

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 sharing of
38 communications services tax; providing for accelerated
39 entitlement to state-shared revenues; providing for
40 receipt and distribution of gas tax revenues; providing
41 for continuation of the Palm Beach County Fire Rescue
42 Municipal Service Taxing Unit; providing for law
43 enforcement; providing for continuation of the Palm Beach
44 County Library District; providing for dissolution of the
45 Palm Beach County Municipal Service Taxing Unit B and
46 dissolution of the Palm Beach County Municipal Service
47 Taxing Unit F; providing for continuation of the
48 Loxahatchee Groves Water Control District; providing for
49 continuation of Loxahatchee Groves Park; repealing s. 6 of
50 s. 2 of chapter 99-425, Laws of Florida, relating to a
51 restriction on annexation of the Loxahatchee Groves Water
52 Control District; providing for waivers; requiring a
53 referendum; providing effective dates.

54

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

56
57 Section 1. Charter; creation; form of government;
58 boundaries and powers.--

59 (1) CHARTER; CREATION.--

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

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

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

79 (d) It is intended that this charter and the incorporation
80 of the Loxahatchee Groves area will serve to preserve and
81 protect the distinctive rural characteristics of the community,

82 such as low density, minimal lot coverage, substantial open
 83 spaces, agricultural and nursery interests, and rural habitats,
 84 and to acknowledge its close ties to the agriculture and
 85 equestrian industries within the boundaries of the town.

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

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

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

95
 96 That portion of Loxahatchee Sub-Drainage District,
 97 Township 43 South, Range 41 East and Range 40 East,
 98 Palm Beach County, Florida, being more particularly
 99 described as follows:

100 Beginning at the Northwest corner of Section Eighteen
 101 (18) in Township Forty-three (43) South, Range Forty-
 102 one (41) East, Palm Beach County, Florida, and run
 103 thence along the North line of Section Eighteen (18)
 104 and Seventeen (17) of said Township to the Northeast
 105 corner of Section Seventeen (17) in said Township and
 106 Range; thence run South along the Eastern boundary of
 107 Section Seventeen (17) to the Southeast corner of said
 108 Section;

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

136 Thousand Nine Hundred Thirty five and 56/100
 137 (6,935.56) acres.
 138 Said lands lying within the above described boundary
 139 lines are described more particularly as follow, to
 140 wit:
 141 All of Section Seventeen (17), Eighteen (18), Nineteen
 142 (19), Twenty (20), and Twenty-one (21) and the
 143 Northwest quarter and West half of Southwest quarter
 144 of Section Twenty-two (22); and West half of West half
 145 of Section Twenty-seven (27); and all Section Twenty-
 146 eight (28), Twenty-nine (29) and Thirty (30) and all
 147 of Section Thirty-one (31) North of North Right of Way
 148 line of State Road 80; and all of Section Thirty-three
 149 (32) North of North Right of Way line of State Road
 150 80; and all of Section Thirty-three (33) North of
 151 North Right of Way line of State Road 80; and all of
 152 the West half of West half of Section Thirty-four (34)
 153 North of North Right of Way line of State Road 80; all
 154 in Township Forty-three (43) South Range Forty-one
 155 (41) East, all of said lands being situate in Palm
 156 Beach County, State of Florida, according to the
 157 United States official surveys of said lands.
 158 TOGETHER WITH
 159 The South 1/2 of Sections 7 and 8, T43S, R41E.
 160 The South 1/2 of the East 1/4 of Section 12, The East
 161 1/4 of Sections 13, 24, 25, T43S, R40E, and that part
 162 of the East 1/4 of Section 36, T43S, R40E, lying North

