

1 A bill to be entitled

2 An act relating to Martin County; creating the Town of
3 Hobe Sound; providing a charter; providing legislative
4 intent; providing for a council-manager form of
5 government; providing boundaries; providing municipal
6 powers; providing for a town council and composition
7 thereof; providing for eligibility, terms, duties,
8 compensation, and reimbursement of expenses of council
9 members; providing for a mayor and vice mayor;
10 providing scheduling requirements of council meetings;
11 prohibiting interference with town employees;
12 providing for filling of vacancies and forfeiture of
13 office; providing for the appointment of a town
14 manager and town attorney, and the qualifications,
15 removal, powers, and duties thereof; providing for the
16 establishment of town 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 town; providing
20 for nonpartisan elections and matters relating
21 thereto; providing for town council districts;
22 providing for the recall of council members; providing
23 for initiative and referenda; providing for a code of
24 ethics; providing for future amendments to the
25 charter; providing for severability; providing a town

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

42 (1) CORPORATE NAME.—The municipality hereby established
 43 shall be known as the Town of Hobe Sound ("town").

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

47 (a) It is in the best interests of the public health,
 48 safety, and welfare of the residents of the Hobe Sound area to
 49 form a separate municipality for the Hobe Sound 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 Hobe Sound 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 town 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 town to maintain a financially secure and sustainable
 63 municipal government and to responsibly manage the town's debt
 64 obligations without causing the state to incur any liability.

65 (3) CREATION AND ESTABLISHMENT OF THE TOWN OF HOBE SOUND.—

66 (a) This act shall take effect upon approval by a majority
 67 vote of those qualified electors residing within the corporate
 68 limits of the proposed town as described in section 3 voting in
 69 a referendum election to be called by the Supervisor of
 70 Elections of Martin County to be held November 7, 2017, in
 71 accordance with the provisions of law relating to elections
 72 currently in force.

73 (b) For the purpose of compliance with s. 200.066, Florida
 74 Statutes, relating to assessment and collection of ad valorem

75 taxes, the Town of Hobe Sound is created and established
 76 effective December 31, 2017.

77 Section 2. Powers of town; form of government.-

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

88 (2) CONSTRUCTION.-The powers of the town under this
 89 charter shall be construed liberally in favor of the town, and
 90 the specific mention of particular powers in the charter shall
 91 not be construed as limiting the general powers granted in this
 92 charter in any way.

93 (3) FORM OF GOVERNMENT.-The town shall have a council-
 94 manager form of government, with the council to consist of five
 95 town council ("council") members elected by the town at large
 96 from five districts. The council shall constitute the governing
 97 body of the town, with the duties and responsibilities
 98 hereinafter provided. The council shall appoint a town manager

99 | to be the chief administrative officer of the town who shall
 100 | serve at the pleasure of the council.

101 | Section 3. Corporate boundaries.—The territorial
 102 | boundaries of the Town of Hobe sound upon the date of
 103 | incorporation shall be as follows:

104 |
 105 | THAT PORTION OF THE GOMEZ GRANT AS RECORDED IN PLAT 1,
 106 | PAGE 80 PUBLIC RECORDS OF PALM BEACH (NOW MARTIN)
 107 | COUNTY, FLORIDA AND THAT PORTION OF TOWNSHIP 39 SOUTH,
 108 | RANGE 42 EAST, ALL BEING IN MARTIN COUNTY, FLORIDA,
 109 | BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

110 |
 111 | BEGIN AT THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP
 112 | 40 SOUTH, RANGE 42 EAST, HAVING A CERTIFIED CORNER
 113 | RECORD NUMBER 10789 FILED WITH THE FLORIDA DEPARTMENT
 114 | OF NATURAL RESOURCES, NOW THE FLORIDA DEPARTMENT OF
 115 | ENVIRONMENTAL PROTECTION, SAID CORNER ALSO BEING THE
 116 | SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 39 SOUTH,
 117 | RANGE 42 EAST;

118 |
 119 | THENCE ALONG THE WEST LINE OF SAID SECTION 32,
 120 | TOWNSHIP 39 SOUTH, RANGE 42 EAST N00°13'30"W, A
 121 | DISTANCE OF 2652.34 FEET; THENCE CONTINUING ALONG THE
 122 | WEST LINE OF SAID SECTION 32 N00°13'52"W, A DISTANCE
 123 | OF 2652.17 FEET TO THE NORTHWEST CORNER OF SAID

124 SECTION 32, SAID CORNER ALSO BEING THE SOUTHWEST
 125 CORNER OF SECTION 29, TOWNSHIP 39 SOUTH, RANGE 42
 126 EAST; THENCE ALONG THE WEST LINE OF SAID SECTION 29,
 127 TOWNSHIP 39 SOUTH, RANGE 42 EAST N00°00'43"E TO THE
 128 SOUTHWESTERLY PROLONGATION OF THE NORTHERLY LINE OF
 129 THE GARCIA-VELEZ PARCEL OF LAND RECORDED IN O.R. BOOK
 130 1886, PAGE 1854, PUBLIC RECORDS OF MARTIN COUNTY,
 131 FLORIDA, A DISTANCE OF 4465.42 FEET;
 132
 133 THENCE ALONG SAID LINE OF PROLONGATION N67°59'54"E TO
 134 THE NORTHWESTERLY CORNER OF SAID GARCIA-VELEZ PARCEL
 135 RECORDED IN SAID O.R. BOOK 1886, PAGE 1854, A DISTANCE
 136 OF 2155.87 FEET; THENCE ALONG THE NORTHERLY LINE OF
 137 SAID GARCIA-VELEZ PARCEL N67°59'54"E, A DISTANCE OF
 138 3563.78 FEET; THENCE N19°53'28"W, A DISTANCE OF 693.00
 139 FEET; THENCE CONTINUING ALONG THE NORTHERLY LINE OF
 140 SAID GARCIA-VELEZ PARCEL N68°14'36"E TO THE NORTHWEST
 141 CORNER OF THE PLAT OF HOBE SOUND GOLF CLUB RECORDED IN
 142 PLAT BOOK 11, PAGE 21 PUBLIC RECORDS OF MARTIN COUNTY,
 143 FLORIDA, SAID NORTHWEST CORNER ALSO BEING THE
 144 NORTHWEST CORNER OF THE AMENDED PLAT OF GOMEZ HOMES
 145 AND GROVES RECORDED IN PLAT BOOK 3, PAGE 3 PUBLIC
 146 RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE OF
 147 1907.47 FEET; THENCE ALONG THE NORTHERLY LINE OF SAID
 148 PLAT OF HOBE SOUND GOLF CLUB AND SAME BEING THE

