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2017 Legislature

1
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

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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

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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,

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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

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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

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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

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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

152
 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

156
 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.

161
 162 All Lying in Martin County, Florida, being
 163 approximately 9,397 .5 acres.

164
 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.-

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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

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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

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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.

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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.

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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.

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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.

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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

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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.

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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

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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.

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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.—

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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.

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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

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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.

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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

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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

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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

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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.

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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.

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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

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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

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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

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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.