163 of the North Right of Way of S.R. 80, all in Palm
164 Beach County, Florida, containing 1320 acres, more or
165 less.
166 LESS AND EXCEPT The All or Nothing Legislation Parcel
167 as described in Senate Bill No. 2616, Laws of Florida,
168 Chapter 99-425, formerly known as The Palms West
169 Hospital property
170 A parcel bounded by Southern Boulevard (S.R. 80) on
171 the South, the Southern boundary of the drainage/road
172 Right of Way known as collecting canal on the North,
173 Folsom/Crestwood of the East, and the Western boundary
174 of The All or Nothing Legislation Parcel as described
175 in Senate Bill No. 2616, Laws of Florida, Chapter 99-
176 425 on the west, said parcel being more particularly
177 described as follows:
178 A parcel of land located in the County of Palm Beach,
179 State of Florida, to wit:
180 The point of beginning being the intersection of the
181 Easterly line of Lot 4, Block K, Loxahatchee District,
182 according to the plat thereof on file in the Office of
183 the Clerk of the Circuit Court recorded in Plat Book
184 7, Page 81, of the Public Records of Palm Beach
185 County, Florida, and the Southerly boundary of the
186 "Collecting Canal" as shown on the Replat of
187 Loxahatchee Groves Subdivision according to the Plat
188 thereof, recorded in Plat Book 12, Page 29, of the
189 Public Records of Palm Beach County, Florida; Thence

190 Easterly along said Southerly boundary of the
191 "Collecting Canal" to the Easterly boundary of said
192 Replat of Loxahatchee Groves; Thence South along said
193 Easterly boundary line of the Replat of Loxahatchee
194 Groves to the North Right of Way line of State Road
195 80; Thence Westerly along said Northerly Right of Way
196 line of State Road 80 to the Easterly line of Lot 4,
197 Block K, Loxahatchee District;
198 Thence Northerly along said Easterly line of Lot 4 to
199 the Point of Beginning, and
200 A portion of Lot 4, Block "K," Loxahatchee District
201 subdivision, according to the map or plat thereof as
202 recorded in Plat Book 7, page 81, public records, Palm
203 Beach County, Florida, being more particularly described as
204 follows:
205 Commencing at the northeast corner of said lot 4; thence,
206 south 02°16'42" west, along the east line of said lot 4, a
207 distance of 834.00 feet for a point of beginning.
208 Thence, continue south 02°16'42" west along said east line,
209 a distance of 1221.92 feet, more or less, to the
210 intersection thereof with the north right-of-way line of
211 State Road No. 80 as recorded in official records book
212 12372, page 468, said public records; thence, north
213 88°08'61" west, departing said east line and along said
214 north right-of-way line, a distance of 260.20 feet; thence,
215 north 02°16'46" east, departing said right-of-way line, a
216 distance of 80.00 feet; thence, north 88°08'51" west, a

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

227 Containing: 18.867 acres, more or less.

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

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

244 construed liberally in favor of the town. It is recognized that
245 certain services within the municipal boundaries are provided by
246 independent special districts created by special acts of the
247 Legislature and by Palm Beach County.

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

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

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

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

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

271 or such other actions as may be authorized by the town council,
 272 consistent with general or special law.

273 (3) THE VICE MAYOR.--

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

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

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

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

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

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

298 seats shall hold the seats 1 through 5, respectively. To qualify
299 for office:

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

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

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

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

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

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

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

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

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

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

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

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

346

347 The council shall be the sole judge of the qualifications of its
348 members and shall hear all questions relating to forfeiture of a
349 council member's office, including whether good cause for
350 absence has been or may be established. The burden of
351 establishing good cause shall be on the council member in

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

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

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

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

385 (d) Filling of vacancies.--

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

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

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

405 shall serve as mayor until a new council member is elected and
406 the council elects a new mayor and vice mayor as provided by
407 this charter.

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

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

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

427 (e) Compensation and expenses.--

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

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

439 Section 4. Administrative.--

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

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

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

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

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

456 (d) The town council shall begin the process to fill a
457 vacancy in a charter office within 90 days after the vacancy. An

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

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

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

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

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

482 (c) It is preferred that the town manager be an
 483 International City/County Management Association-credentialed

484 manager or obtain such credential within 2 years after being
485 appointed.

