

1                   A bill to be entitled  
2           An act relating to Martin County; creating the Village  
3           of Indiantown; providing a charter; providing  
4           legislative intent; providing for a council-manager  
5           form of government; providing boundaries; providing  
6           municipal powers; providing for a village council and  
7           composition thereof; providing for eligibility, terms,  
8           duties, compensation, and reimbursement of expenses of  
9           council members; providing for a mayor and vice mayor;  
10          providing scheduling requirements of council meetings;  
11          prohibiting interference with village employees;  
12          providing for filling of vacancies and forfeiture of  
13          office; providing for the appointment of a village  
14          manager and village attorney and the qualifications,  
15          removal, powers, and duties thereof; providing for the  
16          establishment of village departments, agencies,  
17          personnel, and boards; providing for an annual  
18          independent audit; providing that the state is not  
19          liable for financial shortfalls of the village;  
20          providing for nonpartisan elections and matters  
21          relating thereto; providing for the recall of council  
22          members; providing for initiative and referenda;  
23          providing for a code of ethics; providing for future  
24          amendments to the charter; providing for severability;  
25          providing a village transition schedule and procedures

26 for the first election; providing for first-year  
 27 expenses; providing for adoption of comprehensive  
 28 plans and land development regulations; providing for  
 29 accelerated entitlement to state-shared revenues;  
 30 providing for entitlement to all local revenue sources  
 31 allowed by general law; providing for the sharing of  
 32 communications services tax revenues; providing for  
 33 receipt and distribution of local option gas tax  
 34 revenues; providing for waiver of specified  
 35 eligibility provisions; requiring a referendum;  
 36 providing effective dates.

37

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

39

40 Section 1. Corporate name; purpose of the charter;  
 41 creation and establishment of the Village of Indiantown.-

42 (1) CORPORATE NAME.-The municipality hereby established  
 43 shall be known as the Village of Indiantown ("village").

44 (2) PURPOSE OF THE CHARTER.-This act, together with any  
 45 future amendments thereto, may be known as the Charter of the  
 46 Village of Indiantown ("charter").

47 (a) It is in the best interests of the public health,  
 48 safety, and welfare of the residents of the Indiantown area to  
 49 form a separate municipality for the Indiantown area with all

50 the powers and authority necessary to provide adequate and  
51 efficient municipal services to its residents.

52 (b) It is intended that this charter and the incorporation  
53 of the Indiantown area will serve to preserve and protect the  
54 character, natural resources, and quality of life of the  
55 community.

56 (c) It is the intent of this charter and the incorporation  
57 of the village to secure the benefits of self-determination and  
58 affirm the values of representative democracy, citizen  
59 participation, strong community leadership, professional  
60 management, and regional cooperation.

61 (d) It is the intent of this charter and the incorporation  
62 of the village to maintain a financially secure and sustainable  
63 municipal government and to responsibly manage the village's  
64 debt obligations without causing the state to incur any  
65 liability.

66 (3) CREATION AND ESTABLISHMENT OF THE VILLAGE OF  
67 INDIANTOWN.—

68 (a) This act shall take effect upon approval by a majority  
69 vote of those qualified electors residing within the corporate  
70 limits of the proposed village as described in section 3 voting  
71 in a referendum election to be called by the Board of County  
72 Commissioners of Martin County in conjunction with the  
73 Supervisor of Elections of Martin County to be held November 7,

74 2017, in accordance with the provisions of law relating to  
 75 elections currently in force.

76 (b) For the purpose of compliance with s. 200.066, Florida  
 77 Statutes, relating to assessment and collection of ad valorem  
 78 taxes, the Village of Indiantown is created and established  
 79 effective December 31, 2017.

80 Section 2. Powers of village; form of government.—

81 (1) POWERS OF THE VILLAGE.—The village shall have all  
 82 available governmental, corporate, and proprietary powers of a  
 83 municipality under the State Constitution and laws of this state  
 84 as fully and completely as though such powers were specifically  
 85 enumerated in this charter, and may exercise them, except where  
 86 prohibited by law. Through the adoption of this charter, it is  
 87 the intent of the electors of the village that the municipal  
 88 government established in this section shall have the broadest  
 89 exercise of home rule powers permitted under the State  
 90 Constitution and laws of the state.

91 (2) CONSTRUCTION.—The powers of the village under this  
 92 charter shall be construed liberally in favor of the village,  
 93 and the specific mention of particular powers in the charter  
 94 shall not be construed as limiting the general powers granted in  
 95 this charter in any way.

