

## CHAMBER ACTION

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1 The Finance & Tax Committee 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; providing  
8 legislative intent; providing a council-manager form of  
9 government; providing boundaries; providing municipal  
10 powers; providing for a town council; providing for  
11 membership, qualifications, terms, powers, and duties of  
12 its members, including the mayor; providing for a vice  
13 mayor; providing general powers and duties; providing  
14 circumstances resulting in vacancy in office; providing  
15 grounds for forfeiture and suspension; providing for  
16 filling of vacancies; providing for compensation and  
17 expenses; providing for appointment of charter officers,  
18 including a town manager and town attorney; providing for  
19 removal, compensation, and filling of vacancies; providing  
20 qualifications, powers, and duties; providing for  
21 meetings; providing for adoption, distribution, and  
22 recording of technical codes; providing for recordkeeping;  
23 providing a limitation upon employment of council members;

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

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52 | Loxahatchee Groves Water Control District; providing for  
 53 | continuation of Loxahatchee Groves Park; repealing s. 6 of  
 54 | s. 2 of chapter 99-425, Laws of Florida, relating to a  
 55 | restriction on annexation of the Loxahatchee Groves Water  
 56 | Control District; providing for waivers; requiring a  
 57 | referendum; providing effective dates.

58 |

59 | Be It Enacted by the Legislature of the State of Florida:

60 |

61 | Section 1. Charter; creation; form of government;  
 62 | boundaries and powers.--

63 | (1) CHARTER; CREATION.--

64 | (a) This act, together with any future amendments thereto,  
 65 | may be known as the "Charter of the Town of Loxahatchee Groves"  
 66 | (the "charter"), and the Town of Loxahatchee Groves (the "town")  
 67 | is hereby created.

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 its continued  
 76 | existence as a historic, rural community with the benefits of  
 77 | self-determination.

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

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 | such as low density, minimal lot coverage, substantial open  
 87 | spaces, agricultural and nursery interests, and rural habitats,  
 88 | and to acknowledge its close ties to the agriculture and  
 89 | equestrian industries within the boundaries of the town.

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

95 | (2) FORM OF GOVERNMENT.--The town shall have a council-  
 96 | manager form of government.

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

99 |  
 100 | That portion of Loxahatchee Sub-Drainage District,  
 101 | Township 43 South, Range 41 East and Range 40 East,  
 102 | Palm Beach County, Florida, being more particularly  
 103 | described as follows:  
 104 | Beginning at the Northwest corner of Section Eighteen  
 105 | (18) in Township Forty-three (43) South, Range Forty-  
 106 | one (41) East, Palm Beach County, Florida, and run  
 107 | thence along the North line of Section Eighteen (18)

108 | and Seventeen (17) of said Township to the Northeast  
 109 | corner of Section Seventeen (17) in said Township and  
 110 | Range; thence run South along the Eastern boundary of  
 111 | Section Seventeen (17) to the Southeast corner of said  
 112 | Section;  
 113 | Thence run East along the Northern boundary of Section  
 114 | Twenty-one (21) and of Section Twenty-two (22) to the  
 115 | Northeast corner of the Northwest quarter of the said  
 116 | Section Twenty-two (22); Thence run South along the  
 117 | East line of the Northwest quarter of said Section  
 118 | Twenty-two (22) to the Southeast corner of said  
 119 | Northwest quarter of said Section; Thence run West  
 120 | along the South line of the Southeast quarter of  
 121 | Northwest quarter of said Section Twenty-two (22) to  
 122 | the Southwest corner of said Southeast quarter of  
 123 | Northwest quarter of said Section; Thence run South  
 124 | along the East line of the West half of the Southwest  
 125 | quarter of Section Twenty-two (22) and of the West  
 126 | half of West half of Section Twenty-seven (27) and of  
 127 | the West half of West half of Section Thirty-four (34)  
 128 | to the North Right of Way line of State Road 80, in  
 129 | Section Thirty-four (34); Thence West along the  
 130 | Northern edge of the North Right of Way line of State  
 131 | Road 80, across the West half of West half of Section  
 132 | Thirty-four (34) and across Section Thirty-three (33),  
 133 | Thirty-two (32), and Thirty-one (31) in said Township  
 134 | to the point where the range line dividing ranges