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

493 (e) As the chief administrative officer, the town manager
494 shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

586 | boards and agencies shall be appointed by the council by
 587 | resolution.

588 | Section 5. Legislative.--

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

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

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

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

605 | (5) QUORUM.--A majority of the full council shall
 606 | constitute a quorum.

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

610 | (7) LEGISLATIVE POWERS.--Except as otherwise prescribed
 611 | herein or as provided by law, the legislative powers of the town
 612 | shall be vested in the council. The council shall provide for

613 the exercise of its powers and for the performance of all duties
614 and obligations imposed on the town by law.

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

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

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

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

632 (10) EMERGENCY ORDINANCES.--

633 (a) To meet a public emergency affecting life, health,
634 property, or the public peace, the council may adopt, in the
635 manner provided by general law, one or more emergency
636 ordinances, but such ordinances may not enact or amend a land
637 use plan or rezone private property; levy taxes; grant, renew,
638 or extend any municipal franchise; set service or user charges
639 for any municipal services; or authorize the borrowing of money,

640 except as provided under the emergency appropriations provisions
641 of this charter, if applicable. An emergency ordinance shall be
642 introduced in the form and manner prescribed for ordinances
643 generally, except that it shall be plainly designated in a
644 preamble as an emergency ordinance and shall contain, after the
645 enacting clause, a declaration stating that an emergency exists
646 and describing it in clear and specific terms.

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

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

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

663 (11) EMERGENCY APPROPRIATIONS.--To meet a public emergency
664 affecting life, health, property, or the public peace, the
665 council, by resolution, may make emergency appropriations. To
666 the extent that there are no unappropriated revenues to meet

667 such appropriation, the council may by such emergency resolution
668 authorize the issuance of emergency notes, which may be renewed
669 from time to time, but the emergency notes and renewals in any
670 fiscal year shall be paid not later than the last day of the
671 fiscal year succeeding that in which the emergency
672 appropriations were made.

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

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

688 (14) NONINTERFERENCE BY TOWN COUNCIL.--Except for the
689 purposes of inquiry and information, council members are
690 expressly prohibited from interfering with the performance of
691 the duties of any employee of the town government who is under
692 the direct or indirect supervision of the town manager or town
693 attorney. Such action shall be malfeasance within the meaning of

694 section 112.51, Florida Statutes. Recommendations for
695 improvements in the town government operations shall come
696 through the town manager, but each member of the council shall
697 be free to discuss or recommend improvements to the town
698 manager, and the council is free to direct the town manager to
699 implement specific recommendations for improvement in town
700 government operations.

701 Section 6. Budget and appropriations.--

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

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

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

714 (4) APPROPRIATIONS.--

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

719 (b) If, at any time during the fiscal year, it appears
720 probable to the town manager that the revenues available will be

721 insufficient to meet the amount appropriated, the town manager
722 shall report to the council without delay, indicating the
723 estimated amount of the deficit, any remedial action taken, and
724 recommendations as to any other steps that should be taken. The
725 council shall then take such further action as it deems
726 necessary to prevent or minimize any deficit and, for that
727 purpose, the council may by resolution reduce one or more
728 appropriations accordingly.

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

737 (5) BONDS; INDEBTEDNESS.--

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

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

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

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

768 Section 7. Elections.--

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

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

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

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

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

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

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

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

800 (5) TOWN CANVASSING BOARD.--The town canvassing board
801 shall be composed of those members of the town council who are

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

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

817 (7) GENERAL ELECTION.--

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

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

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

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

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

839 (f) All elected officers, before entering upon their
840 duties, shall take and subscribe to the following oath of
841 office:
842 "I do solemnly swear (or affirm) that I will support, protect,
843 and defend the Constitution and Government of the United States
844 and of the state, and the charter of the Town of Loxahatchee
845 Groves; that I am duly qualified to hold office under the
846 Constitution of the State and the charter of the Town of
847 Loxahatchee Groves; and that I will well and faithfully perform
848 the duties of council member upon which I am now about to
849 enter."

