

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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;

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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,

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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;

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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



ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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,

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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).

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.



## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 951, Engrossed 1

2006 Legislature

- 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.--

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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,



## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.



ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.

## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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



ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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,

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED

HB 951, Engrossed 1

2006 Legislature

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.



## ENROLLED

HB 951, Engrossed 1

2006 Legislature

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

ENROLLED  
HB 951, Engrossed 1

2006 Legislature

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