96 (3) FORM OF GOVERNMENT.—The village shall be a council-  
 97 manager form of government, with the council to consist of five  
 98 village council ("council") members elected by the village at

99 large. The council shall constitute the governing body of the  
 100 village, with the duties and responsibilities hereinafter  
 101 provided. The council shall appoint a village manager to be the  
 102 chief administrative officer of the village who shall serve at  
 103 the pleasure of the council.

104 Section 3. Corporate boundaries.—The territorial  
 105 boundaries of the Village of Indiantown upon the date of  
 106 incorporation shall be as follows:

107  
 108 The eastern 1,053 feet of the South 1/2 of the South  
 109 1/2 of the Southeast 1/4 Section 19, T 39 S, R 38 E;  
 110 and

111  
 112 The South 1/2 of Section 20, T 39 5, R 38 E; and

113  
 114 The South 1/2 of Section 21, T 39 5, R 38 E, Lying  
 115 South of State Road 710; and That part of Section 22,  
 116 T 39 5, R 38 E, Lying South of State Road 710, and The  
 117 South 1/2 of Section 25, T 39 S, R 38 E, Less the  
 118 Western 1,320 feet; and The Southwest 1/4 of Section  
 119 26, T 39, R 38 E; and

120 All of Section 27, T 39 S, R 38 E, Lying South of  
 121 State Road 710; and

122 The Northern 3,685' of Section 28, T 39 S, R 38 E;  
 123 and

124     The Northern 3,685' of Section 29, T 39 S, R 38 E;  
 125     and  
 126     The upland portion of Northern 3,685' of the East 1/2  
 127     of Section 30, T 39 S, R 38 E; and All of Section 34,  
 128     T 39 5, R 38 E, Less the Southwestern 1/2 of the  
 129     Southwestern X; and That part of Section 35, T 39 S, R  
 130     38 E, Lying South of State Road 710; and  
 131  
 132     All of Section 36, T 39 5, R 38 E, Except that portion  
 133     of the Western 14 that lies North of State Road 710;  
 134     and  
 135  
 136     All of Sections 31, 32 and 33 of T 39 S, R 39 E; and  
 137  
 138     That portion of Section 1, T 39 S, R 38 E, Lying  
 139     North of Farm Road; and  
 140  
 141     That Portion of Eastern 14 of Section 1, T 39 S, R 38  
 142     E, Lying South of Farm Road; and  
 143  
 144     The Eastern 3,000 feet of that Portion of Section 12,  
 145     T 39 5, R 38 E, Lying North of the St. Lucie Canal  
 146     ROW, Less the Western 3,152' of the Northern X of  
 147     Section 12, T 39 S, R 38 E; and  
 148

149 Those Parts of Sections 4, 7, 8 and 9, T 40 S, R 39 E,  
 150 Lying North of the St. Lucie Canal; and  
 151 All of Sections 5 and 6, T 40 5, R 39 E; and

153 That Portion of Section 8, T 40 S, R 39 E, Lying South  
 154 of the St. Lucie Canal and North of State Road 710;  
 155 and

157 That Portion of Section 9, T 40 5, R 39 E, Lying South  
 158 of the St. Lucie Canal, North of State Road 710, and  
 159 West of the State Road 76/State Road 710  
 160 Connector.

162 All Lying in Martin County, Florida, being  
 163 approximately 9,397 .5 acres.

165 Section 4. Village council.-

166 (1) GENERAL POWERS AND DUTIES.-All powers of the village  
 167 shall be vested in the village council, except as otherwise  
 168 provided by law or this charter, and the council shall provide  
 169 for the exercise thereof and for the performance of all duties  
 170 and obligations permitted by or imposed on the village by law.

171 (2) COMPOSITION; ELIGIBILITY; TERMS.-

172        (a) Composition.—There shall be a village council composed  
173 of five council members. Each council member shall be elected by  
174 the voters of the village at large.

175        (b) Eligibility.—

176            1. Each candidate for village council shall be a qualified  
177 elector of the village.

178            2. Each candidate for council shall have been a resident  
179 of the village for at least 1 year before qualifying for office.

180            3. Each council member must reside in the village for the  
181 duration of his or her term.

182            4. The term of office for each council member shall be 4  
183 years.

184        (c) Seats.—The village council shall be divided into five  
185 separate council seats to be designated as seats 1, 2, 3, 4, and  
186 5, to be voted on a villagewide basis, with each qualified  
187 elector entitled to vote for one candidate for one seat.

