with each qualified elector entitled
 293 to vote for one candidate for each seat.

294 (3) QUALIFICATION.--Candidates for each council seat must
 295 qualify for council elections by seat in accordance with
 296 applicable general law, and the council members elected to those
 297 seats shall hold the seats 1 through 5, respectively. To qualify
 298 for office:

299 (a) Filing.--Each candidate for council member shall file
 300 a written notice of candidacy with the town clerk at such time
 301 and in such manner as may be prescribed by ordinance and shall
 302 make payment to the town of any fees required by general law as
 303 a qualifying fee.

304 (b) Registered elector.--Each candidate for council member
 305 shall be a registered elector in the state.

306 (c) Residency.--Each candidate for council member shall
 307 have maintained his or her domicile within the boundaries of the
 308 town for a period of 1 year prior to qualifying for election

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309 and, if elected, shall maintain such residency throughout his or
310 her term of office.

311 (d) Deadline.--Any resident of the town who wishes to
312 become a candidate for a council member seat shall qualify with
313 the town clerk no sooner than noon on the last Tuesday in
314 January, nor later than noon on the first Tuesday in February,
315 of the year in which the election is to be held.

316 (4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING
317 OF VACANCIES.--

318 (a) Vacancies.--A vacancy in the office of mayor, vice
319 mayor, or any council member shall occur upon the death of the
320 incumbent, removal from office as authorized by law,
321 resignation, appointment to other public office which creates
322 dual office holding, judicially determined incompetence, or
323 forfeiture of office as described in paragraph (b).

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

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

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

334 3. Is convicted of a first degree misdemeanor arising
335 directly out of his or her official conduct or duties, or enters
336 a plea of guilty or nolo contendere thereto, even if

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337 adjudication of guilt has been withheld;

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

342 5. Is absent from three consecutive regular council
343 meetings without good cause, or for any other reason established
344 in this charter.

345

346 The council shall be the sole judge of the qualifications of its
347 members and shall hear all questions relating to forfeiture of a
348 council member's office, including whether good cause for
349 absence has been or may be established. The burden of
350 establishing good cause shall be on the council member in
351 question; however, any council member may at any time during any
352 duly held meeting move to establish good cause for his or her
353 absence or the absence of any other commission member from any
354 past, present, or future meeting or meetings, which motion, if
355 carried, shall be conclusive. A council member whose
356 qualifications are in question or who is otherwise subject to
357 forfeiture of his or her office shall not vote on any such
358 matters. The council member in question shall be entitled to a
359 public hearing on request regarding an alleged forfeiture of
360 office. If a public hearing is requested, notice thereof shall
361 be published in one or more newspapers of general circulation in
362 the town at least 1 week in advance of the hearing. Any final
363 determination by the council that a council member has forfeited
364 his or her office shall be made by resolution. All votes and

365 other acts of the council member in question prior to the
 366 effective date of such resolution shall be valid regardless of
 367 the grounds of forfeiture.

368 (c) Suspension from office.--Any council member shall be
 369 suspended from office upon return of an indictment or issuance
 370 of any information charging the council member with any crime
 371 which is punishable as a felony or with any crime arising out of
 372 his or her official duties which is punishable as a first degree
 373 misdemeanor. Pursuant thereto:

374 1. During a period of suspension, a council member shall
 375 not perform any official act, duty, or function or receive any
 376 pay, allowance, emolument, or privilege of office.

377 2. If the council member is subsequently found not guilty
 378 of the charge, or if the charge is otherwise dismissed, reduced,
 379 or altered in such a manner that suspension would no longer be
 380 required as provided herein, the suspension shall be lifted and
 381 the council member shall be entitled to receive full back pay
 382 and such other emoluments or allowances as he or she would have
 383 been entitled to had the suspension not occurred.

384 (d) Filling of vacancies.--

385 1. If any vacancy occurs in the office of any council
 386 member and the remainder of the council member's unexpired term
 387 is less than 1 year and 81 days, the remaining council members
 388 shall, within 30 days following the occurrence of such vacancy,
 389 by majority vote, appoint a person to fill the vacancy for the
 390 remainder of the unexpired term.

391 2. If any vacancy occurs in the office of any council
 392 member and the remainder of the unexpired term is equal to or

393 exceeds 1 year and 81 days, the remaining council members shall,
 394 within 30 days following the occurrence of such vacancy, by
 395 majority vote, appoint a person to fill the vacancy until the
 396 next regularly scheduled town election, at which time an
 397 election shall be held to fill the vacancy.

398 3. If a vacancy occurs in the office of mayor and fewer
 399 than 120 days remain in the term of the council member who was
 400 elected mayor, the vice mayor shall serve as mayor until a new
 401 mayor is elected by the council and assumes the duties of his or
 402 her office. If a vacancy occurs in the office of mayor and 120
 403 days or more remain in the term of the mayor, the vice mayor
 404 shall serve as mayor until a new council member is elected and
 405 the council elects a new mayor and vice mayor as provided by
 406 this charter.

407 4. Any person appointed to fill a vacancy on the council
 408 shall be required to meet the qualifications of the seat to
 409 which he or she is appointed.