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

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

855 Section 8. Initiative and referendum.--
 856 (1) POWER TO INITIATE AND RECONSIDER ORDINANCES.--
 857 (a) The electors of the town shall have the power to
 858 propose ordinances to the town council and, if the town council
 859 fails to adopt an ordinance so proposed without any change in
 860 substance, to adopt or reject it at a town election, provided
 861 that such power shall not extend to the annual budget or capital
 862 program or any ordinance appropriating money, levying taxes, or
 863 setting salaries of town officers or employees.
 864 (b)1. The town council shall have the power, by
 865 resolution, to call for a referendum vote by the electors of the
 866 town at any time, provided that the purpose of such referendum
 867 is presented to the town at a public hearing at least 60 days
 868 prior to the adoption of such resolution. Any resolution calling
 869 for a referendum vote of the electors of the town must be passed
 870 by the affirmative vote of not less than four members of the
 871 council.
 872 2. The electors of the town shall have the power to
 873 require reconsideration by the town council of any adopted
 874 ordinance and, if the town council fails to repeal an ordinance
 875 so reconsidered, to approve or reject it at a town election,
 876 provided that such power shall not extend to the annual budget
 877 or capital program or any ordinance appropriating money, levying
 878 taxes, or setting salaries of town officers or employees.
 879 (2) COMMENCEMENT OF PROCEEDINGS.--Any 10 electors may
 880 commence initiative or referendum proceedings by filing with the
 881 town clerk an affidavit stating that they shall constitute the

882 petitioner's committee and be responsible for circulating the
 883 petition and filing it in proper form stating their names and
 884 addresses and specifying the address to which all notices to the
 885 committee are to be sent, and setting out in full the proposed
 886 initiative ordinance or citing the ordinance sought to be
 887 reconsidered. Promptly after the affidavit of the petitioner's
 888 committee is filed, the town clerk may, at the committee's
 889 request, issue the appropriate petition blanks to the
 890 petitioner's committee at the committee's expense.

891 (3) PETITIONS.--

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

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

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

909 read the full text of the ordinance proposed or sought to be
910 reconsidered.

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

918 (4) PROCEDURE FOR FILING.--

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

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

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

953 (5) ACTION ON PETITIONS.--

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

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

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

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

986 (6) RESULTS OF ELECTION.--

987 (a) If a majority of the qualified electors voting on a
 988 proposed initiative ordinance vote in its favor, it shall be
 989 considered adopted upon certification of the election results.

990 If conflicting ordinances are approved at the same election, the
 991 one receiving the greatest number of affirmative votes shall
 992 prevail to the extent of such conflict.

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

996 Section 9. General provisions.--

997 (1) SEVERABILITY.--If any section or part of any section
 998 of this charter shall be held invalid by a court of competent
 999 jurisdiction, such holding shall not affect the remainder of
 1000 this charter or the context in which such section or part of a
 1001 section so held invalid may appear, except to the extent that an
 1002 entire section or part of a section may be inseparably connected
 1003 in meaning and effect with the section or part of a section to
 1004 which such holding shall directly apply.

1005 (2) TOWN PERSONNEL SYSTEM.--All new employments,
 1006 appointments, and promotions of town officers and employees
 1007 shall be made pursuant to personnel procedures to be established
 1008 by the town manager from time to time.

1009 (3) CHARITABLE CONTRIBUTIONS.--The town shall not make any
 1010 charitable contribution to any person or entity unless
 1011 authorized by the council.

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

1016 intended to describe, interpret, define, or limit the scope,
1017 extent, or intent of this charter.

1018 (5) CALENDAR DAY.--For the purpose of this charter, a day
1019 shall mean a calendar day.

1020 (6) CHARTER REVIEW COMMITTEE.--

1021 (a) At its first regular meeting in March 2012, and every
1022 10th year thereafter, the town council may appoint a charter
1023 review committee consisting of 15 individuals who are not
1024 members of the town council to serve in an advisory capacity to
1025 the town council.