149 NORTHERLY LINE OF SAID AMENDED PLAT OF GOMEZ HOMES AND
150 GROVES, N68°14'36"E TO THE NORTHEASTERLY CORNER OF
151 SAID PLAT OF HOBE SOUND GOLF CLUB AND SAME BEING THE
152 NORTHEASTERLY CORNER OF SAID AMENDED PLAT OF GOMEZ
153 HOMES AND GROVES, A DISTANCE OF 2600.32 FEET TO A
154 POINT ON THE WESTERLY LINE OF BESSEMER'S UNRECORDED
155 SUBDIVISION OF THE GOMEZ GRANT LOTS A THROUGH N;
156
157 THENCE ALONG SAID WESTERLY LINE OF SAID BESSEMER'S
158 UNRECORDED SUBDIVISION N21°38'29"W TO THE NORTHERLY
159 LINE OF SAID LOT N OF SAID BESSEMER'S UNRECORDED
160 SUBDIVISION, SAME BEING THE NORTHERLY LINE OF THE
161 FIRST UNITED METHODIST CHURCH OF HOBE SOUND PARCEL
162 RECORDED IN O.R. BOOK 585, PAGE 898 PUBLIC RECORDS OF
163 MARTIN COUNTY, FLORIDA, A DISTANCE OF 4766.09 FEET;
164 THENCE ALONG SAID NORTHERLY LINE N68°17'42"E TO A
165 POINT ON THE CURVE OF THE CENTERLINE OF U.S. HIGHWAY
166 ONE, BEING A 200 FOOT WIDE RIGHT OF WAY, A DISTANCE OF
167 1404.13 FEET, SAID CURVE CONCAVE TO THE SOUTHWEST,
168 HAVING A RADIUS OF 5729.65 FEET; THENCE NORTHWESTERLY
169 ALONG SAID CURVE AN ARC DISTANCE OF 902.22 FEET,
170 THROUGH A CENTRAL ANGLE OF 09°01'19", HAVING A CHORD
171 BEARING OF N30°19'33"W AND A CHORD DISTANCE OF 901.29
172 FEET TO THE POINT OF TANGENT; THENCE CONTINUING ALONG
173 THE CENTERLINE OF SAID U.S. HIGHWAY ONE N34°50'13"W, A

174 DISTANCE OF 6166.70 FEET TO THE POINT OF CURVE CONCAVE
 175 TO THE SOUTHWEST, HAVING A RADIUS OF 5729.65 FEET;
 176 THENCE ALONG SAID CURVE TO THE INTERSECTION OF A LINE
 177 THAT IS PARALLEL WITH AND 20.00 SOUTHERLY OF THE NORTH
 178 RIGHT OF WAY LINE OF SE OSPREY STREET, AN ARC DISTANCE
 179 OF 460.30 FEET, THROUGH A CENTRAL ANGLE OF 04°36'11",
 180 HAVING A CHORD BEARING OF N37°08'18"W AND A CHORD
 181 DISTANCE OF 460.18 FEET; THENCE ALONG SAID PARALLEL
 182 LINE N68°23'27"E TO THE CENTERLINE OF SE GOMEZ AVENUE,
 183 BEING A 70 FOOT WIDE RIGHT OF WAY, A DISTANCE OF
 184 3764.80 FEET; THENCE ALONG SAID CENTERLINE OF SE GOMEZ
 185 AVENUE N21°41'13"W TO THE SOUTHWESTERLY PROLONGATION
 186 OF THE NORTHERLY LINE OF THE PLAT OF THE SANCTUARY AS
 187 RECORDED IN PLAT BOOK 11, PAGE 86 PUBLIC RECORDS OF
 188 MARTIN COUNTY, FLORIDA, A DISTANCE OF 680.05 FEET;
 189 THENCE ALONG SAID NORTHERLY LINE OF SAID PLAT OF THE
 190 SANCTUARY N68°19'05"E TO A POINT IN THE INTRACOASTAL
 191 WATERWAY RECORDED IN PLAT BOOK 2, PAGES 1 THROUGH 9
 192 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE
 193 OF 2916.38 FEET, SAID INTRACOASTAL WATERWAY ALSO KNOWN
 194 AS THE JENSEN BEACH TO JUPITER AQUATIC PRESERVE AND
 195 ALSO REFERRED TO AS THE INDIAN RIVER;
 196
 197 THENCE MEANDERING SOUTHERLY THROUGH SAID INTRACOASTAL
 198 WATERWAY THE FOLLOWING COURSES AND DISTANCES:

199 S23°38'46"E, A DISTANCE OF 3025.21 FEET; THENCE
 200 S06°12'50"E, A DISTANCE OF 3454.77 FEET; THENCE
 201 S43°46'34"E, A DISTANCE OF 2706.93 FEET; THENCE
 202 S15°47'16"E, A DISTANCE OF 3172.40 FEET; THENCE
 203 S23°40'43"E, A DISTANCE OF 4736.44 FEET; THENCE
 204 S15°04'03"E, A DISTANCE OF 779.24 FEET; THENCE
 205 S11°12'05"E, A DISTANCE OF 1473.28 FEET; THENCE
 206 S17°37'55"E, A DISTANCE OF 1948.52 FEET; THENCE
 207 S35°43'50"E TO THE EASTERLY PROLONGATION OF THE SOUTH
 208 LINE OF GOVERNMENT LOT 4, SECTION 26, TOWNSHIP 39
 209 SOUTH, RANGE 42 EAST, A DISTANCE OF 4412.49 FEET;
 210
 211 THENCE ALONG SAID EASTERLY PROLONGATION OF THE SOUTH
 212 LINE OF GOVERNMENT LOT 4, SECTION 26, TOWNSHIP 39
 213 SOUTH, RANGE 42 EAST S89°58'18"W TO THE APPROXIMATE
 214 SHORELINE OF THE INTRACOASTAL WATERWAY, ALSO BEING THE
 215 APPROXIMATE SHORELINE OF THE HOBE SOUND OR INDIAN
 216 RIVER, A DISTANCE OF 1176.59 FEET; THENCE ALONG THE
 217 SOUTH LINE OF SAID GOVERNMENT LOT 4, SECTION 26,
 218 TOWNSHIP 39 SOUTH, RANGE 42 EAST S89°58'18"W TO THE
 219 SOUTHWEST CORNER OF SAID GOVERNMENT LOT 4, SECTION 26,
 220 SAME BEING THE SOUTHEAST CORNER OF PAPAYA VILLAGE
 221 RECORDED IN PLAT BOOK 2, PAGE 74 PUBLIC RECORDS OF
 222 MARTIN COUNTY, FLORIDA, A DISTANCE OF 1979.86 FEET;
 223 THENCE CONTINUING ALONG SAID SOUTH LINE OF SECTION 26

224 AND THE CENTERLINE OF PAPAYA BLVD., AN UNOPEN AND
 225 UNPAVED 30 FOOT WIDE RIGHT OF WAY AS SHOWN ON SAID
 226 PLAT OF PAPAYA VILLAGE S89°56'15"W TO THE SOUTHWEST
 227 CORNER OF SAID SECTION 26, SAME BEING THE SOUTHEAST
 228 CORNER OF SECTION 27, TOWNSHIP 39 SOUTH, RANGE 42
 229 EAST, A DISTANCE OF 1324.65 FEET; THENCE ALONG SAID
 230 CENTERLINE AND THE SOUTH LINE OF SAID SECTION 27,
 231 TOWNSHIP 39 SOUTH, RANGE 42 EAST S89°56'15W TO THE
 232 SOUTH QUARTER CORNER OF SAID SECTION 27, SAME BEING
 233 THE END OF SAID CENTERLINE OF PAPAYA BLVD., A DISTANCE
 234 OF 2639.12 FEET; THENCE CONTINUING ALONG THE SOUTH
 235 LINE OF SAID SECTION 27 AND THE SOUTH LINE OF THE
 236 FIRST ADDITION TO THE PAPAYA VILLAGE RECORDED IN PLAT
 237 BOOK 3, PAGE 60 PUBLIC RECORDS OF MARTIN COUNTY,
 238 FLORIDA S89°50'24"W TO THE SOUTHWEST CORNER OF SAID
 239 SECTION 27, SAME BEING THE SOUTHEAST CORNER OF SECTION
 240 28, TOWNSHIP 39 SOUTH, RANGE 42 EAST, AND SAME BEING
 241 THE SOUTHWEST CORNER OF SAID PLAT OF THE FIRST
 242 ADDITION TO THE PAPAYA VILLAGE, A DISTANCE OF 2639.28
 243 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION 28,
 244 TOWNSHIP 39 SOUTH, RANGE 42 EAST AND ALONG THE SOUTH
 245 LINE OF EAGLE WOOD RECORDED IN PLAT BOOK 9, PAGE 26
 246 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA S89°56'34"W
 247 TO THE EASTERLY RIGHT OF WAY OF FLORA AVE AS SHOWN ON
 248 SAID PLAT OF EAGLE WOOD, A DISTANCE OF 2262.89 FEET;

249
 250 THENCE ON A LINE ALONG THE APPROXIMATE EASTERLY RIGHT
 251 OF WAY OF FLORA AVENUE S21°43'27"W, A DISTANCE OF
 252 977.73 FEET; THENCE CONTINUING ALONG THE APPROXIMATE
 253 EAST RIGHT OF WAY LINE OF FLORA AVENUE S00°24'08"E TO
 254 THE SOUTH LINE OF THE NORTH ONE-QUARTER (N 1/4) OF THE
 255 SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-
 256 QUARTER (NE 1/4) OF SECTION 33, TOWNSHIP 39 SOUTH,
 257 RANGE 42 EAST, A DISTANCE OF 743.38 FEET; THENCE ALONG
 258 SAID SOUTH LINE N89°58'36"E TO THE EAST LINE OF THE
 259 SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-
 260 QUARTER (NE 1/4) OF SAID SECTION 33, A DISTANCE OF
 261 1292.82 FEET; THENCE ALONG SAID EAST LINE S00°00'56"E
 262 TO THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE
 263 1/4) OF SAID SECTION 33, A DISTANCE OF 991.23 FEET;
 264 THENCE ALONG SAID SOUTH LINE S89°59'15"W TO A LINE
 265 40.00 FEET OF THE EAST LINE OF THE SOUTHWEST ONE-
 266 QUARTER (SW1/4) OF SAID SECTION 33 AND PARALLEL WITH
 267 SAID EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION
 268 33, A DISTANCE OF 1284.95 FEET; THENCE ALONG SAID
 269 PARALLEL LINE S00°04'55"E TO THE SOUTH LINE OF SAID
 270 SECTION 33, A DISTANCE OF 2642.32 FEET; THENCE ALONG
 271 SAID SOUTH LINE OF SECTION 33, TOWNSHIP 39 SOUTH,
 272 RANGE 42 EAST N89°55'42"W TO THE SOUTHWEST CORNER OF
 273 SAID SECTION 33, SAME BEING THE SOUTHEAST CORNER OF