410 5. Notwithstanding any quorum requirements established
 411 herein, if at any time the full membership of the council is
 412 reduced to less than a quorum, the remaining members may, by
 413 majority vote, appoint additional members to the extent
 414 otherwise permitted or required under this subsection.

415 6. In the event that all the members of the council are
 416 removed by death, disability, recall, forfeiture of office, or
 417 resignation, or any combination thereof, the Governor shall
 418 appoint interim council members who shall call a special
 419 election within not fewer than 30 days or more than 60 days
 420 after such appointment. Such election shall be held in the same

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421 manner as the initial elections under this charter. However, if
422 there are fewer than 6 months remaining in any unexpired terms,
423 the interim council appointed by the Governor shall serve out
424 the unexpired terms. Appointees must meet all requirements for
425 candidates as provided in this charter.

426 (e) Compensation and expenses.--

427 1. Town council members shall be entitled to receive
428 reimbursement in accordance with general law for authorized
429 travel and per diem expenses incurred in the performance of
430 their official duties.

431 2. The town council, by not fewer than four affirmative
432 votes, may elect to provide for compensation and any increase in
433 such compensation by ordinance. However, no such ordinance
434 establishing or increasing compensation shall take effect until
435 the date of commencement of the terms of council members elected
436 at the next regular election which follows the adoption of such
437 ordinance.

438 Section 4. Administrative.--

439 (1) DESIGNATION OF CHARTER OFFICERS.--The town manager and
440 the town attorney are designated as charter officers, except
441 that the office of town attorney may be contracted to an
442 attorney or law firm.

443 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF
444 VACANCIES.--

445 (a) The charter officers shall be appointed by a majority
446 vote of the full council and shall serve at the pleasure of the
447 council.

448 (b) The charter officers shall be removed from office only

449 by a super majority vote of the full council. Upon demand by a
450 charter officer, a public hearing shall be held prior to such
451 removal.

452 (c) The compensation of the charter officers shall be
453 fixed by the town council through the approval of an acceptable
454 employment contract.

455 (d) The town council shall begin the process to fill a
456 vacancy in a charter office within 90 days after the vacancy. An
457 acting town manager or an acting town attorney may be appointed
458 by the council during a vacancy in such charter office.

459 (e) A charter officer shall not be a member of the town
460 council or a candidate for town council while holding a charter
461 officer position.

462 (3) TOWN MANAGER.--The town manager shall be the chief
463 administrative officer of the town.

464 (a) The town council shall appoint a town manager who
465 shall be the administrative head of the municipal government
466 under the direction and supervision of the town council. The
467 town manager shall hold office at the pleasure of the town
468 council. The town manager shall be appointed by resolution
469 approving an employment contract between the town and the town
470 manager. The town manager shall receive such compensation as
471 determined by the town council through the adoption of an
472 appropriate resolution.

473 (b) The town manager shall have the minimum qualifications
474 of a combination of a bachelor's degree in public
475 administration, business administration, or other related fields
476 from an accredited college or university and 3 years' public

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477 administration experience or 6 years' experience in a city
478 manager or assistant city manager position, preferably in an
479 International City Manager Association-recognized local
480 government.

481 (c) It is preferred that the town manager be an
482 International City Manager Association-credentialed manager or
483 obtain such credential within 2 years after being appointed.

484 (d) During the absence or disability of the town manager,
485 the town council may by resolution designate some properly
486 qualified person to temporarily execute the functions of the
487 town manager. The person thus designated shall have the same
488 powers and duties as the town manager and shall be known while
489 serving as acting town manager. The town manager or acting town
490 manager may be removed by the town council at any time.

491 (e) As the chief administrative officer, the town manager
492 shall:

493 1. Direct and supervise the administration of all
494 departments, offices, and agencies of the town, except the
495 office of town attorney, and except as otherwise provided by
496 this charter or by law.

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

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- 505 agency.
- 506 3. Ensure that all laws, provisions of this charter, and
507 acts of the council are faithfully executed.
- 508 4. Prepare and submit the annual budget and capital
509 program to the council in the form prescribed by ordinance.
- 510 5. Attend meetings of the town council.
- 511 6. Draw and sign vouchers upon depositories as provided by
512 ordinance and keep, or cause to be kept, a true and accurate
513 account of same.
- 514 7. Sign all licenses issued by the town, issue receipts
515 for all moneys paid to the town, and deposit such moneys in the
516 proper depositories on the first banking day after receipt. The
517 town manager may delegate the responsibilities of this
518 subparagraph to an appropriate town employee who shall be
519 bonded.
- 520 8. Provide administrative services in support of the
521 official duties of the mayor and the council.
- 522 9. Keep the council advised as to the financial condition
523 and future needs of the town and make recommendations to the
524 council concerning the affairs of the town.
- 525 10. Submit to the council, and make available to the
526 public, a complete report on finances and administrative
527 activities of the town as of the end of each fiscal year.
- 528 11. Sign contracts on behalf of the town to the extent
529 authorized by ordinance.
- 530 12. Perform such other duties as are specified in this
531 charter or as may be required by the council.
- 532 (4) TOWN ATTORNEY.--

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

536 (b) The town attorney shall be a member in good standing
537 with The Florida Bar, have been admitted to practice in the
538 state for at least 5 years, and have not less than 2 years'
539 experience in the practice of local government law.