1026 (b) Each council member shall recommend and nominate three
1027 individuals to serve on the committee as regular members, which
1028 appointments shall be approved by a majority vote of the town
1029 council. Individuals appointed to the charter review committee
1030 shall be citizens of the town.

1031 (c) The charter review committee shall appoint its own
1032 chair and vice chair and adopt its own rules and procedures.

1033 (d) The town clerk and the town attorney shall advise the
1034 town council in advance of the date when such appointments may
1035 be made.

1036 (e) If appointed, the charter review committee shall
1037 commence its proceedings within 30 days after the committee is
1038 appointed by the town council. The committee shall review the
1039 charter and provide input to the town council to modernize and
1040 improve the charter. The public shall be given an opportunity to
1041 speak and participate at charter review committee meetings in
1042 accordance with the rules of the charter review committee.

1043 (f) All recommendations by the charter review committee
 1044 shall be forwarded to the town council in ordinance form for
 1045 consideration no later than the 1st day of March of the year
 1046 following the appointment of the charter review committee, and
 1047 in sufficient time for any recommendations to be considered by
 1048 the town council as provided herein.

1049 (g) The town council shall consider the recommendations of
 1050 the charter review committee at the regular meeting in November
 1051 and the regular meeting in December of the year following
 1052 appointment of the charter review committee.

1053 (7) CHARTER AMENDMENTS.--This charter may be amended in
 1054 accordance with the provisions for charter amendments as
 1055 specified in general law or as may otherwise be provided by
 1056 general law. The form, content, and certification of any
 1057 petition to amend shall be established by ordinance.

1058 (8) INITIATION BY PETITION.--The electors of the town may
 1059 propose amendments to this charter by petition to be submitted
 1060 to the council to be placed before the electors, as provided by
 1061 general law.

1062 (9) STANDARDS OF CONDUCT.--All elected officials and
 1063 employees of the town shall be subject to the standards of
 1064 conduct for public officers and employees set by general law. In
 1065 addition, the town council shall, no later than 6 months from
 1066 the effective date of incorporation, establish by ordinance a
 1067 code of ethics for officials and employees of the town which may
 1068 be supplemental to general law, but in no case may such an
 1069 ordinance diminish the provisions of general law. The intent of

1070 this subsection is to require more stringent standards than
 1071 those provided under general law.

1072 (10) LAND USE, REZONING.--Any change to the town's future
 1073 land use map, or any change to the zoning designation for any
 1074 parcel within the town shall require the affirmative vote of no
 1075 fewer than four members of the town council.

1076 Section 10. Transition schedule.--

1077 (1) REFERENDUM.--The Palm Beach County Commission shall
 1078 hold the referendum election called for by this act on October
 1079 10, 2006, at which time the following question shall be placed
 1080 upon the ballot:

1081
 1082 "Shall the creation of the Town of Loxahatchee Groves and its
 1083 charter be approved?"

1084
 1085 Yes

1086
 1087 No

1088
 1089 (2) INITIAL ELECTION OF COUNCIL MEMBERS; DATES.--

1090 (a) Following the adoption of this charter, the Palm Beach
 1091 County Commission shall call a special election for the election
 1092 of the five town council members to be held on March 13, 2007.
 1093 Candidates for the election shall qualify for seat 1, seat 2,
 1094 seat 3, seat 4, and seat 5. The candidate receiving the highest
 1095 number of votes for that seat shall be elected. If more than one
 1096 candidate for a designated council member seat receives an equal

1097 and highest number of votes, then the candidates receiving the
 1098 highest votes in the general election shall run again in the
 1099 runoff election which shall be held on March 27, 2007.

1100 (b) Any individual who wishes to run for one of the five
 1101 initial seats on the council shall qualify as a candidate with
 1102 the Palm Beach County Supervisor of Elections in accordance with
 1103 the provisions of this charter and general law.

1104 (c) The Palm Beach County Commission shall appoint a
 1105 canvassing board which shall certify the results of the
 1106 election.