274 SECTION 32, TOWNSHIP 39 SOUTH, RANGE 42 EAST, A
 275 DISTANCE OF 2709.76 FEET; THENCE ALONG THE SOUTH LINE
 276 OF SAID SECTION 32, TOWNSHIP 39 SOUTH, RANGE 42 EAST
 277 S89°58'25"W TO THE SOUTH QUARTER CORNER OF SAID
 278 SECTION 32, A DISTANCE OF 2644.31 FEET; THENCE
 279 CONTINUING ALONG THE SOUTH LINE OF SAID SECTION 32
 280 S89°58'19"W TO THE SOUTHWEST CORNER OF SAID SECTION 32
 281 AND TO THE POINT OF BEGINNING, A DISTANCE OF 2643.99
 282 FEET.

283
 284 SAID CORPORATE LIMITS CONTAINING 264,037,076 PLUS OR
 285 MINUS SQUARE FEET (6,061.46 PLUS OR MINUS ACRES)

287 Section 4. Town council.-

288 (1) GENERAL POWERS AND DUTIES.-All powers of the town
 289 shall be vested in the town council, except as otherwise
 290 provided by law or this charter, and the council shall provide
 291 for the exercise thereof and for the performance of all duties
 292 and obligations permitted by or imposed on the town by law.

293 (2) COMPOSITION; ELIGIBILITY; TERMS.-

294 (a) Composition.-There shall be a town council composed of
 295 five council members. One council member shall be elected by the
 296 voters of the town at large in each of five districts; district
 297 one through district five.

298 (b) Eligibility.-

299 1. Each candidate for town council shall be a qualified
 300 elector of the town.

301 2. Each candidate for council shall have been a resident
 302 of the town and the district he or she represents for at least 1
 303 year before qualifying for office.

304 3. Each council member must reside in the district the
 305 member represents for the duration of his or her term.

306 4. The term of office for each council member shall be 4
 307 years.

308 (3) MAYOR; VICE MAYOR.-

309 (a) Mayor.-At the first regularly scheduled meeting after
 310 the town's first election and each regular election thereafter
 311 and after receiving the certified results of the election, the
 312 council, by a majority vote, shall select from its membership a
 313 mayor. Each year in which a regular election is not scheduled,
 314 the council, by the first meeting in December, shall by majority
 315 vote select from its membership a mayor. If a meeting does not
 316 occur between the second Tuesday in November and the first
 317 Tuesday in December, then such selection shall be made at the
 318 next regular meeting. The mayor shall serve as chairperson
 319 during the meetings of the council and shall serve as the head
 320 of municipal government for the purpose of execution of legal
 321 documents as required by ordinance. The mayor shall also serve
 322 as the ceremonial head of the town.

323 (b) Vice mayor.—A vice mayor shall be selected in the same
324 manner as the mayor as provided in paragraph (a). The vice mayor
325 shall serve as mayor during the absence or disability of the
326 mayor and, if a vacancy of the mayor occurs, shall become
327 interim mayor until a mayor is selected as described in
328 paragraph (a).

329 (4) COMPENSATION.—An ordinance increasing or decreasing
330 compensation of the council may be adopted at any time upon the
331 affirmative vote of four members of the council; however, if the
332 council takes action to change the level of compensation, the
333 salary of council members shall not be adjusted until after the
334 first day after the next regular municipal election. The council
335 may provide for reimbursement of actual expenses incurred by its
336 members, including the mayor, while performing their official
337 duties.

338 (5) COUNCIL MEETINGS.—

339 (a) The council shall hold meetings in accordance with a
340 duly adopted ordinance or resolution. Special meetings may be
341 held at the call of the mayor or a majority of the council
342 members. At least a 24-hour notice shall be provided to each
343 council member and the public for special meetings, unless there
344 is an immediate threat to the public safety. Except as
345 authorized by law, all meetings shall be open to the public.

346 (b) Three members of the town council shall constitute a
347 quorum for the conduct of business unless otherwise provided

348 herein. Unless a quorum is present, no action may be taken
349 except to adjourn. In order to approve any action or adopt any
350 ordinance or resolution, there must be at least three
351 affirmative votes for the action, unless otherwise provided
352 herein.

353 (6) PROHIBITIONS.—

354 (a) Neither the council, nor any individual member of the
355 council, shall in any manner attempt to dictate the employment
356 or removal of any employee other than the town manager and town
357 attorney. The council is free to make inquiries of town
358 employees, but no individual member of the council shall give
359 orders to any officer or employee of the town. Recommendations
360 for improvements in town government operations shall come
361 through the town manager, but each member of the council shall
362 be free to discuss or recommend improvements to the town
363 manager, and the council is free to direct the town manager to
364 implement specific recommendations for improvement in town
365 government operations.

366 (b) No present or former elected town official shall hold
367 any compensated appointive office or employment with the town
368 until 1 year after leaving office.

369 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF
370 VACANCIES.—

371 (a) Vacancies.—A vacancy in the office of a member of the
372 council, mayor, or vice mayor shall occur upon the incumbent's

373 death, inability to fulfill the duties of the office, relocation
374 of residence outside the district, resignation, appointment to
375 another public office, judicially determined incompetence, or
376 removal or forfeiture of office as described in this subsection.