188        (3) MAYOR; VICE MAYOR.—

189            (a) Mayor.—At the first regularly scheduled meeting after  
190 the village's first election and each regular election  
191 thereafter and after receiving the certified results of the  
192 election, the council, by a majority vote, shall select from its  
193 membership a mayor. Each year in which a regular election is not  
194 scheduled, the council, by the second regular meeting after  
195 September 1, shall by majority vote select from its membership a  
196 mayor. The mayor shall serve as chairperson during the meetings



197 of the council and shall serve as the head of municipal  
198 government for the purpose of execution of legal documents as  
199 required by ordinance. The mayor shall also serve as the  
200 ceremonial head of the village.

201 (b) Vice mayor.—A vice mayor shall be selected in the same  
202 manner as the mayor as provided in paragraph (a). The vice mayor  
203 shall serve as mayor during the absence or disability of the  
204 mayor and, if a vacancy of the mayor occurs, shall become  
205 interim mayor until a mayor is selected as described in  
206 paragraph (a).

207 (4) COMPENSATION.—An ordinance increasing or decreasing  
208 compensation of the council may be adopted at any time upon the  
209 affirmative vote of four members of the council; however, if the  
210 council takes action to change the level of compensation, the  
211 salary of council members shall not be adjusted until after the  
212 first day after the next regular municipal election. The council  
213 may provide for reimbursement of actual expenses incurred by its  
214 members, including the mayor, while performing their official  
215 duties.

216 (5) COUNCIL MEETINGS.—

217 (a) The council shall hold meetings in accordance with a  
218 duly adopted ordinance or resolution. Special meetings may be  
219 held at the call of the mayor or a majority of the council  
220 members. At least a 24-hour notice shall be provided to each  
221 council member and the public for special meetings, unless there

222 is an immediate threat to the public safety. Except as  
 223 authorized by law, all meetings shall be open to the public.

224 (b) Three members of the village council shall constitute  
 225 a quorum for the conduct of business unless otherwise provided  
 226 herein. Unless a quorum is present, no action may be taken  
 227 except to adjourn. In order to approve any action or adopt any  
 228 ordinance or resolution there must be at least three affirmative  
 229 votes for the action, unless otherwise provided herein.

230 (6) PROHIBITIONS.—

231 (a) Neither the council, nor any individual member of the  
 232 council, shall in any manner attempt to dictate the employment  
 233 or removal of any employee other than the village manager and  
 234 village attorney. The council is free to make inquiries of  
 235 village employees, but no individual member of the council shall  
 236 give orders to any officer or employee of the village.  
 237 Recommendations for improvements in village government  
 238 operations shall come through the village manager, but each  
 239 member of the council shall be free to discuss or recommend  
 240 improvements to the village manager, and the council is free to  
 241 direct the village manager to implement specific recommendations  
 242 for improvement in village government operations.

243 (b) No present or former elected village official shall  
 244 hold any compensated appointive office or employment with the  
 245 village until 1 year after leaving office.

246 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF  
 247 VACANCIES.—

248 (a) Vacancies.—A vacancy in the office of a member of the  
 249 council, mayor, or vice mayor shall occur upon the incumbent's  
 250 death, inability to fulfill the duties of the office, relocation  
 251 of residence outside the village, resignation, appointment to  
 252 another public office, judicially determined incompetence, or  
 253 removal or forfeiture of office as described in this subsection.

254 (b) Forfeiture of office.—

255 1. A member of the council may forfeit the office if the  
 256 member:

257 a. Lacks at any time during the term of office any  
 258 qualification for the office prescribed by this charter or by  
 259 law;

260 b. Violates any express prohibition of this charter;

261 c. Is convicted of a felony or criminal misdemeanor, which  
 262 felony or misdemeanor involves the office of village council;

263 d. Is found to have violated any standard of conduct or  
 264 code of ethics established by law for public officials or has  
 265 been suspended from office by the Governor, unless subsequently  
 266 reinstated as provided by law; or

267 e. Misses three consecutive regularly scheduled council  
 268 meetings, unless excused by the council.

269

270 If any of these events should occur, a hearing shall  
271 automatically be conducted at the next regularly scheduled  
272 council meeting, and the member may be declared to have  
273 forfeited office by majority vote of the council.

274 2. The council shall be the sole judge of the  
275 qualifications of its members and shall hear all questions  
276 relating to forfeiture of a council member's office, including  
277 whether good cause for absence has been or may be established.  
278 The council shall have the power to set additional written  
279 standards of conduct for its members beyond those specified in  
280 this charter and may provide for such penalties as it deems  
281 appropriate, including forfeiture of office. In order to  
282 exercise these powers, the council shall have power to subpoena  
283 witnesses, administer oaths, and require the production of  
284 evidence.