1107 (d) Those candidates who are elected on March 13, 2007,
 1108 and March 27, 2007, shall take office at the initial town
 1109 council meeting, which shall be held at 7 p.m. on March 29,
 1110 2007.

1111 (3) CREATION AND ESTABLISHMENT OF THE TOWN.--For the
 1112 purpose of compliance with section 200.066, Florida Statutes,
 1113 relating to assessment and collection of ad valorem taxes, the
 1114 town is hereby created and established effective November 1,
 1115 2006; notwithstanding anything to the contrary contained herein,
 1116 the town, although created and established as of November 1,
 1117 2006, shall not be operational until March 30, 2007.

1118 (4) FIRST YEAR EXPENSES.--The town council, in order to
 1119 provide moneys for the expenses and support of the town, shall
 1120 have the power to borrow money necessary for the operation of
 1121 town government until such time as a budget is adopted and
 1122 revenues are raised in accordance with the provisions of this
 1123 charter.

1124 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All
 1125 applicable county ordinances currently in place at the time of
 1126 passage of the referendum, unless specifically referenced
 1127 herein, shall remain in place until and unless rescinded by
 1128 action of the town council, except that a county ordinance,
 1129 rule, or regulation which is in conflict with an ordinance,
 1130 rule, or regulation of the town shall not be effective to the
 1131 extent of such conflict, except as otherwise provided by the
 1132 Palm Beach County Charter, as may be amended from time to time.
 1133 Any existing Palm Beach County ordinances, rules, and
 1134 regulations as of October 12, 2006, shall not be altered,
 1135 changed, rescinded, or added to, nor shall any variance be
 1136 granted thereto insofar as such action would affect the town
 1137 without the approval of the town council.

1138 (6) TEMPORARY EMERGENCY ORDINANCES.--The town council
 1139 shall adopt ordinances and resolutions required to effect the
 1140 transition. Ordinances adopted within 60 days after the first
 1141 council meeting may be passed as emergency ordinances. These
 1142 transitional ordinances, passed as emergency ordinances, shall
 1143 be effective for no longer than 90 days after adoption and
 1144 thereafter may be readopted, renewed, or otherwise continued
 1145 only in the manner normally prescribed for ordinances.

1146 (7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT
 1147 REGULATIONS.--

1148 (a) Until such time as the town adopts a comprehensive
 1149 plan, the Palm Beach County Future Land Use Map, the Palm Beach
 1150 County Zoning Map, and all other applicable provisions

1151 applicable to the town, of the Comprehensive Plan and Land
 1152 Development Regulations of Palm Beach County, as the same exist
 1153 on the day the town commences corporate existence, shall remain
 1154 in effect as the town's transitional comprehensive plan and land
 1155 development regulations. However, all planning functions,
 1156 duties, and authority shall thereafter be vested in the Town
 1157 Council of Loxahatchee Groves which shall also be deemed the
 1158 local planning agency until the council establishes a separate
 1159 local planning agency.

1160 (b) Upon this act becoming a law, no changes in the future
 1161 land use map or the zoning districts within the boundaries of
 1162 the town shall be considered for alteration, amendment, or other
 1163 modification in any way until such time as the town adopts
 1164 appropriate procedures as referenced in this act.

1165 (c) All powers and duties of the planning commission,
 1166 zoning authority, any boards of adjustment, and the County
 1167 Commission of Palm Beach County, as set forth in these
 1168 transitional zoning and land use regulations, shall be vested in
 1169 the Town Council of Loxahatchee Groves until such time as the
 1170 town council delegates all or a portion thereof to another
 1171 entity.

1172 (d) Subsequent to the passage of this act, no amendment of
 1173 the comprehensive plan or land development regulations enacted
 1174 by the Palm Beach County Commission shall be deemed as an
 1175 amendment of the town's transitional comprehensive plan or land
 1176 development regulations or otherwise take effect within the
 1177 town's corporate limits except in accordance with the

1178 requirements, and upon adoption of the procedures specified in
 1179 this act.