377 (b) Forfeiture of office.—

378 1. A member of the council may forfeit the office if the
379 member:

380 a. Lacks at any time during the term of office any
381 qualification for the office prescribed by this charter or by
382 law;

383 b. Violates any express prohibition of this charter;

384 c. Is convicted of a felony or criminal misdemeanor, which
385 felony or misdemeanor involves the office of town council;

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

390 e. Misses three consecutive regularly scheduled council
391 meetings, unless excused by the council.

392
393 If any of these events should occur, a hearing shall
394 automatically be conducted at the next regularly scheduled
395 council meeting, and the member may be declared to have
396 forfeited office by majority vote of the council.

397 2. The council shall be the sole judge of the
398 qualifications of its members and shall hear all questions
399 relating to forfeiture of a council member's office, including
400 whether good cause for absence has been or may be established.
401 The council shall have the power to set additional written
402 standards of conduct for its members beyond those specified in
403 this charter and may provide for such penalties as it deems
404 appropriate, including forfeiture of office. In order to
405 exercise these powers, the council shall have power to subpoena
406 witnesses, administer oaths, and require the production of
407 evidence.

408 (c) Filling of vacancies.—

409 1. A vacancy on the council shall be filled by a majority
410 vote of the remaining members of the council for the period of
411 time until the next election, when a council member shall be
412 elected for the remainder of the term vacated. If there are more
413 than 6 months remaining in the unexpired term and a majority of
414 the remaining council members cannot reach a decision within 60
415 days after a vacancy occurs, the vacancy shall be filled by a
416 special election.

417 2. In the event that all of the council members are
418 removed by death, disability, recall, forfeiture of office, or
419 resignation, the Governor shall appoint interim council members
420 who shall call a special election at least 30 days, but no more
421 than 60 days, after such appointment. Such election shall be

422 held in the same manner as the initial elections under this
423 charter. However, if there are fewer than 6 months remaining in
424 any unexpired terms, the interim council appointed by the
425 Governor shall serve out the unexpired terms. Appointees must
426 meet all requirements for candidates as provided in this
427 charter.

428 3. The burden of establishing good cause for absences
429 shall be on the council member in question; however, any council
430 member may, at any time during a duly held meeting, move to
431 establish good cause for his or her absence. A council member
432 whose qualifications are in question or who is otherwise subject
433 to forfeiture of his or her office shall not vote on such
434 matters.

435 Section 5. Administration.-

436 (1) TOWN MANAGER.-

437 (a) The council shall appoint a town manager, or a
438 management firm to fulfill the duties of a town manager, who
439 shall serve at the pleasure of the council. The qualifications
440 of the town manager or firm may be established by ordinance.

441 (b) The town manager or firm may be removed by a majority
442 vote of the council.

443 (c) During the absence or disability of the town manager,
444 the town council may by resolution designate a properly
445 qualified person to temporarily execute the functions of the
446 town manager. The person thus designated shall have the same

447 powers and duties as the town manager and may be removed by the
448 town council at any time upon a majority vote of the council.

449 (d) The town manager or firm shall:

450 1. Appoint, hire, suspend, demote, or dismiss any town
451 employee under the town manager's jurisdiction in accordance
452 with law, and may authorize any department head to exercise
453 these powers with respect to subordinates in that department.

454 2. Direct and supervise the administration of all
455 departments of the town except the office of the town attorney.

456 (2) TOWN ATTORNEY.—There shall be a town attorney who
457 shall be a member of The Florida Bar in good standing, be
458 appointed by the council, and serve as the chief legal advisor
459 to the council and town administrators, departments, and
460 agencies. The council may remove the town attorney for any
461 reason by a majority vote of its members.

462 Section 6. Departments; personnel; planning.—

463 (1) DEPARTMENTS; BOARDS; AGENCIES.—The council may
464 establish, modify, or terminate such departments, boards, or
465 agencies as it determines necessary for the efficient
466 administrative operation of the town. Such departments, boards,
467 or agencies shall be determined by ordinance.

468 (2) PERSONNEL.—Consistent with all applicable state and
469 federal laws, the council shall provide by ordinance for the
470 establishment, regulation, and maintenance of a system governing

471 personnel policies necessary for the effective administration of
472 employees of the town's departments, boards, and agencies.

473 (3) PLANNING.—Consistent with all applicable state and
474 federal laws with respect to land use, development, and
475 environmental protection, the town shall:

476 (a) Designate an employee, agency, or agencies to execute
477 the planning functions with such decisionmaking responsibilities
478 as may be specified by ordinance or general law.

479 (b) Adopt a comprehensive plan and ensure that zoning and
480 other land use control ordinances are consistent with the plan,
481 all in accordance with general law. The Martin County
482 Comprehensive Plan, as it exists on the day that the town
483 commences corporate existence, shall serve as the initial
484 comprehensive plan of the town until the town adopts its own
485 comprehensive plan pursuant to chapter 163, Florida Statutes.

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

488 Section 7. Financial management.—

489 (1) FISCAL YEAR.—The fiscal year of the town shall begin
490 on the first day of October and end on the last day of September
491 of each year.

492 (2) EXPENDITURE OF TOWN FUNDS.—No town funds shall be
493 expended except pursuant to a duly approved appropriations or
494 for the payment of bonds, notes, or other indebtedness duly

495 authorized by the council and only from such funds so
496 authorized.

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

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

504 (5) APPROPRIATIONS.—

505 (a) If, during the fiscal year, revenues in excess of such
506 revenues estimated in the budget are available for
507 appropriation, the council by resolution may make supplemental
508 appropriations for the year in an amount not to exceed such
509 excess.

510 (b) If, at any time during the fiscal year, it appears
511 probable to the town manager that the revenues available will be
512 insufficient to meet the amount appropriated, the town manager
513 shall report to the council without delay, indicating the
514 estimated amount of the deficiency, any remedial action taken,
515 and recommendations as to any other steps that should be taken.
516 The council shall then take such further action as it deems
517 necessary to prevent or minimize any deficiency and, for that
518 purpose, the council may by resolution reduce one or more
519 appropriations accordingly.