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

543 (d) The town attorney shall perform the following
544 functions in addition to other functions as designated by the
545 town council:

546 1. Serve as chief legal advisor to the town council, the
547 charter officers, and all town departments, offices, and
548 agencies.

549 2. Attend all regular and special town council meetings,
550 unless excused by the town council, and perform such
551 professional duties as may be required by law or by the council
552 in furtherance of the law.

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

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

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

565 6. Prepare an annual budget for the operation of the
 566 office of the town attorney and submit this budget to the town
 567 manager for inclusion in the annual town budget, in accordance
 568 with uniform town procedures.

569 (5) TOWN CLERK.--The town manager shall appoint a town
 570 clerk or management firm to serve as town clerk (the "clerk").
 571 The clerk shall give notice of council meetings to its members
 572 and the public, keep minutes of its proceedings, and perform
 573 such other duties as the council or town manager may prescribe
 574 from time to time. The clerk shall report to the town manager.

575 (6) EXPENDITURE OF TOWN FUNDS.--No funds of the town shall
 576 be expended except pursuant to duly approved appropriations or
 577 for the payment of bonds, notes, or other indebtedness duly
 578 authorized by the council and only from such funds so
 579 authorized.

580 (7) TOWN BOARDS AND AGENCIES.--Except as otherwise
 581 provided by law, the council may establish or terminate such
 582 boards and agencies as it may deem advisable from time to time.
 583 The boards and agencies shall report to the council. Members of
 584 boards and agencies shall be appointed by the council by
 585 resolution.

586 Section 5. Legislative.--

587 (1) REGULAR MEETINGS.--The council shall conduct regular
 588 meetings at such times and places as the council shall prescribe

589 by resolution. Such meetings shall be public meetings within the
590 meaning of state law and shall be subject to notice and other
591 requirements of law applicable to public meetings.

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

599 (3) COMMENCEMENT.--All meetings shall be scheduled to
600 commence no earlier than 7 a.m. nor later than 10 p.m.

601 (4) RULES; ORDER OF BUSINESS.--The council shall determine
602 its own rules and order of business.

603 (5) QUORUM.--A majority of the full council shall
604 constitute a quorum.

605 (6) VALIDITY OF ACTION.--No action of the council shall be
606 valid unless adopted by an affirmative vote of the majority of
607 the full council, unless otherwise provided by law.

608 (7) LEGISLATIVE POWERS.--Except as otherwise prescribed
609 herein or as provided by law, the legislative powers of the town
610 shall be vested in the council. The council shall provide for
611 the exercise of its powers and for the performance of all duties
612 and obligations imposed on the town by law.

613 (8) DEPARTMENTS.--The council may establish such other
614 departments as it determines necessary for the efficient
615 administration and operation of the town. Such departments,
616 offices, or agencies shall be established by ordinance.

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

623 (a) Requirements regarding distribution and filing of
624 copies of the ordinance shall not be construed to require
625 distribution and filing of copies of the adopted code of
626 technical regulations.

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

630 (10) EMERGENCY ORDINANCES.--

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

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

650 (c) Emergency ordinances shall become effective upon
651 adoption or at such other date as may be specified in the
652 ordinance.

653 (d) Every emergency ordinance, except emergency
654 appropriation ordinances, shall automatically be repealed as of
655 the 61st day following its effective date, but this shall not
656 prevent reenactment of the ordinance under regular procedures
657 or, if the emergency still exists, in the manner specified in
658 this section. An emergency ordinance may also be repealed by
659 adoption of a repealing ordinance in the same manner specified
660 in this section for adoption of emergency ordinances.

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

671 (12) RECORDKEEPING.--The council shall, in a properly
672 indexed book kept for the purpose, provide for the

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

681 (13) DUAL OFFICE HOLDING.--No present elected town
682 official shall hold any compensated appointive office or
683 employment of the town while in office, nor shall any former
684 council member be employed by the town until after the
685 expiration of 1 year from the time of leaving office.

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

699 Section 6. Budget and appropriations.--

700 (1) FISCAL YEAR.--The town shall have a fiscal year which

701 shall begin on the first day of October and shall end on the
702 last day of September of the following calendar year, unless
703 otherwise defined by general law. Such fiscal year shall also
704 constitute the annual budget and accounting year.

705 (2) BUDGET ADOPTION.--The council shall adopt a budget in
706 accordance with applicable general law, following a minimum of
707 two public hearings on the proposed budget. A resolution
708 adopting the annual budget shall constitute appropriation of the
709 amounts specified therein as expenditures from funds indicated.

710 (3) EXPENDITURES.--The budget shall not provide for
711 expenditures in an amount greater than the revenues budgeted.