135 Forty (40) and Forty-one (41) East intersects said  
136 North Right of Way line of State Road 80;  
137 Thence North along the West line of Sections Thirty-  
138 one (31), Thirty (30), Nineteen (19) and Eighteen (18)  
139 to the Point of Beginning, embracing approximately Six  
140 Thousand Nine Hundred Thirty five and 56/100  
141 (6,935.56) acres.  
142 Said lands lying within the above described boundary  
143 lines are described more particularly as follow, to  
144 wit:  
145 All of Section Seventeen (17), Eighteen (18), Nineteen  
146 (19), Twenty (20), and Twenty-one (21) and the  
147 Northwest quarter and West half of Southwest quarter  
148 of Section Twenty-two (22); and West half of West half  
149 of Section Twenty-seven (27); and all Section Twenty-  
150 eight (28), Twenty-nine (29) and Thirty (30) and all  
151 of Section Thirty-one (31) North of North Right of Way  
152 line of State Road 80; and all of Section Thirty-three  
153 (32) North of North Right of Way line of State Road  
154 80; and all of Section Thirty-three (33) North of  
155 North Right of Way line of State Road 80; and all of  
156 the West half of West half of Section Thirty-four (34)  
157 North of North Right of Way line of State Road 80; all  
158 in Township Forty-three (43) South Range Forty-one  
159 (41) East, all of said lands being situate in Palm  
160 Beach County, State of Florida, according to the  
161 United States official surveys of said lands.  
162 TOGETHER WITH

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163 | The South 1/2 of Sections 7 and 8, T43S, R41E.

164 | The South 1/2 of the East 1/4 of Section 12, The East

165 | 1/4 of Sections 13, 24, 25, T43S, R40E, and that part

166 | of the East 1/4 of Section 36, T43S, R40E, lying North

167 | of the North Right of Way of S.R. 80, all in Palm

168 | Beach County, Florida, containing 1320 acres, more or

169 | less.

170 | LESS AND EXCEPT The All or Nothing Legislation Parcel

171 | as described in Senate Bill No. 2616, Laws of Florida,

172 | Chapter 99-425, formerly known as The Palms West

173 | Hospital property

174 | A parcel bounded by Southern Boulevard (S.R. 80) on

175 | the South, the Southern boundary of the drainage/road

176 | Right of Way known as collecting canal on the North,

177 | Folsom/Crestwood of the East, and the Western boundary

178 | of The All or Nothing Legislation Parcel as described

179 | in Senate Bill No. 2616, Laws of Florida, Chapter 99-

180 | 425 on the west, said parcel being more particularly

181 | described as follows:

182 | A parcel of land located in the County of Palm Beach,

183 | State of Florida, to wit:

184 | The point of beginning being the intersection of the

185 | Easterly line of Lot 4, Block K, Loxahatchee District,

186 | according to the plat thereof on file in the Office of

187 | the Clerk of the Circuit Court recorded in Plat Book

188 | 7, Page 81, of the Public Records of Palm Beach

189 | County, Florida, and the Southerly boundary of the

190 | "Collecting Canal" as shown on the Replat of

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191 Loxahatchee Groves Subdivision according to the Plat  
192 thereof, recorded in Plat Book 12, Page 29, of the  
193 Public Records of Palm Beach County, Florida; Thence  
194 Easterly along said Southerly boundary of the  
195 "Collecting Canal" to the Easterly boundary of said  
196 Replat of Loxahatchee Groves; Thence South along said  
197 Easterly boundary line of the Replat of Loxahatchee  
198 Groves to the North Right of Way line of State Road  
199 80; Thence Westerly along said Northerly Right of Way  
200 line of State Road 80 to the Easterly line of Lot 4,  
201 Block K, Loxahatchee District;  
202 Thence Northerly along said Easterly line of Lot 4 to  
203 the Point of Beginning, and  
204 A portion of Lot 4, Block "K," Loxahatchee District  
205 subdivision, according to the map or plat thereof as  
206 recorded in Plat Book 7, page 81, public records, Palm  
207 Beach County, Florida, being more particularly described as  
208 follows:  
209 Commencing at the northeast corner of said lot 4; thence,  
210 south 02°16'42" west, along the east line of said lot 4, a  
211 distance of 834.00 feet for a point of beginning.  
212 Thence, continue south 02°16'42" west along said east line,  
213 a distance of 1221.92 feet, more or less, to the  
214 intersection thereof with the north right-of-way line of  
215 State Road No. 80 as recorded in official records book  
216 12372, page 468, said public records; thence, north  
217 88°08'61" west, departing said east line and along said  
218 north right-of-way line, a distance of 260.20 feet; thence,

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219 north 02°16'46" east, departing said right-of-way line, a  
 220 distance of 80.00 feet; thence, north 88°08'51" west, a  
 221 distance of 248.59 feet; thence, north 02°16'46" east, a  
 222 distance of 321.11; thence, north 88°08'51" west, a  
 223 distance of 275.01 feet, more or less, to the intersection  
 224 thereof with the west line of said lot 4; thence, north  
 225 02°16'46" east, along said west line, a distance of 806.33  
 226 feet; thence, south 89°12'21" east, departing said west  
 227 line and along the south line of the north 834.00 feet of  
 228 said lot 4, as measured along the east and west lines of  
 229 said lot 4, a distance of 784.02 feet to the point of  
 230 beginning.