520 (c) No appropriation for debt service may be reduced or
521 transferred, and no appropriation may be reduced below any
522 amount required by law to be appropriated, or by more than the
523 unencumbered balance thereof. Notwithstanding any other
524 provision of law, the supplemental and emergency appropriations
525 and reduction or transfer of appropriations authorized by this
526 section may be made effective immediately upon adoption.

527 (6) BONDS; INDEBTEDNESS.—

528 (a) Subject to the referendum requirements of the State
529 Constitution, if applicable, the town may from time to time
530 borrow money and issue bonds or other obligations or evidence of
531 indebtedness (collectively, "bonds") of any type or character
532 for any of the purposes for which the town is not or hereafter
533 authorized by law to borrow money, including to finance the cost
534 of any capital or other project and to refund any and all
535 previous issues of bonds at or before maturity. Such bonds may
536 be issued pursuant to one or more resolutions adopted by a
537 majority of the council.

538 (b) The town may assume all outstanding indebtedness
539 related to facilities that it acquires from other units of local
540 government and be liable for payment of such indebtedness in
541 accordance with its terms.

542 (7) REVENUE BONDS.—Revenue bonds may be issued by the town
543 as authorized by law.

544 (8) ANNUAL AUDIT.—The council shall provide for an
 545 independent annual financial audit of all town accounts and may
 546 provide for more frequent audits as it deems necessary. Such
 547 audits shall be made by a certified public accountant or a firm
 548 of such accountants who have no personal interest, directly or
 549 indirectly, in the fiscal affairs of the town government or in
 550 any of its officers.

551 (9) SHORTFALLS.—The state is not liable for financial
 552 shortfalls of the town.

553 Section 8. Nominations and elections.—

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

555 (a) Nonpartisan elections.—All elections shall be
 556 conducted on a nonpartisan basis without designation of
 557 political party affiliation.

558 (b) Electors.—Any person who is a resident of the town,
 559 who has qualified as an elector of this state, and who registers
 560 as prescribed by law shall be an elector of the town.

561 (c) Qualifying.—

562 1. Each candidate for town council shall be a qualified
 563 elector of the town and must reside in the district for which he
 564 or she is seeking office for at least 1 year before the
 565 beginning of the qualifying period for the office sought.

566 2. Any elector of the town who wishes to become a
 567 candidate for town council shall qualify with the Supervisor of
 568 Elections of Martin County for the initial election; thereafter,

569 candidates shall qualify with the official designated by
570 resolution or general law by providing proof of voter
571 registration, current address, and 1 year's residency in the
572 district in which they are seeking office.

573 3. The qualifying period for candidates for town council
574 shall be provided by the Supervisor of Elections of Martin
575 County or otherwise provided by ordinance.

576 (2) ELECTIONS.—

577 (a) Adoption of Florida Election Code.—All elections
578 required under any section of this charter shall be conducted in
579 accordance with the Florida Election Code, chapters 97-106,
580 Florida Statutes, except as otherwise provided in this charter.
581 The council, by ordinance, may adopt such election procedures as
582 are necessary and as provided by the Florida Election Code,
583 chapters 97-106, Florida Statutes.

584 (b) At large elections.—

585 1. The first regular election of council members shall be
586 held within 90 days after the date of incorporation and
587 thereafter will be the first Tuesday after the first Monday in
588 November on each even-numbered year, unless this date is
589 required to be changed to a date concurrent with any countywide
590 or statewide election.

591 2. Electors may vote for one candidate from each of the
592 five council districts. The candidate in each district receiving

593 the highest number of votes in the town at large election shall
594 be elected to such council district.

595 3. The term of office for an elected council member shall
596 begin immediately after official certification of the results of
597 the election and shall expire upon the assumption of office by
598 his or her successor.

599 4. No election for a council member seat shall be required
600 if there is only one duly qualified candidate for the council
601 member seat.

602 (c) Town canvassing board.—The canvassing board shall be
603 composed of three members appointed by the town council by
604 resolution. No member of the town canvassing board shall be an
605 active participant in the town election for which he or she is
606 canvassing as the term "active participant" is interpreted by
607 the Division of Elections. Should a vacancy occur on the
608 canvassing board, the town council shall appoint a replacement
609 member by resolution. The town canvassing board shall canvass
610 the election consistent with the requirements of general law and
611 consistent with and pursuant to any agreement between the town
612 and the Supervisor of Elections of Martin County. The canvassing
613 board shall certify the results of the election upon receipt of
614 the certification from the supervisor of elections. However, the
615 town council may, by resolution, delegate the election
616 canvassing responsibilities for town elections to the county
617 canvassing board.

618 (3) COUNCIL DISTRICTS; REDISTRICTING.—

619 (a) There shall be five town council districts. The
620 districts shall be as roughly equal in permanent population as
621 practicable according to the population figures available from
622 the most recent Martin County population estimate determined by
623 the decennial United States Census. Legal descriptions for the
624 town council districts located within the boundary of the Town
625 of Hobe Sound are as follows:

626 1. District one: everything east of Gomez Avenue north of
627 Bridge Road and everything east of Federal Highway south of
628 Bridge Road.

629 2. District two: Osprey Street to the north; Gomez Avenue
630 to the east; AlA/Dixie Highway to the west; and Bridge Road to
631 the south.

632 3. District three: Osprey Street to the north; AlA/Dixie
633 Highway to the east; Federal Highway to the west; and Bridge
634 Road to the South.

635 4. District four: everything west of Federal Highway and
636 north of Bridge Road.

637 5. District five: everything west of Federal Highway and
638 south of Bridge Road.