285 (c) Filling of vacancies.—

286 1. A vacancy on the council shall be filled by a majority  
287 vote of the remaining members of the council for the period of  
288 time until the next election, when a council member shall be  
289 elected for the remainder of the term vacated. If more than 6  
290 months remain in the unexpired term and a majority of the  
291 remaining council members cannot reach a decision within 60 days  
292 after a vacancy occurs, the vacancy shall be filled by a special  
293 election.

294        2. In the event that all of the council members are  
295 removed by death, disability, recall, forfeiture of office, or  
296 resignation, the Governor shall appoint interim council members  
297 who shall call a special election at least 30 days, but no more  
298 than 60 days, after such appointment. Such election shall be  
299 held in the same manner as the initial elections under this  
300 charter. However, if there are fewer than 6 months remaining in  
301 any unexpired terms, the interim council appointed by the  
302 Governor shall serve out the unexpired terms. Appointees must  
303 meet all requirements for candidates as provided in this  
304 charter.

305        3. The burden of establishing good cause for absences  
306 shall be on the council member in question; however, any council  
307 member may, at any time during a duly held meeting, move to  
308 establish good cause for his or her absence. A council member  
309 whose qualifications are in question or who is otherwise subject  
310 to forfeiture of his or her office shall not vote on such  
311 matters.

312        Section 5. Administration.—

313        (1) VILLAGE MANAGER.—

314        (a) The council shall appoint a village manager, or a  
315 management firm to fulfill the duties of a village manager, who  
316 shall serve at the pleasure of the council. The qualifications  
317 of the village manager or firm may be established by ordinance.

318 (b) The village manager or firm may be removed by a  
 319 majority vote of the council.

320 (c) During the absence or disability of the village  
 321 manager, the village council may by resolution designate a  
 322 properly qualified person to temporarily execute the functions  
 323 of the village manager. Such person shall have the same powers  
 324 and duties as the village manager and may be removed by the  
 325 village council at any time upon a majority vote of the council.

326 (d) The village manager or firm shall:

327 1. Appoint, hire, suspend, demote, or dismiss any village  
 328 employee under the village manager's jurisdiction in accordance  
 329 with law, and may authorize any department head to exercise  
 330 these powers with respect to subordinates in that department.

331 2. Direct and supervise the administration of all  
 332 departments of the village except the office of the village  
 333 attorney.

334 (2) VILLAGE ATTORNEY.—There shall be a village attorney  
 335 who shall be a member of The Florida Bar in good standing, be  
 336 appointed by the council, and serve as the chief legal advisor  
 337 to the council and village administrators, departments, and  
 338 agencies. The council may remove the village attorney for any  
 339 reason by a majority vote of its members.

340 Section 6. Departments; personnel; planning.—

341 (1) DEPARTMENTS; BOARDS; AGENCIES.—The council may  
 342 establish, modify, or terminate such departments, boards, or

343 agencies as it determines necessary for the efficient  
344 administrative operation of the village. Such departments,  
345 boards, or agencies shall be determined by ordinance.

346 (2) PERSONNEL.—Consistent with all applicable state and  
347 federal laws, the council shall provide by ordinance for the  
348 establishment, regulation, and maintenance of a system governing  
349 personnel policies necessary for the effective administration of  
350 employees of the village's departments, boards, and agencies.

351 (3) PLANNING.—Consistent with all applicable state and  
352 federal laws with respect to land use, development, and  
353 environmental protection, the village shall:

354 (a) Designate an employee, agency, or agencies to execute  
355 the planning functions with such decision making  
356 responsibilities as may be specified by ordinance or general  
357 law.

358 (b) Adopt a comprehensive plan and ensure that zoning and  
359 other land use control ordinances are consistent with the plan,  
360 all in accordance with general law. The Martin County  
361 Comprehensive Plan, as it exists on the day that the village  
362 commences corporate existence, shall serve as the initial  
363 comprehensive plan of the village until the village adopts its  
364 own comprehensive plan pursuant to chapter 163, Florida  
365 Statutes.

366 (c) Adopt zoning and development regulations, to be  
367 specified by ordinance, to implement the plan.

368           Section 7. Financial management.—

369           (1) FISCAL YEAR.—The fiscal year of the village shall  
370 begin on the first day of October and end on the last day of  
371 September of each year.

372           (2) EXPENDITURE OF VILLAGE FUNDS.—No village funds shall  
373 be expended except pursuant to a duly approved appropriations or  
374 for the payment of bonds, notes, or other indebtedness duly  
375 authorized by the council and only from such funds so  
376 authorized.

377           (3) BUDGET ADOPTION.—The council shall adopt a budget in  
378 accordance with applicable general law, after a minimum of two  
379 public hearings on the proposed budget. A resolution adopting  
380 the annual budget shall constitute appropriation of the amounts  
381 specified therein as expenditures from funds indicated.