231 Containing: 18.867 acres, more or less.

232 (b) The town shall not annex that area now known as  
 233 Callery-Judge Groves, generally described as that area of land  
 234 bounded on the north by M canal, on the south by the northern  
 235 border of the town, on the east by 140th, and on the west by M  
 236 canal.

237 (4) MUNICIPAL POWERS.--The town shall be a body corporate  
 238 and politic and shall have all available governmental,  
 239 corporate, and proprietary powers of a municipality under the  
 240 State Constitution and laws of the state, as fully and  
 241 completely as though such powers were specifically enumerated in  
 242 this charter, and may exercise them, except when prohibited by  
 243 law. Through the adoption of this charter, it is the intent of  
 244 the electors of the town that the municipal government  
 245 established herein have the broadest exercise of home rule  
 246 powers permitted under the State Constitution and laws of the

247 | state. This charter and the powers of the town shall be  
 248 | construed liberally in favor of the town. It is recognized that  
 249 | certain services within the municipal boundaries are provided by  
 250 | independent special districts created by special acts of the  
 251 | Legislature and by Palm Beach County.

252 | Section 2. Council; mayor and vice mayor.--

253 | (1) TOWN COUNCIL.--There shall be a five-member town  
 254 | council ("council") vested with all legislative powers of the  
 255 | town, consisting of five members ("council members"), each  
 256 | elected from and representing the town at large. Unless  
 257 | otherwise stated within this charter, all charter powers shall  
 258 | be exercised by the council.

259 | (2) THE MAYOR; POWERS AND DUTIES.--

260 | (a) The council, at its first regular meeting after the  
 261 | fourth Tuesday of each March, shall elect from its members a  
 262 | mayor who shall serve for a period of 1 year and who shall have  
 263 | the same legislative powers and duties as any other council  
 264 | member, except as provided herein.

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

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275 | or such other actions as may be authorized by the town council,  
276 | consistent with general or special law.

277 | (3) THE VICE MAYOR.--

278 | (a) The council, at its first regular meeting after the  
279 | fourth Tuesday of each March, shall elect from its members a  
280 | vice mayor who shall serve for a period of 1 year and who shall  
281 | have the same legislative powers and duties while serving as any  
282 | other council member.

283 | (b) The vice mayor shall serve as acting mayor during the  
284 | absence or disability of the mayor. In the absence of the mayor  
285 | and the vice mayor, the remaining council members shall select a  
286 | council member to serve as acting mayor.

287 | Section 3. Election and terms of office.--

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

295 | (2) SEATS.--The town council shall be divided into five  
296 | separate council seats to be designated as seats 1, 2, 3, 4, and  
297 | 5, to be voted on townwide, with each qualified elector entitled  
298 | to vote for one candidate for each seat.

299 | (3) QUALIFICATION.--Candidates for each council seat must  
300 | qualify for council elections by seat in accordance with  
301 | applicable general law, and the council members elected to those

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302 seats shall hold the seats 1 through 5, respectively. To qualify  
303 for office:

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

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

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

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

321 (4) VACANCIES IN OFFICE; FORFEITURE; SUSPENSION; FILLING  
322 OF VACANCIES.--

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

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

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

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

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

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

347        5. Is absent from three consecutive regular council  
348 meetings without good cause, or for any other reason established  
349 in this charter.

350

351 The council shall be the sole judge of the qualifications of its  
352 members and shall hear all questions relating to forfeiture of a  
353 council member's office, including whether good cause for  
354 absence has been or may be established. The burden of  
355 establishing good cause shall be on the council member in  
356 question; however, any council member may at any time during any

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

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

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

382 2. If the council member is subsequently found not guilty  
383 of the charge, or if the charge is otherwise dismissed, reduced,  
384 or altered in such a manner that suspension would no longer be

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385 required as provided herein, the suspension shall be lifted and  
386 the council member shall be entitled to receive full back pay  
387 and such other emoluments or allowances as he or she would have  
388 been entitled to had the suspension not occurred.