712 (4) APPROPRIATIONS.--

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

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

727 (c) No appropriation for debt service may be reduced or
728 transferred, and no appropriation may be reduced below any

729 amount required by law to be appropriated, or by more than the
 730 unencumbered balance thereof. Other provisions of law to the
 731 contrary notwithstanding, the supplemental and emergency
 732 appropriations and reduction or transfer of appropriations
 733 authorized by this section may be made effective immediately
 734 upon adoption.

735 (5) BONDS; INDEBTEDNESS.--

736 (a) Subject to the referendum requirements of the State
 737 Constitution, if applicable, the town may from time to time
 738 borrow money and issue bonds or other obligations or evidence of
 739 indebtedness (collectively, "bonds") of any type or character
 740 for any of the purposes for which the town is now or hereafter
 741 authorized by law to borrow money, including to finance the cost
 742 of any capital or other project and to refund any and all
 743 previous issues of bonds at or prior to maturity. Such bonds may
 744 be issued pursuant to one or more resolutions adopted by a
 745 majority of the council.

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

750 (6) REVENUE BONDS; LEASE-PURCHASE CONTRACTS.--Unless
 751 authorized by the electors of the town at a duly held referendum
 752 election, the council shall not authorize or allow to be
 753 authorized the issuance of revenue bonds or enter into lease-
 754 purchase contracts or any other unfunded multiyear contracts for
 755 the purchase of real property or the construction of any capital
 756 improvement, the repayment of which extends in excess of 36

757 months, unless mandated by state or federal governing agencies.

758 (7) ANNUAL AUDIT.--The council shall provide for an
 759 independent annual financial audit of all town accounts and may
 760 provide for more frequent audits as it deems necessary. Such
 761 audits shall be made by a certified public accountant or a firm
 762 of such accountants who have no personal interest, direct or
 763 indirect, in the fiscal affairs of the town government or in any
 764 of its officers. Residency in the town shall not be construed as
 765 a prohibited interest.

766 Section 7. Elections.--

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

770 (2) NONPARTISAN ELECTIONS.--All elections for the town
 771 council members shall be conducted on a nonpartisan basis
 772 without any designation of political party affiliation.

773 (3) ELECTION DATES.--A special election shall be held on
 774 the second Tuesday in March 2007, and regular elections shall be
 775 held on the second Tuesday in March of each election year,
 776 provided as follows:

777 (a) For the two council member seats that received the
 778 highest number of votes in the March 2007 election, the next
 779 election to fill the council member seats shall be held on the
 780 second Tuesday in March after the first Monday in March in 2010,
 781 and every 3 years thereafter.

782 (b) For the two council member seats that received the
 783 next highest number of votes in the March 2007 election, the
 784 next election to fill the council member seats shall be held on

785 the second Tuesday in March after the first Monday in March in
 786 2009, and every 3 years thereafter.

787 (c) For the remaining council member seat, the next
 788 election to fill the council member seat shall be held on the
 789 second Tuesday in March after the first Monday in March in 2008,
 790 and every 3 years thereafter.

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

792 (4) RUNOFF ELECTIONS.--In the event no candidate for an
 793 office receives a majority of the votes cast for such office,
 794 the person receiving the largest number of votes cast will be
 795 elected. In the event two candidates receive an equal number of
 796 votes, a runoff election shall be held on the fourth Tuesday in
 797 March.

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

810 (6) SPECIAL ELECTIONS.--Special municipal elections, when
 811 required, shall be held in the same manner as regular elections,
 812 except that the town council, by ordinance, shall fix the time

813 for holding such elections consistent with this charter and
 814 state law.

815 (7) GENERAL ELECTION.--

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

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

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

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

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

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

840 "I do solemnly swear (or affirm) that I will support, protect,

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841 and defend the Constitution and Government of the United States
842 and of the state, and the charter of the Town of Loxahatchee
843 Groves; that I am duly qualified to hold office under the
844 Constitution of the State and the charter of the Town of
845 Loxahatchee Groves; and that I will well and faithfully perform
846 the duties of council member upon which I am now about to
847 enter."

848 (g) The election laws of the state shall apply to all
849 elections.

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

853 Section 8. Initiative and referendum.--

854 (1) POWER TO INITIATE AND RECONSIDER ORDINANCES.--

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

862 (b)1. The town council shall have the power, by
863 resolution, to call for a referendum vote by the electors of the
864 town at any time, provided that the purpose of such referendum
865 is presented to the town at a public hearing at least 60 days
866 prior to the adoption of such resolution. Any resolution calling
867 for a referendum vote of the electors of the town must be passed
868 by the affirmative vote of not less than four members of the

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869 council.

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

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

889 (3) PETITIONS.--

890 (a) Initiative and referendum petitions must be signed by
891 electors of the town equal in number to at least 10 percent of
892 the total number of electors registered to vote in the last
893 regular town election.

894 (b) All papers of a petition shall be assembled as one
895 instrument of filing. Each signature shall be executed in ink
896 and shall be followed by the printed name and address of the

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897 person signing. Petitions shall contain or have attached thereto
898 throughout their circulation the full text of the ordinance
899 proposed or sought to be reconsidered.