639 (b) The district boundaries shall be reapportioned based
640 upon the official state and federal census. The town council
641 shall adopt an ordinance containing the reapportionment within 6
642 months after the date of official publication of the most recent

643 official state and federal census, beginning with the 2020
644 census. District boundaries shall be reapportioned to create
645 districts of nearly equal population. Districts shall be
646 arranged in a logical and compact geographic pattern and shall
647 promote fair representation. Service boundaries of public
648 facilities may be considered. The district boundaries may be
649 reapportioned on a more frequent basis in the event that
650 annexation or development impacts the ability to provide for
651 fair representation as determined by the town council.

652 (4) RECALL.—The qualified voters of the town shall have
653 the power to remove from office any elected official of the town
654 in accordance with general law.

655 Section 9. Initiative and referendum.—The powers of
656 initiative and referendum are reserved to the qualified
657 registered voters of the town. The election laws of the state
658 shall govern the exercise of the powers of initiative and
659 referendum under this charter.

660 Section 10. General provisions.—

661 (1) CODE OF ETHICS.—It is essential to the proper conduct
662 and operation of the town that the officers and employees of the
663 town be independent and impartial and for their offices not to
664 be used for private gain other than the remuneration provided by
665 law or by ordinances. It is declared to be the policy of the
666 town that its officers and employees are agents of the people
667 and hold their positions for the benefit of the public.

668 Therefore, all town officers and employees shall adhere to the
 669 standards of conduct as provided in part III of chapter 112,
 670 Florida Statutes.

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

675 (3) SEVERABILITY.—If any provision of this charter or the
 676 application thereof to any person or circumstance is held
 677 invalid, the invalidity shall not affect other provisions or
 678 applications of this charter which can be given effect without
 679 the invalid provisions or application, and to this end the
 680 provisions of this charter are declared severable.

681 Section 11. Referendum election; transition.—

682 (1) REFERENDUM ELECTION.—The referendum election called
 683 for by this act shall be by mail ballot during October and
 684 November 2017, at which time the following question shall be
 685 placed upon the ballot:

686 Shall the Town of Hobe Sound be created and its charter
 687 adopted?

688 YES

689 NO

690
 691 In the event this question is answered affirmatively by a
 692 majority of voters voting in the referendum, the charter will

693 take effect as provided herein. The referendum election shall be
694 conducted by the Supervisor of Elections of Martin County by
695 mail ballot and in accordance with the Florida Election Code,
696 and the cost of such election shall be funded by the Board of
697 County Commissioners of Martin County.

698 (2) INITIAL ELECTION OF COUNCIL.—

699 (a) After the adoption of this charter, the Supervisor of
700 Elections of Martin County shall call an election to be held
701 within 90 days after the date of incorporation for the election
702 of five town council members. The election shall be conducted by
703 the Supervisor of Elections of Martin County in accordance with
704 the Florida Election Code, and the cost of such election shall
705 be funded by the Board of County Commissioners of Martin County.

706 (b) An individual who wishes to run for one of five
707 initial seats on the council shall qualify with the Supervisor
708 of Elections of Martin County in accordance with this charter
709 and general law. The qualifying period for the initial election
710 of the town council shall begin at noon on the second Monday in
711 January and end at noon on the third Friday in January, unless
712 otherwise provided by law.

713 (c) For the initial elections, the county canvassing board
714 shall certify the results of the elections in accordance with
715 general law.

716 (d) The three council members receiving the highest number
717 of votes shall each be elected to an initial term expiring upon

718 certification of the election results for the November 2022
719 election. The two remaining council members shall each be
720 elected to an initial term expiring upon certification of the
721 election results for the November 2020 election. Thereafter, all
722 terms shall be for a period of 4 years.

723 (3) SCHEDULE.—

724 (a) First election of council members.—At the time of its
725 adoption, this charter shall be in effect to the extent
726 necessary so that the first election of members of the town
727 council may be conducted in accordance with this charter.

728 (b) Time of taking full effect.—This charter shall be in
729 full effect for all purposes on and after the date of the first
730 meeting of the newly elected town council provided in paragraph
731 (c).

732 (c) First council meeting.—On the first Tuesday after the
733 certification of the election results, after the first election
734 of the town council under this charter, the newly elected
735 members of the town council shall meet at a location to be
736 determined. The initial council shall have the authority and
737 power to enter into contracts, arrange for the hiring of legal
738 counsel, begin recruiting applicants for town manager, provide
739 for necessary town offices and facilities, and do such other
740 things as it deems necessary and appropriate for the town.

741 (4) FIRST YEAR EXPENSES.—The council, in order to provide
742 moneys for the expenses and support of the town, shall have the

743 power to borrow money necessary for the operation of municipal
744 government until such time as a budget is adopted and revenues
745 are raised in accordance with this charter.

746 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—

747 (a) All applicable county ordinances currently in place at
748 the time of passage of the referendum, unless specifically
749 referenced in this charter, shall remain in place until and
750 unless rescinded by action of the council, except that a county
751 ordinance, rule, or regulation that is in conflict with a town
752 ordinance, rule, or regulation shall not be effective to the
753 extent of such conflict. Any existing Martin County ordinances,
754 rules, and regulations, as of April 1, 2018, shall not be
755 altered, changed, rescinded, or added to, nor shall any variance
756 be granted, if such action would affect the town without the
757 approval of the council.

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

760 (6) TRANSITIONAL COMPREHENSIVE PLAN.—Until such time as
761 the town adopts a comprehensive plan, the Martin County
762 Comprehensive Plan, as it exists on the day that the town
763 commences corporate existence, shall remain in effect as the
764 town's transitional comprehensive plan. However, all planning
765 functions, duties, and authority shall thereafter be vested in
766 the council, which shall be deemed the local planning agency
767 until the council establishes a separate local planning agency.