1180 (e)1. The owner or assigns of the 97+/- acre property
 1181 located at the northwest corner of B-Road and Southern
 1182 Boulevard, commonly known as the "Simon property," have applied
 1183 for a land use change through the Palm Beach County
 1184 comprehensive plan amendment process (LGA 2004-00037). This
 1185 parcel and it owners and assigns will remain subject to the Palm
 1186 Beach County comprehensive plan and approval process until such
 1187 time as the town adopts its own comprehensive plan.

1188 2. In the event that the town initiates a review and
 1189 approval process in a timeframe that is faster than presently
 1190 expected, the owner or assigns of the Simon property may elect,
 1191 at their own option, to go through the town's zoning approval
 1192 process.

1193 (8) COMMUNICATIONS SERVICES TAX.--The communications
 1194 services tax imposed under s. 202.19, F.S., by Palm Beach County
 1195 will continue within the town boundaries during the period
 1196 commencing with the date of incorporation through December 31,
 1197 2007. Revenues from the tax shall be shared by Palm Beach County
 1198 with the town in proportion to the projected town population
 1199 estimate of the Palm Beach County Planning Division compared
 1200 with the unincorporated population of Palm Beach County before
 1201 the incorporation of Loxahatchee Groves.

1202 (9) STATE SHARED REVENUES.--The Town of Loxahatchee Groves
 1203 shall be entitled to participate in all shared revenue programs
 1204 of the state available to municipalities effective April 1,

1205 2007. The provisions of section 218.23(1), Florida Statutes,
 1206 shall be waived for the purpose of eligibility to receive
 1207 revenue sharing funds from the date of incorporation through the
 1208 state fiscal year 2009-2010. Initial population estimates for
 1209 calculating eligibility for shared revenues shall be determined
 1210 by the University of Florida Bureau of Economic and Business
 1211 Research. Should the bureau be unable to provide an appropriate
 1212 population estimate, the Palm Beach County Planning Division
 1213 estimate should be utilized. For the purposes of qualifying for
 1214 revenue sharing, the following revenue sources shall be
 1215 considered: municipal service taxing units, fire municipal
 1216 service taxing units, water control district revenues,
 1217 occupational license taxes, ad valorem taxes, public utility
 1218 service taxes, communications services tax, and franchise fees.

1219 (10) GAS TAX REVENUES.---Notwithstanding the requirements
 1220 of section 336.025, Florida Statutes, to the contrary, the town
 1221 shall be entitled to receive local option gas tax revenues
 1222 beginning October 1, 2007. These revenues shall be distributed
 1223 in accordance with the interlocal agreements with Palm Beach
 1224 County.

1225 (11) WAIVER.--The provisions of section 218.23(1), Florida
 1226 Statutes, shall be waived for the purpose of conducting audits
 1227 and financial reporting through fiscal year 2007-2008.

1228 Section 11. Continuation, merger, and dissolution of
 1229 existing districts and service providers.--

1230 (1) PALM BEACH COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING
 1231 UNIT; CONTINUATION.--Notwithstanding the incorporation of the

1232 Town of Loxahatchee Groves, that portion of the Palm Beach
 1233 County Fire Rescue Municipal Service Taxing Unit, a special
 1234 taxing district created by the Palm Beach County Commission that
 1235 lies within the boundaries of the Town of Loxahatchee Groves, is
 1236 authorized to continue in existence until the town adopts an
 1237 ordinance to the contrary. However, the town shall not establish
 1238 a town fire department without a referendum.

1239 (2) LAW ENFORCEMENT.--Law enforcement services will be
 1240 provided by contract with the Palm Beach County Sheriff's
 1241 Office, or contracted with other law enforcement agencies, until
 1242 the town adopts an ordinance to the contrary, provided that the
 1243 town shall not establish a town police department without a
 1244 referendum.