389 (d) Filling of vacancies.--

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

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

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

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

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

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

431       (e) Compensation and expenses.--

432       1. Town council members shall be entitled to receive  
433 reimbursement in accordance with general law for authorized  
434 travel and per diem expenses incurred in the performance of  
435 their official duties.

436       2. The town council, by not fewer than four affirmative  
437 votes, may elect to provide for compensation and any increase in  
438 such compensation by ordinance. However, no such ordinance  
439 establishing or increasing compensation shall take effect until

440 the date of commencement of the terms of council members elected  
 441 at the next regular election which follows the adoption of such  
 442 ordinance.

443 Section 4. Administrative.--

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

448 (2) APPOINTMENT; REMOVAL; COMPENSATION; FILLING OF  
 449 VACANCIES.--

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

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

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

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

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

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

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

478        (b) The town manager shall have the minimum qualifications  
479 of a combination of a bachelor's degree in public  
480 administration, business administration, or other related fields  
481 from an accredited college or university and 3 years' public  
482 administration experience or 6 years' experience in a city  
483 manager or assistant city manager position, preferably in an  
484 International City/County Management Association-recognized  
485 local government.

486        (c) It is preferred that the town manager be an  
487 International City/County Management Association-credentialed  
488 manager or obtain such credential within 2 years after being  
489 appointed.

490        (d) During the absence or disability of the town manager,  
491 the town council may by resolution designate some properly  
492 qualified person to temporarily execute the functions of the  
493 town manager. The person thus designated shall have the same  
494 powers and duties as the town manager and shall be known while

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495 serving as acting town manager. The town manager or acting town  
496 manager may be removed by the town council at any time.

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

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

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

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

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

516 5. Attend meetings of the town council.

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

520 7. Sign all licenses issued by the town, issue receipts  
521 for all moneys paid to the town, and deposit such moneys in the  
522 proper depositories on the first banking day after receipt. The

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523 town manager may delegate the responsibilities of this  
524 subparagraph to an appropriate town employee who shall be  
525 bonded.

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

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

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

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

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

538 (4) TOWN ATTORNEY.--

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

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

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

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

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

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

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

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

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

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

575 (5) TOWN CLERK.--The town manager shall appoint a town  
576 clerk or management firm to serve as town clerk (the "clerk").

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

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

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

592 Section 5. Legislative.--

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

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

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

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

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

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

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

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

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

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

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

636        (10) EMERGENCY ORDINANCES.--

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

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

656        (c) Emergency ordinances shall become effective upon  
657 adoption or at such other date as may be specified in the  
658 ordinance.

659        (d) Every emergency ordinance, except emergency  
660 appropriation ordinances, shall automatically be repealed as of

661 the 61st day following its effective date, but this shall not  
 662 prevent reenactment of the ordinance under regular procedures  
 663 or, if the emergency still exists, in the manner specified in  
 664 this section. An emergency ordinance may also be repealed by  
 665 adoption of a repealing ordinance in the same manner specified  
 666 in this section for adoption of emergency ordinances.

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

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

687 (13) DUAL OFFICE HOLDING.--No present elected town  
 688 official shall hold any compensated appointive office or

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689 employment of the town while in office, nor shall any former  
 690 council member be employed by the town until after the  
 691 expiration of 1 year from the time of leaving office.

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

705 Section 6. Budget and appropriations.--

706 (1) FISCAL YEAR.--The town shall have a fiscal year which  
 707 shall begin on the first day of October and shall end on the  
 708 last day of September of the following calendar year, unless  
 709 otherwise defined by general law. Such fiscal year shall also  
 710 constitute the annual budget and accounting year.

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

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

718           (4) APPROPRIATIONS.--

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

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

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

741           (5) BONDS; INDEBTEDNESS.--

742           (a) Subject to the referendum requirements of the State  
 743 Constitution, if applicable, the town may from time to time

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

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

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

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

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772           Section 7. Elections.--

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

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

779           (3) ELECTION DATES.--A special election shall be held on  
780 the second Tuesday in March 2007, and regular elections shall be  
781 held on the second Tuesday in March of each election year,  
782 provided as follows:

783           (a) For the two council member seats that received the  
784 highest number of votes in the March 2007 election, the next  
785 election to fill the council member seats shall be held on the  
786 second Tuesday in March after the first Monday in March in 2010,  
787 and every 3 years thereafter.

788           (b) For the two council member seats that received the  
789 next highest number of votes in the March 2007 election, the  
790 next election to fill the council member seats shall be held on  
791 the second Tuesday in March after the first Monday in March in  
792 2009, and every 3 years thereafter.