382           (4) EXPENDITURES.—The budget shall not provide for  
383 expenditures in an amount greater than the revenues budgeted.

384           (5) APPROPRIATIONS.—

385           (a) If, during the fiscal year, revenues in excess of such  
386 revenues estimated in the budget are available for  
387 appropriation, the council by resolution may make supplemental  
388 appropriations for the year in an amount not to exceed such  
389 excess.

390           (b) If, at any time during the fiscal year, it appears  
391 probable to the village manager that the revenues available will  
392 be insufficient to meet the amount appropriated, the village



393 manager shall report to the council without delay, indicating  
394 the estimated amount of the deficiency, any remedial action  
395 taken, and recommendations as to any other steps that should be  
396 taken. The council shall then take such further action as it  
397 deems necessary to prevent or minimize any deficiency and, for  
398 that purpose, the council may by resolution reduce one or more  
399 appropriations accordingly.

400 (c) No appropriation for debt service may be reduced or  
401 transferred, and no appropriation may be reduced below any  
402 amount required by law to be appropriated, or by more than the  
403 unencumbered balance thereof. Notwithstanding any other  
404 provision of law, the supplemental and emergency appropriations  
405 and reduction or transfer of appropriations authorized by this  
406 section may be made effective immediately upon adoption.

407 (6) BONDS; INDEBTEDNESS.—

408 (a) Subject to the referendum requirements of the State  
409 Constitution, if applicable, the village may from time to time  
410 borrow money and issue bonds or other obligations or evidence of  
411 indebtedness (collectively, "bonds") of any type or character  
412 for any of the purposes for which the village is not or  
413 hereafter authorized by law to borrow money, including to  
414 finance the cost of any capital or other project and to refund  
415 any and all previous issues of bonds at or before maturity. Such  
416 bonds may be issued pursuant to one or more resolutions adopted  
417 by a majority of the council.

418 (b) The village may assume all outstanding indebtedness  
 419 related to facilities that it acquires from other units of local  
 420 government and be liable for payment of such indebtedness in  
 421 accordance with its terms.

422 (7) REVENUE BONDS.—Revenue bonds may be issued by the  
 423 village as authorized by law.

424 (8) ANNUAL AUDIT.—The council shall provide for an  
 425 independent annual financial audit of all village accounts and  
 426 may provide for more frequent audits as it deems necessary. Such  
 427 audits shall be made by a certified public accountant or a firm  
 428 of such accountants who have no personal interest, directly or  
 429 indirectly, in the fiscal affairs of the village government or  
 430 in any of its officers.

431 (9) SHORTFALLS.—The state is not liable for financial  
 432 shortfalls of the village.

433 Section 8. Nominations and elections.—

434 (1) NONPARTISAN ELECTIONS; ELECTORS; QUALIFYING.—

435 (a) Nonpartisan elections.—All elections shall be  
 436 conducted on a nonpartisan basis without designation of  
 437 political party affiliation.

438 (b) Electors.—Any person who is a resident of the village,  
 439 who has qualified as an elector of this state, and who registers  
 440 as prescribed by law shall be an elector of the village.

441 (c) Qualifying.—

442 1. Each candidate for village council shall be a qualified  
 443 elector of the village and must reside in the village for at  
 444 least 1 year before the beginning of the qualifying period for  
 445 the office sought.

446 2. Any elector of the village who wishes to become a  
 447 candidate for village council shall qualify with the Supervisor  
 448 of Elections of Martin County for the initial election;  
 449 thereafter, candidates shall qualify with the official  
 450 designated by village resolution or general law by providing  
 451 proof of voter registration, current address, and 1 year of  
 452 residency in the village unless the village council, by  
 453 resolution, provides that the Supervisor of Elections of Martin  
 454 County conduct the candidate qualification process.

455 3. The qualifying period for candidates for village  
 456 council shall be the same as provided by the Supervisor of  
 457 Elections of Martin County or as otherwise provided by  
 458 ordinance.

459 (2) ELECTIONS.—

460 (a) Adoption of Florida Election Code.—All elections  
 461 required under any article or section of this charter shall be  
 462 conducted in accordance with the Florida Election Code, chapters  
 463 97-106, Florida Statutes, except as otherwise provided in this  
 464 charter. The council, by ordinance, may adopt such election  
 465 procedures as are necessary and as provided by the Florida  
 466 Election Code, chapters 97-106, Florida Statutes.

467 (b) At large elections.—

468 1. The first regular election of council members shall be  
 469 held March 13, 2018, and thereafter will be 10 weeks before the  
 470 date of the general election on each even-numbered year, unless  
 471 this date is required to be changed to a date concurrent with  
 472 any countywide or statewide election.

