

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

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

37 |

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

39 |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95 (3) FORM OF GOVERNMENT.—The village shall be a council-
 96 manager form of government, with the council to consist of five
 97 village council ("council") members elected by the village at
 98 large. The council shall constitute the governing body of the
 99 village, with the duties and responsibilities hereinafter

100 provided. The council shall appoint a village manager to be the
101 chief administrative officer of the village who shall serve at
102 the pleasure of the council.

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

106
107 The eastern 1,053 feet of the South 1/2 of the South
108 1/2 of the Southeast 1/4 Section 19, T 39 S, R 38 E;
109 and

110
111 The South 1/2 of Section 20, T 39 5, R 38 E; and

112
113 The South 1/2 of Section 21, T 39 5, R 38 E, Lying
114 South of State Road 710; and That part of Section 22,
115 T 39 5, R 38 E, Lying South of State Road 710, and The
116 South 1/2 of Section 25, T 39 S, R 38 E, Less the
117 Western 1,320 feet; and The Southwest 1/4 of Section
118 26, T 39, R 38 E; and

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

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

123 The Northern 3,685' of Section 29, T 39 S, R 38 E;
124 and

125 The upland portion of Northern 3,685' of the East 1/2
 126 of Section 30, T 39 S, R 38 E; and All of Section 34,
 127 T 39 5, R 38 E, Less the Southwestern 1/2 of the
 128 Southwestern X; and That part of Section 35, T 39 S, R
 129 38 E, Lying South of State Road 710; and

130
 131 All of Section 36, T 39 5, R 38 E, Except that portion
 132 of the Western 14 that lies North of State Road 710;
 133 and

134
 135 All of Sections 31, 32 and 33 of T 39 S, R 39 E; and

136
 137 That portion of Section 1, T 39 S, R 38 E, Lying
 138 North of Farm Road; and

139
 140 That Portion of Eastern 14 of Section 1, T 39 S, R 38
 141 E, Lying South of Farm Road; and

142
 143 The Eastern 3,000 feet of that Portion of Section 12,
 144 T 39 5, R 38 E, Lying North of the St. Lucie Canal
 145 ROW, Less the Western 3,152' of the Northern X of
 146 Section 12, T 39 S, R 38 E; and

147
 148 Those Parts of Sections 4, 7, 8 and 9, T 40 S, R 39 E,
 149 Lying North of the St. Lucie Canal; and

150 All of Sections 5 and 6, T 40 S, R 39 E; and
 151
 152 That Portion of Section 8, T 40 S, R 39 E, Lying South
 153 of the St. Lucie Canal and North of State Road 710;
 154 and
 155
 156 That Portion of Section 9, T 40 S, R 39 E, Lying South
 157 of the St. Lucie Canal, North of State Road 710, and
 158 West of the State Road 76/State Road 710
 159 Connector.

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

164 Section 4. Village council.-

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

170 (2) COMPOSITION; ELIGIBILITY; TERMS.-

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

174 (b) Eligibility.-

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

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

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

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

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

187 (3) MAYOR; VICE MAYOR.—

188 (a) Mayor.—At the first regularly scheduled meeting after
 189 the village's first election and each regular election
 190 thereafter and after receiving the certified results of the
 191 election, the council, by a majority vote, shall select from its
 192 membership a mayor. Each year in which a regular election is not
 193 scheduled, the council, by the first meeting in December, shall
 194 by majority vote select from its membership a mayor. If a
 195 meeting does not occur between the second Tuesday in November
 196 and the first Tuesday in December, then such selection shall be
 197 made at the next regular meeting. The mayor shall serve as
 198 chairperson during the meetings of the council and shall serve
 199 as the head of municipal government for the purpose of execution

200 of legal documents as required by ordinance. The mayor shall
201 also serve as the ceremonial head of the village.

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

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

217 (5) COUNCIL MEETINGS.—

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

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

231 (6) PROHIBITIONS.—

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

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

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

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

255 (b) Forfeiture of office.—

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

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

261 b. Violates any express prohibition of this charter;

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

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

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

270
 271 If any of these events should occur, a hearing shall
 272 automatically be conducted at the next regularly scheduled

273 council meeting, and the member may be declared to have
274 forfeited office by majority vote of the council.