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

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

798           (4) RUNOFF ELECTIONS.--In the event no candidate for an  
799 office receives a majority of the votes cast for such office,

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800 the person receiving the largest number of votes cast will be  
801 elected. In the event two candidates receive an equal number of  
802 votes, a runoff election shall be held on the fourth Tuesday in  
803 March.

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

816 (6) SPECIAL ELECTIONS.--Special municipal elections, when  
817 required, shall be held in the same manner as regular elections,  
818 except that the town council, by ordinance, shall fix the time  
819 for holding such elections consistent with this charter and  
820 state law.

821 (7) GENERAL ELECTION.--

822 (a) The ballot for the general election shall contain the  
823 names of all qualified candidates for each respective council  
824 member seat and shall instruct electors to cast one vote for  
825 each council member seat, with a maximum of one vote per  
826 candidate. The candidate for each council member seat receiving

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827 the most votes shall be the duly elected council member for that  
828 designated council member seat.

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

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

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

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

843 (f) All elected officers, before entering upon their  
844 duties, shall take and subscribe to the following oath of  
845 office:

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

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854 (g) The election laws of the state shall apply to all  
855 elections.

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

859 Section 8. Initiative and referendum.--

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

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

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

876 2. The electors of the town shall have the power to  
877 require reconsideration by the town council of any adopted  
878 ordinance and, if the town council fails to repeal an ordinance  
879 so reconsidered, to approve or reject it at a town election,  
880 provided that such power shall not extend to the annual budget

881 or capital program or any ordinance appropriating money, levying  
 882 taxes, or setting salaries of town officers or employees.

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

895 (3) PETITIONS.--

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

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

906 (c) Each paper of a petition shall have attached to it  
 907 when filed an affidavit executed by the circulator thereof  
 908 stating that he or she personally circulated the paper, the

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909 number of signatures thereon, that all signatures were affixed  
910 in his or her presence, that he or she believes them to be the  
911 genuine signatures of the persons whose names they purport to  
912 be, and that each signer had an opportunity before signing to  
913 read the full text of the ordinance proposed or sought to be  
914 reconsidered.

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

922 (4) PROCEDURE FOR FILING.--

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

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937 requirements, and within 5 days after it is filed the town clerk  
938 shall complete a certificate as to the sufficiency of the  
939 petition as amended and promptly send a copy of such certificate  
940 to the petitioner's committee by registered mail. If a petition  
941 or an amended petition is certified sufficient, or if a petition  
942 or amended petition is certified insufficient and the  
943 petitioner's committee does not elect to amend or request the  
944 town council review within the time required, the town clerk  
945 shall promptly present a certificate to the town council and  
946 such certificate shall then be a final determination as to the  
947 sufficiency of the petition.

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

957 (5) ACTION ON PETITIONS.--

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

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

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

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

990 (6) RESULTS OF ELECTION.--

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

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

997 (b) If a majority of the qualified electors voting on a  
 998 referendum ordinance vote against it, it shall be considered  
 999 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

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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 2012, and every  
 1026 10th year thereafter, the town council may appoint a charter  
 1027 review committee consisting of 15 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.

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.

1047       (f) All recommendations by the charter review committee  
 1048 shall be forwarded to the town council in ordinance form for  
 1049 consideration no 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 general law or as may otherwise be provided by  
 1060 general law. The form, content, and certification of any  
 1061 petition to amend shall be established by ordinance.

1062       (8) INITIATION BY PETITION.--The electors of the town may  
 1063 propose amendments to this charter by petition to be submitted  
 1064 to the council to be placed before the electors, as provided by  
 1065 general law.

1066       (9) STANDARDS OF CONDUCT.--All elected officials and  
 1067 employees of the town shall be subject to the standards of  
 1068 conduct for public officers and employees set by general law. In  
 1069 addition, the town council shall, no later than 6 months from  
 1070 the effective date of incorporation, establish by ordinance a  
 1071 code of ethics for officials and employees of the town which may  
 1072 be supplemental to general law, but in no case may such an  
 1073 ordinance diminish the provisions of general law. The intent of

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1074 this subsection is to require more stringent standards than  
 1075 those provided under general law.

1076 (10) LAND USE, REZONING.--Any change to the town's future  
 1077 land use map, or any change to the zoning designation for any  
 1078 parcel within the town shall require the affirmative vote of no  
 1079 fewer than four members of the town council.