473 2. The candidates receiving the highest number of votes in  
 474 the village at-large election shall be elected.

475 3. The term of office for an elected council member shall  
 476 begin immediately after official certification of the results of  
 477 the election and shall expire upon the assumption of office by  
 478 his or her successor.

479 4. No election for a council member seat shall be required  
 480 if there is only one duly qualified candidate for the council  
 481 member seat.

482 (c) Village canvassing board.—The canvassing board shall  
 483 be composed of three members appointed by the village council by  
 484 resolution. No member of the village canvassing board shall be  
 485 an active participant in the village election for which he or  
 486 she is canvassing as the term "active participant" is  
 487 interpreted by the Division of Elections. Should a vacancy occur  
 488 on the canvassing board, the village council shall appoint a  
 489 replacement member by resolution. The village canvassing board  
 490 shall canvass the election consistent with the requirements of  
 491 Florida law and consistent with and pursuant to any agreement

492 between the village and the Martin County Supervisor of  
493 Elections. The canvassing board shall certify the results of the  
494 election upon receipt of the certification from the supervisor  
495 of elections. However, the village council may, by resolution,  
496 delegate the election canvassing responsibilities for village  
497 elections to the county canvassing board.

498 (3) RECALL.—The qualified voters of the village shall have  
499 the power to remove from office any elected official of the  
500 village in accordance with state law.

501 Section 9. Initiative and referendum.—The powers of  
502 initiative and referendum are reserved to the qualified  
503 registered voters of the village. The election laws of the state  
504 shall govern the exercise of the powers of initiative and  
505 referendum under this charter.

506 Section 10. General provisions.—

507 (1) CODE OF ETHICS.—It is essential to the proper conduct  
508 and operation of the village that the officers and employees of  
509 the village be independent and impartial and for their offices  
510 not to be used for private gain other than the remuneration  
511 provided by law or by ordinances. It is declared to be the  
512 policy of the village that its officers and employees are agents  
513 of the people and hold their positions for the benefit of the  
514 public. Therefore, all village officers and employees shall  
515 adhere to the standards of conduct as provided in part III of  
516 chapter 112, Florida Statutes.

517 (2) AMENDMENTS TO CHARTER.—This charter may be amended in  
 518 accordance with the provisions for charter amendments as  
 519 specified in the Municipal Home Rules Powers Act, chapter 166,  
 520 Florida Statutes, or as otherwise may be provided by general  
 521 law.

522 (3) SEVERABILITY.—If any provision of this charter or the  
 523 application thereof to any person or circumstance is held  
 524 invalid, the invalidity shall not affect other provisions or  
 525 applications of this charter which can be given effect without  
 526 the invalid provisions or application, and to this end the  
 527 provisions of this charter are declared severable.

528 Section 11. Referendum election; transition.—

529 (1) REFERENDUM ELECTION.—The referendum election called  
 530 for by this action shall be held on November 7, 2017, at which  
 531 time the following question shall be placed upon the ballot:

532 Shall the Village of Indiantown be created and its charter  
 533 adopted?

534 YES . . . . .

535 NO . . . . .

536  
 537 In the event this question is answered affirmatively by a  
 538 majority of voters voting in the referendum, the charter will  
 539 take effect as provided herein. The referendum election shall be  
 540 conducted by the Supervisor of Elections of Martin County in  
 541 accordance with the Florida Election Code, and the cost of such

542 election shall be funded by the Board of County Commissioners of  
543 Martin County.

544 (2) INITIAL ELECTION OF COUNCIL.—

545 (a) After the adoption of this charter, the Board of  
546 County Commissioners of Martin County shall call an election to  
547 be held March 13, 2018, for the election of five village council  
548 members. The election shall be conducted by the Supervisor of  
549 Elections of Martin County in accordance with the Florida  
550 Election Code, and the cost of such election shall be funded by  
551 the Board of County Commissioners of Martin County.

552 (b) An individual who wishes to run for one of five  
553 initial seats on the council shall qualify with the Supervisor  
554 of Elections of Martin County in accordance with this charter  
555 and general law. The qualifying period for the initial election  
556 of the village council shall begin at noon on the second Monday  
557 in January and end at noon on the second Friday in January,  
558 unless otherwise provided by law.

559 (c) For the initial elections, the county canvassing board  
560 shall certify the results of the elections in accordance with  
561 general law.