768 (7) TRANSITIONAL LAND DEVELOPMENT REGULATIONS.—To
769 implement the transitional comprehensive land use plan when
770 adopted, the town shall, in accordance with the procedures
771 required by the laws of the state, adopt ordinances providing
772 for land use development regulations within the corporate
773 limits. Until the town adopts ordinances, the following shall
774 apply:

775 (a) The comprehensive land use plan and land use
776 development regulations of Martin County, as the same exists on
777 the date that the town commenced corporate existence, shall
778 remain in effect as the town's transitional land use development
779 regulations and comprehensive land use plan.

780 (b) All powers and duties of the Martin County Growth
781 Management and Building Departments, the Martin County Special
782 Magistrate, and Board of County Commissioners of Martin County,
783 as provided in these transitional land use development
784 regulations, shall be vested in the council until such time as
785 the council delegates all powers and duties, or a portion
786 thereof, to another agency, department, or entity.

787 (c) Subsequent to the adoption of a local comprehensive
788 land use plan and subject to general law, the council is fully
789 empowered to amend, supersede, enforce, or repeal the
790 transitional land use development regulations, or any portion
791 thereof, by ordinance.

792 (d) Subsequent to the commencement of the town's corporate
793 existence, an amendment of the comprehensive land use plan or
794 land use development regulations enacted by the Board of County
795 Commissioners of Martin County shall not be deemed an amendment
796 of the town's transitional comprehensive land use plan or land
797 use development regulations or otherwise take effect within the
798 town's municipal boundaries.

799 (8) STATE-SHARED REVENUES.—The town shall be entitled to
800 participate in all revenue sharing programs of the state
801 effective January 1, 2018. The provisions of s. 218.23(1),
802 Florida Statutes, shall be waived for the purpose of conducting
803 audits and financial reporting through the end of the town
804 fiscal year 2020-2021. For purposes of complying with s.
805 218.23(1), Florida Statutes, relating to ad valorem taxation,
806 the millage levied by special districts may be used for an
807 indefinite period of time. Initial revised population estimates
808 for calculating eligibility for shared revenues shall be
809 determined by the University of Florida Bureau of Economic and
810 Business Research. Should the bureau be unable to provide an
811 appropriate population estimate, the Martin County Department of
812 Community Development shall provide the estimate.

813 (9) LOCAL REVENUE SOURCES.—The town shall be entitled to
814 receive all local revenue sources available pursuant to general
815 law, including, but not limited to, the local communications
816 services tax imposed under s. 202.19, Florida Statutes. The

817 local communications services tax rate imposed by Martin County
818 will continue within the town boundaries during the period
819 commencing with the date of incorporation through June 1, 2018.
820 Revenues from the tax shall be shared by Martin County with the
821 town in proportion to the projected town population estimate of
822 the Martin County Planning Division compared with the
823 unincorporated population of Martin County before the
824 incorporation of the town.

825 (10) LOCAL OPTION GAS TAX REVENUES.—Notwithstanding the
826 requirements of s. 336.025, Florida Statutes, the town shall be
827 entitled to receive local option gas tax revenue beginning on
828 October 1, 2018. These revenues shall be distributed in
829 accordance with general law or by an interlocal agreement
830 negotiated with the Board of County Commissioners of Martin
831 County.

832 (11) CONTRACTUAL SERVICES AND FACILITIES.—Contractual
833 services for law enforcement, emergency management, public
834 works, parks and recreation, planning and zoning, building
835 inspection, development review, animal control, library
836 services, town manager or management firm, town attorney, and
837 solid waste collection may be supplied by a contract between the
838 town and the Board of County Commissioners of Martin County,
839 special districts, municipalities, or private enterprises until
840 such time as the council establishes such independent services.
841 However, existing solid waste contracts shall be honored as

842 required by s. 165.061(1)(f), Florida Statutes, and s. 10,
843 Article I of the State Constitution. Facilities for housing the
844 newly formed municipal operations may be rented or leased until
845 the town selects more permanent facilities.

846 (12) MARTIN COUNTY MUNICIPAL SERVICE TAXING UNITS;
847 CONTINUATION.—Notwithstanding the incorporation of the Town of
848 Hobe Sound, that portion of the Martin County Fire and Rescue
849 Municipal Service Taxing Unit, Parks and Recreation Municipal
850 Service Taxing Unit, Stormwater Municipal Service Taxing Unit,
851 and Roads Municipal Service Taxing Unit, and special taxing
852 districts created by the Board of County Commissioners of Martin
853 County that lie within the boundaries of the Town of Hobe Sound
854 are authorized to continue in existence until the town adopts an
855 ordinance, resolution, or interlocal agreement to the contrary.

856 (13) LAW ENFORCEMENT.—Law enforcement services shall be
857 provided by the Martin County Sheriff's Office until the town
858 adopts an ordinance or resolution or enters into an interlocal
859 agreement to the contrary.

860 (14) MARTIN COUNTY COMMUNITY REDEVELOPMENT AGENCY DISTRICT
861 (HOBE SOUND).—A portion of the Martin County Community
862 Redevelopment Agency District is located within the incorporated
863 limits of the Town of Hobe Sound. After incorporation, Martin
864 County and the town shall adopt ordinances and enter into
865 interlocal agreements to address the funding and taxation issues

866 associated with having a portion of the Martin County CRA
867 District encroach over the boundaries of the town.

868 (15) ELIMINATION OF TRANSITIONAL ELEMENTS FROM THIS
869 CHARTER.—Upon completion of the transitional phase provided in
870 this charter, the sections of the charter relating to transition
871 may be eliminated from this charter.

872 Section 12. This act shall take effect only upon its
873 approval by a majority vote of those qualified electors residing
874 within the corporate limits of the proposed Town of Hobe Sound
875 as described in section 3, voting in a referendum conducted in
876 accordance with the provisions of law relating to elections
877 currently in force, except that this section and subsection (1)
878 of section 11 shall take effect upon becoming a law.