900 (c) Each paper of a petition shall have attached to it
901 when filed an affidavit executed by the circulator thereof
902 stating that he or she personally circulated the paper, the
903 number of signatures thereon, that all signatures were affixed
904 in his or her presence, that he or she believes them to be the
905 genuine signatures of the persons whose names they purport to
906 be, and that each signer had an opportunity before signing to
907 read the full text of the ordinance proposed or sought to be
908 reconsidered.

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

916 (4) PROCEDURE FOR FILING.--

917 (a) Within 20 days after an initiative petition or a
918 referendum petition is filed, the town clerk shall complete a
919 certificate as to its sufficiency, specifying, if it is
920 insufficient, the particulars wherein it is defective, and shall
921 promptly send a copy of the certificate to the petitioner's
922 committee by registered mail. Grounds for insufficiency are only
923 those specified herein that are not met. A petition certified
924 insufficient for lack of the required number of valid signatures

925 may be amended once if the petitioner's committee files a notice
 926 of intent to amend it with the designated official within 2
 927 business days after receiving the copy of the certificate and
 928 files a supplementary petition upon additional papers within 10
 929 days after receiving the copy of such certificate. Such
 930 supplementary petition shall comply with original petition
 931 requirements, and within 5 days after it is filed the town clerk
 932 shall complete a certificate as to the sufficiency of the
 933 petition as amended and promptly send a copy of such certificate
 934 to the petitioner's committee by registered mail. If a petition
 935 or an amended petition is certified sufficient, or if a petition
 936 or amended petition is certified insufficient and the
 937 petitioner's committee does not elect to amend or request the
 938 town council review within the time required, the town clerk
 939 shall promptly present a certificate to the town council and
 940 such certificate shall then be a final determination as to the
 941 sufficiency of the petition.

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

951 (5) ACTION ON PETITIONS.--

952 (a) When an initiative or referendum petition has been

953 determined sufficient, the town council shall promptly consider
954 the proposed initiative ordinance or reconsider the referendum
955 ordinance by voting its repeal. If the town council fails to
956 adopt a proposed initiative ordinance without any change in
957 substance within 45 days or fails to repeal the referendum
958 ordinance within 30 days after the date on which the petition is
959 determined to be sufficient, it shall submit the proposed
960 initiative or referendum ordinance to the electors of the town.
961 If the town council fails to act on a proposed initiative
962 ordinance or a referendum ordinance within the time period
963 specified, the town council shall be deemed to have failed to
964 adopt the proposed initiative ordinance or failed to repeal the
965 referendum ordinance on the last day that the town council was
966 authorized to act on such matter.

967 (b) The vote of the town on a proposed initiative or
968 referendum ordinance shall be held not fewer than 30 days or
969 more than 60 days from the date the town council acted or was
970 deemed to have acted pursuant to this charter. If no regular
971 election is to be held within the period described in this
972 paragraph, the town council shall provide for a special
973 election, except that the town council may, in its discretion,
974 provide for a special election at an earlier date within the
975 described period. Copies of the proposed initiative or
976 referendum ordinance shall be made available at the polls.

977 (c) An initiative or referendum petition may be withdrawn
978 at any time prior to the 15th day preceding the day scheduled
979 for a vote of the town by filing with the town clerk a request
980 for withdrawal signed by at least eight members of the

981 petitioner's committee. Upon the filing of such request, the
 982 petition shall have no further force or effect and all
 983 proceedings thereon shall be terminated.

984 (6) RESULTS OF ELECTION.--

985 (a) If a majority of the qualified electors voting on a
 986 proposed initiative ordinance vote in its favor, it shall be
 987 considered adopted upon certification of the election results.
 988 If conflicting ordinances are approved at the same election, the
 989 one receiving the greatest number of affirmative votes shall
 990 prevail to the extent of such conflict.

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

994 Section 9. General provisions.--

995 (1) SEVERABILITY.--If any section or part of any section
 996 of this charter shall be held invalid by a court of competent
 997 jurisdiction, such holding shall not affect the remainder of
 998 this charter or the context in which such section or part of a
 999 section so held invalid may appear, except to the extent that an
 1000 entire section or part of a section may be inseparably connected
 1001 in meaning and effect with the section or part of a section to
 1002 which such holding shall directly apply.

1003 (2) TOWN PERSONNEL SYSTEM.--All new employments,
 1004 appointments, and promotions of town officers and employees
 1005 shall be made pursuant to personnel procedures to be established
 1006 by the town manager from time to time.

1007 (3) CHARITABLE CONTRIBUTIONS.--The town shall not make any
 1008 charitable contribution to any person or entity unless

1009 authorized by the council.

1010 (4) VARIATION OF PRONOUNS.--All pronouns and any
 1011 variations thereof used in this charter shall be deemed to refer
 1012 to masculine, feminine, neutral, singular, or plural as the
 1013 identity of the person or persons shall require and are not
 1014 intended to describe, interpret, define, or limit the scope,
 1015 extent, or intent of this charter.

1016 (5) CALENDAR DAY.--For the purpose of this charter, a day
 1017 shall mean a calendar day.