562 (d) The three council members receiving the highest number  
563 of votes shall each be elected to an initial term expiring upon  
564 certification of the election results for the August 2022  
565 election. The two remaining council members shall each be  
566 elected to an initial term expiring upon certification of the

567 election results for the August 2020 election. Thereafter, all  
568 terms shall be for a period of 4 years.

569 (3) SCHEDULE.—

570 (a) First election of council members.—At the time of its  
571 adoption, this charter shall be in effect to the extent  
572 necessary so that the first election of members of the village  
573 council may be conducted in accordance with this charter.

574 (b) Time of taking full effect.—This charter shall be in  
575 full effect for all purposes on and after the date of the first  
576 meeting of the newly elected village council provided in  
577 paragraph (c).

578 (c) First council meeting.—On March 21, 2018, provided the  
579 results of the election of the village council under this  
580 charter have been certified, the newly elected members of the  
581 village council shall meet at a location to be determined. In  
582 the event the results have not been certified by March 21, 2018,  
583 the newly elected members shall meet on the following Tuesday.  
584 The initial council shall have the authority and power to enter  
585 into contracts, arrange for the hiring of legal counsel, begin  
586 recruiting applicants for village manager, provide for necessary  
587 village offices and facilities, and do such other things as it  
588 deems necessary and appropriate for the village.

589 (4) FIRST YEAR EXPENSES.—The council, in order to provide  
590 moneys for the expenses and support of the village, shall have  
591 the power to borrow money necessary for the operation of



592 municipal government until such time as a budget is adopted and  
593 revenues are raised in accordance with this charter.

594 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.-

595 (a) All applicable county ordinances currently in place at  
596 the time of passage of the referendum, unless specifically  
597 referenced in this charter, shall remain in place until and  
598 unless rescinded by action of the council, except that a county  
599 ordinance, rule, or regulation that is in conflict with an  
600 ordinance, rule, or regulation of the village shall not be  
601 effective to the extent of such conflict. Any existing Martin  
602 County ordinances, rules, and regulations, as of April 1, 2018,  
603 shall not be altered, changed, rescinded, or added to, nor shall  
604 any variance be granted, if such action would affect the village  
605 without the approval of the council.

606 (b) The council shall adopt ordinances and resolutions  
607 required to effect the transition.

608 (6) TRANSITIONAL COMPREHENSIVE PLAN.-Until such time as  
609 the village adopts a comprehensive plan, the Martin County  
610 Comprehensive Plan, as it exists on the day that the village  
611 commences corporate existence, shall remain in effect as the  
612 village's transitional comprehensive plan. However, all planning  
613 functions, duties, and authority shall thereafter be vested in  
614 the council, which shall be deemed the local planning agency  
615 until the council establishes a separate local planning agency.

616 (7) TRANSITIONAL LAND DEVELOPMENT REGULATIONS.-To  
617 implement the transitional comprehensive land use plan when  
618 adopted, the village shall, in accordance with the procedures  
619 required by the laws of the state, adopt ordinances providing  
620 for land use development regulations within the corporate  
621 limits. Until the village adopts ordinances, the following shall  
622 apply:

623 (a) The comprehensive land use plan and land use  
624 development regulations of Martin County, as the same exists on  
625 the date that the village commenced corporate existence, shall  
626 remain in effect as the village's transitional land use  
627 development regulations and comprehensive land use plan.

628 (b) All powers and duties of the Martin County Growth  
629 Management and Building Departments, the Martin County Special  
630 Magistrate, and Board of County Commissioners of Martin County,  
631 as provided in these transitional land use development  
632 regulations, shall be vested in the council until such time as  
633 the council delegates all powers and duties, or a portion  
634 thereof, to another agency, department, or entity.

635 (c) Subsequent to the adoption of a local comprehensive  
636 land use plan and subject to general law, the council is fully  
637 empowered to amend, supersede, enforce, or repeal the  
638 transitional land use development regulations, or any portion  
639 thereof, by ordinance.

640        (d) Subsequent to the commencement of the village's  
641 corporate existence, an amendment of the comprehensive land use  
642 plan or land use development regulations enacted by the Board of  
643 County Commissioners of Martin County shall not be deemed an  
644 amendment of the village's transitional comprehensive land use  
645 plan or land use development regulations or otherwise take  
646 effect within the village's municipal boundaries.

647        (8) STATE-SHARED REVENUES.-The village shall be entitled  
648 to participate in all revenue sharing programs of the state  
649 effective April 1, 2018. The provisions of s. 218.23(1), Florida  
650 Statutes, shall be waived for the purpose of conducting audits  
651 and financial reporting through the end of the village fiscal  
652 year 2018-2019. For purposes of complying with s. 218.23(1),  
653 Florida Statutes, relating to ad valorem taxation, the millage  
654 levied by special districts may be used for an indefinite period  
655 of time. Initial revised population estimates for calculating  
656 eligibility for shared revenues shall be determined by the  
657 University of Florida Bureau of Economic and Business Research.  
658 Should the bureau be unable to provide an appropriate population  
659 estimate, the Martin County Department of Community Development  
660 shall provide the estimate.