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

286 (c) Filling of vacancies.—

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

295 2. In the event that all of the council members are
296 removed by death, disability, recall, forfeiture of office, or
297 resignation, the Governor shall appoint interim council members

298 who shall call a special election at least 30 days, but no more
299 than 60 days, after such appointment. Such election shall be
300 held in the same manner as the initial elections under this
301 charter. However, if there are fewer than 6 months remaining in
302 any unexpired terms, the interim council appointed by the
303 Governor shall serve out the unexpired terms. Appointees must
304 meet all requirements for candidates as provided in this
305 charter.

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

313 Section 5. Administration.-

314 (1) VILLAGE MANAGER.-

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

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

321 (c) During the absence or disability of the village
322 manager, the village council may by resolution designate a

323 properly qualified person to temporarily execute the functions
324 of the village manager. Such person shall have the same powers
325 and duties as the village manager and may be removed by the
326 village council at any time upon a majority vote of the council.

327 (d) The village manager or firm shall:

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

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

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

341 Section 6. Departments; personnel; planning.—

342 (1) DEPARTMENTS; BOARDS; AGENCIES.—The council may
343 establish, modify, or terminate such departments, boards, or
344 agencies as it determines necessary for the efficient
345 administrative operation of the village. Such departments,
346 boards, or agencies shall be determined by ordinance.

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

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

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

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

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

369 Section 7. Financial management.—

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

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

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

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

385 (5) APPROPRIATIONS.—

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

391 (b) If, at any time during the fiscal year, it appears
392 probable to the village manager that the revenues available will
393 be insufficient to meet the amount appropriated, the village
394 manager shall report to the council without delay, indicating

395 the estimated amount of the deficiency, any remedial action
396 taken, and recommendations as to any other steps that should be
397 taken. The council shall then take such further action as it
398 deems necessary to prevent or minimize any deficiency and, for
399 that purpose, the council may by resolution reduce one or more
400 appropriations accordingly.

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

408 (6) BONDS; INDEBTEDNESS.-

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

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

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

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

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

434 Section 8. Nominations and elections.—

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

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

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

442 (c) Qualifying.—

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

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

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

460 (2) ELECTIONS.-

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

468 (b) At large elections.-

469 1. The first regular election of council members shall be
 470 held within 90 days after the date of incorporation and
 471 thereafter will be the first Tuesday after the first Monday in
 472 November on each even-numbered year, unless this date is
 473 required to be changed to a date concurrent with any countywide
 474 or statewide election.

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

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

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

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

493 Florida law and consistent with and pursuant to any agreement
 494 between the village and the Martin County Supervisor of
 495 Elections. The canvassing board shall certify the results of the
 496 election upon receipt of the certification from the supervisor
 497 of elections. However, the village council may, by resolution,
 498 delegate the election canvassing responsibilities for village
 499 elections to the county canvassing board.

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

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

508 Section 10. General provisions.-

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

517 adhere to the standards of conduct as provided in part III of
 518 chapter 112, Florida Statutes.

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

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

530 Section 11. Referendum election; transition.-

531 (1) REFERENDUM ELECTION.-The referendum election called
 532 for by this action shall be by mail ballot during October and
 533 November 2017, at which time the following question shall be
 534 placed upon the ballot:

535 Shall the Village of Indiantown be created and its charter
 536 adopted?

537 YES

538 NO

539
 540 In the event this question is answered affirmatively by a
 541 majority of voters voting in the referendum, the charter will

542 take effect as provided herein. The referendum election shall be
543 conducted by the Supervisor of Elections of Martin County by
544 mail ballot and in accordance with the Florida Election Code,
545 and the cost of such election shall be funded by the Board of
546 County Commissioners of Martin County.

547 (2) INITIAL ELECTION OF COUNCIL.-

548 (a) After the adoption of this charter, the Supervisor of
549 Elections of Martin County shall call an election to be held
550 within 90 days after the date of incorporation, for the election
551 of five village council members. The election shall be conducted
552 by the Supervisor of Elections of Martin County in accordance
553 with the Florida Election Code, and the cost of such election
554 shall be funded by the Board of County Commissioners of Martin
555 County.

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

563 (c) For the initial elections, the county canvassing board
564 shall certify the results of the elections in accordance with
565 general law.

566 (d) The three council members receiving the highest number
567 of votes shall each be elected to an initial term expiring upon
568 certification of the election results for the November 2022
569 election. The two remaining council members shall each be
570 elected to an initial term expiring upon certification of the
571 election results for the November 2020 election. Thereafter, all
572 terms shall be for a period of 4 years.

573 (3) SCHEDULE.-

574 (a) First election of council members.-At the time of its
575 adoption, this charter shall be in effect to the extent
576 necessary so that the first election of members of the village
577 council may be conducted in accordance with this charter.