1018 (6) CHARTER REVIEW COMMITTEE.--

1019 (a) At its first regular meeting in March 2012, and every
 1020 10th year thereafter, the town council may appoint a charter
 1021 review committee consisting of 15 individuals who are not
 1022 members of the town council to serve in an advisory capacity to
 1023 the town council.

1024 (b) Each council member shall recommend and nominate three
 1025 individuals to serve on the committee as regular members, which
 1026 appointments shall be approved by a majority vote of the town
 1027 council. Individuals appointed to the charter review committee
 1028 shall be citizens of the town.

1029 (c) The charter review committee shall appoint its own
 1030 chair and vice chair and adopt its own rules and procedures.

1031 (d) The town clerk and the town attorney shall advise the
 1032 town council in advance of the date when such appointments may
 1033 be made.

1034 (e) If appointed, the charter review committee shall
 1035 commence its proceedings within 30 days after the committee is
 1036 appointed by the town council. The committee shall review the

1037 charter and provide input to the town council to modernize and
 1038 improve the charter. The public shall be given an opportunity to
 1039 speak and participate at charter review committee meetings in
 1040 accordance with the rules of the charter review committee.

1041 (f) All recommendations by the charter review committee
 1042 shall be forwarded to the town council in ordinance form for
 1043 consideration no later than the 1st day of March of the year
 1044 following the appointment of the charter review committee, and
 1045 in sufficient time for any recommendations to be considered by
 1046 the town council as provided herein.

1047 (g) The town council shall consider the recommendations of
 1048 the charter review committee at the regular meeting in November
 1049 and the regular meeting in December of the year following
 1050 appointment of the charter review committee.

1051 (7) CHARTER AMENDMENTS.--This charter may be amended in
 1052 accordance with the provisions for charter amendments as
 1053 specified in general law or as may otherwise be provided by
 1054 general law. The form, content, and certification of any
 1055 petition to amend shall be established by ordinance.

1056 (8) INITIATION BY PETITION.--The electors of the town may
 1057 propose amendments to this charter by petition to be submitted
 1058 to the council to be placed before the electors, as provided by
 1059 general law.

1060 (9) STANDARDS OF CONDUCT.--All elected officials and
 1061 employees of the town shall be subject to the standards of
 1062 conduct for public officers and employees set by general law. In
 1063 addition, the town council shall, no later than 6 months from
 1064 the effective date of incorporation, establish by ordinance a

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1065 code of ethics for officials and employees of the town which may
 1066 be supplemental to general law, but in no case may such an
 1067 ordinance diminish the provisions of general law. The intent of
 1068 this subsection is to require more stringent standards than
 1069 those provided under general law.

1070 (10) LAND USE, REZONING.--Any change to the town's future
 1071 land use map, or any change to the zoning designation for any
 1072 parcel within the town shall require the affirmative vote of no
 1073 fewer than four members of the town council.

1074 Section 10. Transition schedule.--

1075 (1) REFERENDUM.--The Palm Beach County Commission shall
 1076 hold the referendum election called for by this act on October
 1077 10, 2006, at which time the following question shall be placed
 1078 upon the ballot:

1080 "Shall the creation of the Town of Loxahatchee Groves and its
 1081 charter be approved?"

1083 Yes

1085 No

1087 (2) INITIAL ELECTION OF COUNCIL MEMBERS; DATES.--

1088 (a) Following the adoption of this charter, the Palm Beach
 1089 County Commission shall call a special election for the election
 1090 of the five town council members to be held on March 13, 2007.
 1091 Candidates for the election shall qualify for seat 1, seat 2,
 1092 seat 3, seat 4, and seat 5. The candidate receiving the highest

1093 number of votes for that seat shall be elected. If more than one
 1094 candidate for a designated council member seat receives an equal
 1095 and highest number of votes, then the candidates receiving the
 1096 highest votes in the general election shall run again in the
 1097 runoff election which shall be held on March 27, 2007.

1098 (b) Any individual who wishes to run for one of the five
 1099 initial seats on the council shall qualify as a candidate with
 1100 the Palm Beach County Supervisor of Elections in accordance with
 1101 the provisions of this charter and general law.

1102 (c) The Palm Beach County Commission shall appoint a
 1103 canvassing board which shall certify the results of the
 1104 election.

1105 (d) Those candidates who are elected on March 13, 2007,
 1106 and March 27, 2007, shall take office at the initial town
 1107 council meeting, which shall be held at 7 p.m. on March 29,
 1108 2007.

1109 (3) CREATION AND ESTABLISHMENT OF THE TOWN.--For the
 1110 purpose of compliance with section 200.066, Florida Statutes,
 1111 relating to assessment and collection of ad valorem taxes, the
 1112 town is hereby created and established effective November 1,
 1113 2006; notwithstanding anything to the contrary contained herein,
 1114 the town, although created and established as of November 1,
 1115 2006, shall not be operational until March 30, 2007.