1245 (3) PALM BEACH COUNTY LIBRARY DISTRICT;
 1246 CONTINUATION.--Notwithstanding the incorporation of the Town of
 1247 Loxahatchee Groves, that portion of the Palm Beach County
 1248 Library District, a dependent district of Palm Beach County
 1249 created by chapter 2000-405, Laws of Florida, that lies within
 1250 the boundaries of the Town of Loxahatchee Groves, is authorized
 1251 but not required to continue in existence, provided that in
 1252 order to be excluded from the library district the town shall
 1253 establish a municipal-funded library.

1254 (4) PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT
 1255 B.--That portion of Palm Beach County Municipal Service Taxing
 1256 Unit B, a dependent district of Palm Beach County created by the
 1257 Palm Beach Commission that lies within the boundaries of the
 1258 Town of Loxahatchee Groves, shall cease to exist within the

1259 municipal boundaries of the Town of Loxahatchee Groves on
 1260 October 10, 2006.

1261 (5) PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT
 1262 F.--That portion of Palm Beach County Municipal Service Taxing
 1263 Unit F, a dependent district of Palm Beach County created by the
 1264 Palm Beach County Commission that lies within the boundaries of
 1265 the Town of Loxahatchee Groves, shall cease to exist within the
 1266 municipal boundaries of the Town of Loxahatchee Groves on
 1267 October 10, 2006.

1268 (6) LOXAHATCHEE GROVES WATER CONTROL DISTRICT;
 1269 CONTINUATION.--Notwithstanding the incorporation of the Town of
 1270 Loxahatchee Groves, the Loxahatchee Groves Water Control
 1271 District, an independent special district created pursuant to
 1272 the laws of the state, is authorized to continue in existence.

1273 (7) LOXAHATCHEE GROVES PARK;
 1274 CONTINUATION.--Notwithstanding the incorporation of the Town of
 1275 Loxahatchee Groves, the Loxahatchee Groves Park will continue to
 1276 be operated by the Palm Beach County Department of Parks and
 1277 Recreation, in accordance with existing Palm Beach County
 1278 standards. All planned improvements to the park shall be subject
 1279 to approval of the Town of Loxahatchee Groves but are the
 1280 responsibility of Palm Beach County. Nothing contained herein
 1281 shall prevent Palm Beach County and the Town of Loxahatchee
 1282 Groves from entering into an interlocal agreement related to
 1283 maintenance, planned improvements, sale, or transfer of the
 1284 park.

1285 Section 12. Repeal.--Section 6 of section 2 of chapter 99-
1286 425, Laws of Florida, is repealed.

1287 Section 13. Waivers.--The thresholds established by
1288 section 165.061, Florida Statutes, for incorporation have been
1289 met with the following exceptions:

1290 (1) A waiver is granted to provisions of section
1291 165.061(1)(b), Florida Statutes, relating to minimum population
1292 requirements of 5,000, due to the rural character of the Town of
1293 Loxahatchee Groves.

1294 (2) A waiver is granted to provisions of section
1295 165.061(1)(c), Florida Statutes, relating to the minimum density
1296 of population of 1.5 persons per acre, to protect the historic,
1297 rural, and agricultural character of the town from surrounding
1298 development pressure.

1299 (3) A waiver is granted to provisions of section
1300 165.061(1)(d), Florida Statutes, relating to the minimum
1301 distance of 2 miles from the town to an existing municipality
1302 due to the marked difference in character between the town, a
1303 historic and rural community, and surrounding communities with
1304 significantly greater density and urban characteristics.

1305 Section 14. This act shall only take effect upon approval
1306 by a majority of those qualified electors residing within the
1307 proposed corporate limits of the proposed Town of Loxahatchee
1308 Groves as described in section 1, voting in a referendum
1309 election to be called by the Board of County Commissioners of
1310 Palm Beach County and to be held on October 10, 2006, in
1311 accordance with the provisions relating to elections currently

HB 951, Engrossed 1

2006

1312 | in force, except that section 10(1) and this section shall take
1313 | effect upon this act becoming a law.