578 (b) Time of taking full effect.-This charter shall be in
579 full effect for all purposes on and after the date of the first
580 meeting of the newly elected village council provided in
581 paragraph (c).

582 (c) First council meeting.-On the first Tuesday after the
583 certification of the election results, after the first election
584 of the village council under this charter, the newly elected
585 members of the village council shall meet at a location to be
586 determined. The initial council shall have the authority and
587 power to enter into contracts, arrange for the hiring of legal
588 counsel, begin recruiting applicants for village manager,
589 provide for necessary village offices and facilities, and do

590 such other things as it deems necessary and appropriate for the
591 village.

592 (4) FIRST YEAR EXPENSES.-The council, in order to provide
593 moneys for the expenses and support of the village, shall have
594 the power to borrow money necessary for the operation of
595 municipal government until such time as a budget is adopted and
596 revenues are raised in accordance with this charter.

597 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.-

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

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

611 (6) TRANSITIONAL COMPREHENSIVE PLAN.-Until such time as
612 the village adopts a comprehensive plan, the Martin County
613 Comprehensive Plan, as it exists on the day that the village
614 commences corporate existence, shall remain in effect as the

615 village's transitional comprehensive plan. However, all planning
616 functions, duties, and authority shall thereafter be vested in
617 the council, which shall be deemed the local planning agency
618 until the council establishes a separate local planning agency.

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

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

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

638 (c) Subsequent to the adoption of a local comprehensive
639 land use plan and subject to general law, the council is fully

640 empowered to amend, supersede, enforce, or repeal the
641 transitional land use development regulations, or any portion
642 thereof, by ordinance.

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

650 (8) STATE-SHARED REVENUES.-The village shall be entitled
651 to participate in all revenue sharing programs of the state
652 effective January 1, 2018. The provisions of s. 218.23(1),
653 Florida Statutes, shall be waived for the purpose of conducting
654 audits and financial reporting through the end of the village
655 fiscal year 2020-2021. For purposes of complying with s.
656 218.23(1), Florida Statutes, relating to ad valorem taxation,
657 the millage levied by special districts may be used for an
658 indefinite period of time. Initial revised population estimates
659 for calculating eligibility for shared revenues shall be
660 determined by the University of Florida Bureau of Economic and
661 Business Research. Should the bureau be unable to provide an
662 appropriate population estimate, the Martin County Department of
663 Community Development shall provide the estimate.

664 (9) LOCAL REVENUE SOURCES.-The village shall be entitled
665 to receive all local revenue sources available pursuant to
666 general law, including, but not limited to, the local
667 communications services tax imposed under s. 202.19, Florida
668 Statutes. The local communications services tax rate imposed by
669 Martin County will continue within the village boundaries during
670 the period commencing with the date of incorporation through
671 June 1, 2018. Revenues from the tax shall be shared by Martin
672 County with the village in proportion to the projected village
673 population estimate of the Martin County Planning Division
674 compared with the unincorporated population of Martin County
675 before the incorporation of the village.

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

683 (11) CONTRACTUAL SERVICES AND FACILITIES.-Contractual
684 services for law enforcement, emergency management, public
685 works, parks and recreation, planning and zoning, building
686 inspection, development review, animal control, library
687 services, village manager or management firm, village attorney
688 and solid waste collection may be supplied by a contract between

689 the village and the Board of County Commissioners of Martin
690 County, special districts, municipalities, or private enterprise
691 until such time as the council establishes such independent
692 services. However, existing solid waste contracts shall be
693 honored as required by s. 165.061(1)(f), Florida Statutes, and
694 s. 10, Article I of the State Constitution. Facilities for
695 housing the newly formed municipal operations may be rented or
696 leased until the village selects more permanent facilities.

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

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

711 (14) MARTIN COUNTY COMMUNITY REDEVELOPMENT AGENCY DISTRICT
712 (INDIANTOWN).—A portion of the Martin County Community
713 Redevelopment Agency District is located within the incorporated

714 limits of the Village of Indiantown. After incorporation, Martin
715 County and the village shall adopt ordinances and enter into
716 interlocal agreements to address the funding and taxation issues
717 associated with having a portion of the Martin County CRA
718 District encroach over the boundaries of the village.

719 (15) ELIMINATION OF TRANSITIONAL ELEMENTS FROM THIS
720 CHARTER.-Upon completion of the transitional phase provided in
721 this charter, the sections of the charter relating to transition
722 may be eliminated from this charter.

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

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