1080 Section 10. Transition schedule.--

1081 (1) REFERENDUM.--The Palm Beach County Commission shall  
 1082 hold the referendum election called for by this act on October  
 1083 10, 2006, at which time the following question shall be placed  
 1084 upon the ballot:

1085  
 1086 "Shall the creation of the Town of Loxahatchee Groves and its  
 1087 charter be approved?"

1088  
 1089 Yes

1090  
 1091 No

1092  
 1093 (2) INITIAL ELECTION OF COUNCIL MEMBERS; DATES.--

1094 (a) Following the adoption of this charter, the Palm Beach  
 1095 County Commission shall call a special election for the election  
 1096 of the five town council members to be held on March 13, 2007.  
 1097 Candidates for the election shall qualify for seat 1, seat 2,  
 1098 seat 3, seat 4, and seat 5. The candidate receiving the highest  
 1099 number of votes for that seat shall be elected. If more than one  
 1100 candidate for a designated council member seat receives an equal  
 1101 and highest number of votes, then the candidates receiving the

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1102 highest votes in the general election shall run again in the  
1103 runoff election which shall be held on March 27, 2007.

1104 (b) Any individual who wishes to run for one of the five  
1105 initial seats on the council shall qualify as a candidate with  
1106 the Palm Beach County Supervisor of Elections in accordance with  
1107 the provisions of this charter and general law.

1108 (c) The Palm Beach County Commission shall appoint a  
1109 canvassing board which shall certify the results of the  
1110 election.

1111 (d) Those candidates who are elected on March 13, 2007,  
1112 and March 27, 2007, shall take office at the initial town  
1113 council meeting, which shall be held at 7 p.m. on March 29,  
1114 2007.

1115 (3) CREATION AND ESTABLISHMENT OF THE TOWN.--For the  
1116 purpose of compliance with section 200.066, Florida Statutes,  
1117 relating to assessment and collection of ad valorem taxes, the  
1118 town is hereby created and established effective November 1,  
1119 2006; notwithstanding anything to the contrary contained herein,  
1120 the town, although created and established as of November 1,  
1121 2006, shall not be operational until March 30, 2007.

1122 (4) FIRST YEAR EXPENSES.--The town council, in order to  
1123 provide moneys for the expenses and support of the town, shall  
1124 have the power to borrow money necessary for the operation of  
1125 town government until such time as a budget is adopted and  
1126 revenues are raised in accordance with the provisions of this  
1127 charter.

1128 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All  
1129 applicable county ordinances currently in place at the time of

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1130 passage of the referendum, unless specifically referenced  
 1131 herein, shall remain in place until and unless rescinded by  
 1132 action of the town council, except that a county ordinance,  
 1133 rule, or regulation which is in conflict with an ordinance,  
 1134 rule, or regulation of the town shall not be effective to the  
 1135 extent of such conflict, except as otherwise provided by the  
 1136 Palm Beach County Charter, as may be amended from time to time.  
 1137 Any existing Palm Beach County ordinances, rules, and  
 1138 regulations as of October 12, 2006, shall not be altered,  
 1139 changed, rescinded, or added to, nor shall any variance be  
 1140 granted thereto insofar as such action would affect the town  
 1141 without the approval of the town council.

1142 (6) TEMPORARY EMERGENCY ORDINANCES.--The town council  
 1143 shall adopt ordinances and resolutions required to effect the  
 1144 transition. Ordinances adopted within 60 days after the first  
 1145 council meeting may be passed as emergency ordinances. These  
 1146 transitional ordinances, passed as emergency ordinances, shall  
 1147 be effective for no longer than 90 days after adoption and  
 1148 thereafter may be readopted, renewed, or otherwise continued  
 1149 only in the manner normally prescribed for ordinances.

1150 (7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT  
 1151 REGULATIONS.--

1152 (a) Until such time as the town adopts a comprehensive  
 1153 plan, the Palm Beach County Future Land Use Map, the Palm Beach  
 1154 County Zoning Map, and all other applicable provisions  
 1155 applicable to the town, of the Comprehensive Plan and Land  
 1156 Development Regulations of Palm Beach County, as the same exist  
 1157 on the day the town commences corporate existence, shall remain

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1158 in effect as the town's transitional comprehensive plan and land  
1159 development regulations. However, all planning functions,  
1160 duties, and authority shall thereafter be vested in the Town  
1161 Council of Loxahatchee Groves which shall also be deemed the  
1162 local planning agency until the council establishes a separate  
1163 local planning agency.

1164 (b) Upon this act becoming a law, no changes in the future  
1165 land use map or the zoning districts within the boundaries of  
1166 the town shall be considered for alteration, amendment, or other  
1167 modification in any way until such time as the town adopts  
1168 appropriate procedures as referenced in this act.