1116 (4) FIRST YEAR EXPENSES.--The town council, in order to
 1117 provide moneys for the expenses and support of the town, shall
 1118 have the power to borrow money necessary for the operation of
 1119 town government until such time as a budget is adopted and
 1120 revenues are raised in accordance with the provisions of this

1121 charter.

1122 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All
 1123 applicable county ordinances currently in place at the time of
 1124 passage of the referendum, unless specifically referenced
 1125 herein, shall remain in place until and unless rescinded by
 1126 action of the town council, except that a county ordinance,
 1127 rule, or regulation which is in conflict with an ordinance,
 1128 rule, or regulation of the town shall not be effective to the
 1129 extent of such conflict. Any existing Palm Beach County
 1130 ordinances, rules, and regulations as of October 12, 2006, shall
 1131 not be altered, changed, rescinded, or added to, nor shall any
 1132 variance be granted thereto insofar as such action would affect
 1133 the town without the approval of the town council.

1134 (6) TEMPORARY EMERGENCY ORDINANCES.--The town council
 1135 shall adopt ordinances and resolutions required to effect the
 1136 transition. Ordinances adopted within 60 days after the first
 1137 council meeting may be passed as emergency ordinances. These
 1138 transitional ordinances, passed as emergency ordinances, shall
 1139 be effective for no longer than 90 days after adoption and
 1140 thereafter may be readopted, renewed, or otherwise continued
 1141 only in the manner normally prescribed for ordinances.

1142 (7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
 1143 REGULATIONS.--

1144 (a) Until such time as the town adopts a comprehensive
 1145 plan, the Palm Beach County Future Land Use Map, the Palm Beach
 1146 County Zoning Map, and all other applicable provisions
 1147 applicable to the town, of the Comprehensive Plan and Land
 1148 Development Regulations of Palm Beach County, as the same exist

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1149 on the day the town commences corporate existence, shall remain
1150 in effect as the town's transitional comprehensive plan and land
1151 development regulations. However, all planning functions,
1152 duties, and authority shall thereafter be vested in the Town
1153 Council of Loxahatchee Groves which shall also be deemed the
1154 local planning agency until the council establishes a separate
1155 local planning agency.

1156 (b) Upon this act becoming a law, no changes in the future
1157 land use map or the zoning districts within the boundaries of
1158 the town shall be considered for alteration, amendment, or other
1159 modification in any way until such time as the town adopts
1160 appropriate procedures as referenced in this act.

1161 (c) All powers and duties of the planning commission,
1162 zoning authority, any boards of adjustment, and the County
1163 Commission of Palm Beach County, as set forth in these
1164 transitional zoning and land use regulations, shall be vested in
1165 the Town Council of Loxahatchee Groves until such time as the
1166 town council delegates all or a portion thereof to another
1167 entity.

1168 (d) Subsequent to the passage of this act, no amendment of
1169 the comprehensive plan or land development regulations enacted
1170 by the Palm Beach County Commission shall be deemed as an
1171 amendment of the town's transitional comprehensive plan or land
1172 development regulations or otherwise take effect within the
1173 town's corporate limits except in accordance with the
1174 requirements, and upon adoption of the procedures specified in
1175 this act.

1176 (e)1. The owner or assigns of the 97+/- acre property

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1177 located at the northwest corner of B-Road and Southern
1178 Boulevard, commonly known as the "Simon property," have applied
1179 for a land use change through the Palm Beach County
1180 comprehensive plan amendment process (LGA 2004-00037). This
1181 parcel and its owners and assigns will remain subject to the Palm
1182 Beach County comprehensive plan and approval process until such
1183 time as the town adopts its own comprehensive plan.

1184 2. In the event that the town initiates a review and
1185 approval process in a timeframe that is faster than presently
1186 expected, the owner or assigns of the Simon property may elect,
1187 at their own option, to go through the town's zoning approval
1188 process.

1189 (8) STATE SHARED REVENUES.--The Town of Loxahatchee Groves
1190 shall be entitled to participate in all shared revenue programs
1191 of the state available to municipalities effective immediately
1192 on the date of incorporation. The provisions of section
1193 218.23(1), Florida Statutes, shall be waived for the purpose of
1194 eligibility to receive revenue sharing funds from the date of
1195 incorporation through the state fiscal year 2009-2010. Initial
1196 population estimates for calculating eligibility for shared
1197 revenues shall be determined by the University of Florida Bureau
1198 of Economic and Business Research. Should the bureau be unable
1199 to provide an appropriate population estimate, the Palm Beach
1200 County Planning Division estimate should be utilized. For the
1201 purposes of qualifying for revenue sharing, the following
1202 revenue sources shall be considered: municipal service taxing
1203 units, fire municipal service taxing units, water control
1204 district revenues, occupational license taxes, ad valorem taxes,

1205 public utility service taxes, communication services tax, and
 1206 franchise fees.

1207 (9) GAS TAX REVENUES.--The town shall be entitled to
 1208 receive local option gas tax revenues beginning October 1, 2007.
 1209 This specifically includes the relevant statutorily referenced
 1210 interlocal agreements.

1211 (10) WAIVER.--The provisions of section 218.23(1), Florida
 1212 Statutes, shall be waived for the purpose of conducting audits
 1213 and financial reporting through fiscal year 2007-2008.