661        (9) LOCAL REVENUE SOURCES.-The village shall be entitled  
662 to receive all local revenue sources available pursuant to  
663 general law, including, but not limited to, the local  
664 communications services tax imposed under s. 202.19, Florida

665 Statutes. The local communications services tax rate imposed by  
666 Martin County will continue within the village boundaries during  
667 the period commencing with the date of incorporation through  
668 January 1, 2019. Revenues from the tax shall be shared by Martin  
669 County with the village in proportion to the projected village  
670 population estimate of the Martin County Planning Division  
671 compared with the unincorporated population of Martin County  
672 before the incorporation of the village.

673 (10) LOCAL OPTION GAS TAX REVENUES.—Notwithstanding the  
674 requirements of s. 336.025, Florida Statutes, the village shall  
675 be entitled to receive local option gas tax revenue beginning on  
676 October 1, 2018. These revenues shall be distributed in  
677 accordance with general law or by any interlocal agreement  
678 negotiated with the Board of County Commissioners of Martin  
679 County.

680 (11) CONTRACTUAL SERVICES AND FACILITIES.—Contractual  
681 services for law enforcement, emergency management, public  
682 works, parks and recreation, planning and zoning, building  
683 inspection, development review, animal control, library  
684 services, village manager or management firm, village attorney  
685 and solid waste collection may be supplied by a contract between  
686 the village and the Board of County Commissioners of Martin  
687 County, special districts, municipalities, or private enterprise  
688 until such time as the council establishes such independent  
689 services. However, existing solid waste contracts shall be

690 honored as required by s. 165.061(1)(f), Florida Statutes, and  
 691 s. 10, Article I of the State Constitution. Facilities for  
 692 housing the newly formed municipal operations may be rented or  
 693 leased until the village selects more permanent facilities.

694 (12) MARTIN COUNTY MUNICIPAL SERVICE TAXING UNITS;  
 695 CONTINUATION.—Notwithstanding the incorporation of the Village  
 696 of Indiantown, that portion of the Martin County Fire and Rescue  
 697 MSTU, Parks and Recreation Municipal Service Taxing Unit,  
 698 Stormwater Municipal Service Taxing Unit, and Roads Municipal  
 699 Service Taxing Unit, special taxing districts created by the  
 700 Board of County Commissioners of Martin County that lie within  
 701 the boundaries of the Village of Indiantown, are authorized to  
 702 continue in existence until the village adopts an ordinance,  
 703 resolution, or interlocal agreement to the contrary.

704 (13) LAW ENFORCEMENT.—Law enforcement services shall be  
 705 provided by the Martin County Sheriff's Office until the village  
 706 adopts an ordinance or resolution or enters into an interlocal  
 707 agreement to the contrary.

708 (14) MARTIN COUNTY COMMUNITY REDEVELOPMENT AGENCY DISTRICT  
 709 (INDIANTOWN).—A portion of the Martin County Community  
 710 Redevelopment Agency District is located within the incorporated  
 711 limits of the Village of Indiantown. After incorporation, Martin  
 712 County and the village shall adopt ordinances and enter into  
 713 interlocal agreements to address the funding and taxation issues

714 associated with having a portion of the Martin County CRA  
 715 District encroach over the boundaries of the village.

716 (15) ELIMINATION OF TRANSITIONAL ELEMENTS FROM THIS  
 717 CHARTER.—Upon completion of the transitional phase provided in  
 718 this charter, the sections of the charter relating to transition  
 719 may be eliminated from this charter.

720 Section 12. Waiver.—The thresholds established by s.  
 721 165.061, Florida Statutes, for incorporation have been met with  
 722 the following exception: a waiver is granted to the provisions  
 723 of s. 165.061(1)(c), Florida Statutes, relating to the  
 724 requirement for a minimum average population density of 1.5  
 725 persons per acre, to protect the character, natural resources,  
 726 and quality of life of the village.

727 Section 13. This act shall take effect only upon its  
 728 approval by a majority vote of those qualified electors residing  
 729 within the corporate limits of the proposed Village of  
 730 Indiantown, as described in section 3, voting in a referendum  
 731 conducted in accordance with the provisions of law relating to  
 732 elections currently in force, except that this section and  
 733 subsection (1) of section 11 shall take effect upon becoming a  
 734 law.