1169 (c) All powers and duties of the planning commission,  
1170 zoning authority, any boards of adjustment, and the County  
1171 Commission of Palm Beach County, as set forth in these  
1172 transitional zoning and land use regulations, shall be vested in  
1173 the Town Council of Loxahatchee Groves until such time as the  
1174 town council delegates all or a portion thereof to another  
1175 entity.

1176 (d) Subsequent to the passage of this act, no amendment of  
1177 the comprehensive plan or land development regulations enacted  
1178 by the Palm Beach County Commission shall be deemed as an  
1179 amendment of the town's transitional comprehensive plan or land  
1180 development regulations or otherwise take effect within the  
1181 town's corporate limits except in accordance with the  
1182 requirements, and upon adoption of the procedures specified in  
1183 this act.

1184 (e)1. The owner or assigns of the 97+/- acre property  
1185 located at the northwest corner of B-Road and Southern

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1186 Boulevard, commonly known as the "Simon property," have applied  
 1187 for a land use change through the Palm Beach County  
 1188 comprehensive plan amendment process (LGA 2004-00037). This  
 1189 parcel and its owners and assigns will remain subject to the Palm  
 1190 Beach County comprehensive plan and approval process until such  
 1191 time as the town adopts its own comprehensive plan.

1192 2. In the event that the town initiates a review and  
 1193 approval process in a timeframe that is faster than presently  
 1194 expected, the owner or assigns of the Simon property may elect,  
 1195 at their own option, to go through the town's zoning approval  
 1196 process.

1197 (8) COMMUNICATIONS SERVICES TAX.--The communications  
 1198 services tax imposed under s. 202.19, F.S., by Palm Beach County  
 1199 will continue within the town boundaries during the period  
 1200 commencing with the date of incorporation through December 31,  
 1201 2007. Revenues from the tax shall be shared by Palm Beach County  
 1202 with the town in proportion to the projected town population  
 1203 estimate of the Palm Beach County Planning Division compared  
 1204 with the unincorporated population of Palm Beach County before  
 1205 the incorporation of Loxahatchee Groves.

1206 (9) STATE SHARED REVENUES.--The Town of Loxahatchee Groves  
 1207 shall be entitled to participate in all shared revenue programs  
 1208 of the state available to municipalities effective April 1,  
 1209 2007. The provisions of section 218.23(1), Florida Statutes,  
 1210 shall be waived for the purpose of eligibility to receive  
 1211 revenue sharing funds from the date of incorporation through the  
 1212 state fiscal year 2009-2010. Initial population estimates for  
 1213 calculating eligibility for shared revenues shall be determined

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1214 by the University of Florida Bureau of Economic and Business  
 1215 Research. Should the bureau be unable to provide an appropriate  
 1216 population estimate, the Palm Beach County Planning Division  
 1217 estimate should be utilized. For the purposes of qualifying for  
 1218 revenue sharing, the following revenue sources shall be  
 1219 considered: municipal service taxing units, fire municipal  
 1220 service taxing units, water control district revenues,  
 1221 occupational license taxes, ad valorem taxes, public utility  
 1222 service taxes, communications services tax, and franchise fees.

1223 (10) GAS TAX REVENUES.--Notwithstanding the requirements  
 1224 of section 336.025, Florida Statutes, to the contrary, the town  
 1225 shall be entitled to receive local option gas tax revenues  
 1226 beginning October 1, 2007. These revenues shall be distributed  
 1227 in accordance with the interlocal agreements with Palm Beach  
 1228 County.

1229 (11) WAIVER.--The provisions of section 218.23(1), Florida  
 1230 Statutes, shall be waived for the purpose of conducting audits  
 1231 and financial reporting through fiscal year 2007-2008.

1232 Section 11. Continuation, merger, and dissolution of  
 1233 existing districts and service providers.--

1234 (1) PALM BEACH COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING  
 1235 UNIT; CONTINUATION.--Notwithstanding the incorporation of the  
 1236 Town of Loxahatchee Groves, that portion of the Palm Beach  
 1237 County Fire Rescue Municipal Service Taxing Unit, a special  
 1238 taxing district created by the Palm Beach County Commission that  
 1239 lies within the boundaries of the Town of Loxahatchee Groves, is  
 1240 authorized to continue in existence until the town adopts an

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1241 ordinance to the contrary. However, the town shall not establish  
 1242 a town fire department without a referendum.