1214 Section 11. Continuation, merger, and dissolution of
 1215 existing districts and service providers.--

1216 (1) PALM BEACH COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING
 1217 UNIT; CONTINUATION.--Notwithstanding the incorporation of the
 1218 Town of Loxahatchee Groves, that portion of the Palm Beach
 1219 County Fire Rescue Municipal Service Taxing Unit, a special
 1220 taxing district created by the Palm Beach County Commission that
 1221 lies within the boundaries of the Town of Loxahatchee Groves, is
 1222 authorized to continue in existence until the town adopts an
 1223 ordinance to the contrary. However, the town shall not establish
 1224 a town fire department without a referendum.

1225 (2) LAW ENFORCEMENT.--Law enforcement services will be
 1226 provided by contract with the Palm Beach County Sheriff's
 1227 Office, or contracted with other law enforcement agencies, until
 1228 the town adopts an ordinance to the contrary, provided that the
 1229 town shall not establish a town police department without a
 1230 referendum.

1231 (3) PALM BEACH COUNTY LIBRARY DISTRICT;
 1232 CONTINUATION.--Notwithstanding the incorporation of the Town of

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1233 Loxahatchee Groves, that portion of the Palm Beach County
 1234 Library District, a dependent district of Palm Beach County
 1235 created by chapter 2000-405, Laws of Florida, that lies within
 1236 the boundaries of the Town of Loxahatchee Groves, is authorized
 1237 but not required to continue in existence, provided that in
 1238 order to be excluded from the library district the town shall
 1239 establish a municipal-funded library.

1240 (4) PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT

1241 B.--That portion of Palm Beach County Municipal Service Taxing
 1242 Unit B, a dependent district of Palm Beach County created by the
 1243 Palm Beach Commission that lies within the boundaries of the
 1244 Town of Loxahatchee Groves, shall cease to exist within the
 1245 municipal boundaries of the Town of Loxahatchee Groves on
 1246 October 10, 2006.

1247 (5) PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT

1248 F.--That portion of Palm Beach County Municipal Service Taxing
 1249 Unit F, a dependent district of Palm Beach County created by the
 1250 Palm Beach County Commission that lies within the boundaries of
 1251 the Town of Loxahatchee Groves, shall cease to exist within the
 1252 municipal boundaries of the Town of Loxahatchee Groves on
 1253 October 10, 2006.

1254 (6) LOXAHATCHEE GROVES WATER CONTROL DISTRICT;

1255 CONTINUATION.--Notwithstanding the incorporation of the Town of
 1256 Loxahatchee Groves, the Loxahatchee Groves Water Control
 1257 District, an independent special district created pursuant to
 1258 the laws of the state, is authorized to continue in existence.

1259 (7) LOXAHATCHEE GROVES PARK;

1260 CONTINUATION.--Notwithstanding the incorporation of the Town of

1261 Loxahatchee Groves, the Loxahatchee Groves Park will continue to
 1262 be operated by the Palm Beach County Department of Parks and
 1263 Recreation, in accordance with existing Palm Beach County
 1264 standards. All planned improvements to the park shall be subject
 1265 to approval of the Town of Loxahatchee Groves but are the
 1266 responsibility of Palm Beach County. Nothing contained herein
 1267 shall prevent Palm Beach County and the Town of Loxahatchee
 1268 Groves from entering into an interlocal agreement related to
 1269 maintenance, planned improvements, sale, or transfer of the
 1270 park.

1271 Section 12. Repeal.--Section 6 of section 2 of chapter 99-
 1272 425, Laws of Florida, is repealed.

1273 Section 13. Waivers.--The thresholds established by
 1274 section 165.061, Florida Statutes, for incorporation have been
 1275 met with the following exceptions:

1276 (1) A waiver is granted to provisions of section
 1277 165.061(1)(b), Florida Statutes, relating to minimum population
 1278 requirements of 5,000, due to the rural character of the Town of
 1279 Loxahatchee Groves.

1280 (2) A waiver is granted to provisions of section
 1281 165.061(1)(c), Florida Statutes, relating to the minimum density
 1282 of population of 1.5 persons per acre, to protect the historic,
 1283 rural, and agricultural character of the town from surrounding
 1284 development pressure.

1285 (3) A waiver is granted to provisions of section
 1286 165.061(1)(d), Florida Statutes, relating to the minimum
 1287 distance of 2 miles from the town to an existing municipality
 1288 due to the marked difference in character between the town, a

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1289 historic and rural community, and surrounding communities with
1290 significantly greater density and urban characteristics.

1291 Section 14. This act shall only take effect upon approval
1292 by a majority of those qualified electors residing within the
1293 proposed corporate limits of the proposed Town of Loxahatchee
1294 Groves as described in section 1, voting in a referendum
1295 election to be called by the Board of County Commissioners of
1296 Palm Beach County and to be held on October 10, 2006, in
1297 accordance with the provisions relating to elections currently
1298 in force, except that section 10(1) and this section shall take
1299 effect upon this act becoming a law.