1243 (2) LAW ENFORCEMENT.--Law enforcement services will be  
 1244 provided by contract with the Palm Beach County Sheriff's  
 1245 Office, or contracted with other law enforcement agencies, until  
 1246 the town adopts an ordinance to the contrary, provided that the  
 1247 town shall not establish a town police department without a  
 1248 referendum.

1249 (3) PALM BEACH COUNTY LIBRARY DISTRICT;  
 1250 CONTINUATION.--Notwithstanding the incorporation of the Town of  
 1251 Loxahatchee Groves, that portion of the Palm Beach County  
 1252 Library District, a dependent district of Palm Beach County  
 1253 created by chapter 2000-405, Laws of Florida, that lies within  
 1254 the boundaries of the Town of Loxahatchee Groves, is authorized  
 1255 but not required to continue in existence, provided that in  
 1256 order to be excluded from the library district the town shall  
 1257 establish a municipal-funded library.

1258 (4) PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT  
 1259 B.--That portion of Palm Beach County Municipal Service Taxing  
 1260 Unit B, a dependent district of Palm Beach County created by the  
 1261 Palm Beach Commission that lies within the boundaries of the  
 1262 Town of Loxahatchee Groves, shall cease to exist within the  
 1263 municipal boundaries of the Town of Loxahatchee Groves on  
 1264 October 10, 2006.

1265 (5) PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT  
 1266 F.--That portion of Palm Beach County Municipal Service Taxing  
 1267 Unit F, a dependent district of Palm Beach County created by the  
 1268 Palm Beach County Commission that lies within the boundaries of

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1269 | the Town of Loxahatchee Groves, shall cease to exist within the  
 1270 | municipal boundaries of the Town of Loxahatchee Groves on  
 1271 | October 10, 2006.

1272 |       (6) LOXAHATCHEE GROVES WATER CONTROL DISTRICT;  
 1273 | CONTINUATION.--Notwithstanding the incorporation of the Town of  
 1274 | Loxahatchee Groves, the Loxahatchee Groves Water Control  
 1275 | District, an independent special district created pursuant to  
 1276 | the laws of the state, is authorized to continue in existence.

1277 |       (7) LOXAHATCHEE GROVES PARK;  
 1278 | CONTINUATION.--Notwithstanding the incorporation of the Town of  
 1279 | Loxahatchee Groves, the Loxahatchee Groves Park will continue to  
 1280 | be operated by the Palm Beach County Department of Parks and  
 1281 | Recreation, in accordance with existing Palm Beach County  
 1282 | standards. All planned improvements to the park shall be subject  
 1283 | to approval of the Town of Loxahatchee Groves but are the  
 1284 | responsibility of Palm Beach County. Nothing contained herein  
 1285 | shall prevent Palm Beach County and the Town of Loxahatchee  
 1286 | Groves from entering into an interlocal agreement related to  
 1287 | maintenance, planned improvements, sale, or transfer of the  
 1288 | park.

1289 |       Section 12. Repeal.--Section 6 of section 2 of chapter 99-  
 1290 | 425, Laws of Florida, is repealed.

1291 |       Section 13. Waivers.--The thresholds established by  
 1292 | section 165.061, Florida Statutes, for incorporation have been  
 1293 | met with the following exceptions:

1294 |       (1) A waiver is granted to provisions of section  
 1295 | 165.061(1)(b), Florida Statutes, relating to minimum population

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1296 | requirements of 5,000, due to the rural character of the Town of  
1297 | Loxahatchee Groves.

1298 | (2) A waiver is granted to provisions of section  
1299 | 165.061(1)(c), Florida Statutes, relating to the minimum density  
1300 | of population of 1.5 persons per acre, to protect the historic,  
1301 | rural, and agricultural character of the town from surrounding  
1302 | development pressure.

1303 | (3) A waiver is granted to provisions of section  
1304 | 165.061(1)(d), Florida Statutes, relating to the minimum  
1305 | distance of 2 miles from the town to an existing municipality  
1306 | due to the marked difference in character between the town, a  
1307 | historic and rural community, and surrounding communities with  
1308 | significantly greater density and urban characteristics.

1309 | Section 14. This act shall only take effect upon approval  
1310 | by a majority of those qualified electors residing within the  
1311 | proposed corporate limits of the proposed Town of Loxahatchee  
1312 | Groves as described in section 1, voting in a referendum  
1313 | election to be called by the Board of County Commissioners of  
1314 | Palm Beach County and to be held on October 10, 2006, in  
1315 | accordance with the provisions relating to elections currently  
1316 | in force, except that section 10(1) and this section shall take  
1317 | effect upon this act becoming a law.