

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 continuation of the Palm Beach
 35 County Fire Rescue Municipal Service Taxing Unit;
 36 providing for continuation of the Palm Beach County
 37 Library Taxing District; providing for law
 38 enforcement; providing for the continuation of the
 39 Indian Trail Improvement District and for the transfer
 40 of certain District assets and liabilities; providing
 41 for waiver of specified eligibility provisions;
 42 requiring a referendum; providing an effective date.

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

46 Section 1. Corporate name; purpose of the charter;
 47 creation and establishment of the Village of Loxahatchee.

48 (1) CORPORATE NAME.—The municipality hereby established
 49 shall be known as the Village of Loxahatchee ("Village").

50 (2) PURPOSE OF THE CHARTER.—This act, together with any
51 future amendments thereto, shall be known as the charter of the
52 Village of Loxahatchee ("charter").

53 (a) The Loxahatchee area in Palm Beach County includes a
54 compact and contiguous rural community with a population of
55 approximately 43,000 people who are experiencing certain impacts
56 and threats to the agricultural character and lifestyle as well
57 as plant and tree nurseries face impacts and threats to their
58 agricultural business in the Loxahatchee community from
59 urbanization in the surrounding area.

60 (b) It is in the best interests of the public health,
61 safety, and welfare of the residents of the "Loxahatchee Area"
62 to form a separate municipality for the "Loxahatchee Area" with
63 all the powers and authority necessary to provide adequate and
64 efficient municipal services to its residents.

65 (c) It is intended that this charter and the incorporation
66 of the "Loxahatchee area" shall serve to preserve and protect
67 the equestrian and agricultural character, natural resources and
68 rural quality of life of the community. In furtherance of this
69 intent, the rights of the Village residents, on properties zoned
70 agricultural or agricultural residential, as defined by the Palm
71 Beach County Comprehensive Plan on the date of incorporation, to
72 utilize said lands for agricultural uses and shall not be
73 infringed upon by the Village, except for the following shall
74 not be construed as an infringement of said rights:

- 75 1. Laws of the United States;
- 76 2. Laws of the State; or
- 77 3. Best Management Practices adopted by the State
- 78 Department of Agriculture; or
- 79 4. Agricultural Best Management Practices or any public
- 80 health, safety, and welfare regulations as may be adopted by
- 81 ordinance by the council.

82 (d) It is intended that this charter and the incorporation
 83 of the Village is to secure the benefits of self-determination
 84 and affirm the values of representative democracy, citizen
 85 participation, strong community leadership, professional
 86 management, and regional cooperation.

87 (e) It is the intent of this charter and the incorporation
 88 of the Village to maintain a financially secure and sustainable
 89 municipal government and to responsibly manage the Village's
 90 debt obligations without causing the state to incur any
 91 liability.

92 (3) CREATION AND ESTABLISHMENT OF THE VILLAGE OF
 93 LOXAHATCHEE.

94 (a) This act shall take effect upon approval by a majority
 95 vote of those qualified electors residing within the corporate
 96 limits of the proposed Village, as described in section 4,
 97 voting in a special election referendum conducted by the
 98 Supervisor of Elections of Palm Beach County to be held November

99 | 7, 2023, in accordance with the provisions of law relating to
 100 | elections currently in force.

101 | (b) The Village of Loxahatchee is created and established
 102 | effective December 31, 2023, for the purpose of compliance with
 103 | s. 200.066, Florida Statutes, relating to assessment and
 104 | collection of ad valorem taxes.

105 | Section 2. Powers of village; form of government.--

106 | (1) POWERS OF THE VILLAGE.—The Village shall have all
 107 | available governmental, corporate, and proprietary powers of a
 108 | municipality under the State Constitution and laws of this state
 109 | as fully and completely as though such powers were specifically
 110 | enumerated in this charter, and may exercise them, except where
 111 | prohibited by law. Through the adoption of this charter, it is
 112 | the intent of the electors of the Village that the municipal
 113 | government established in this section shall have the broadest
 114 | exercise of home rule powers permitted under the State
 115 | Constitution and Laws of the State. This charter and the powers
 116 | of the Village shall be construed liberally in favor of the
 117 | Village.

118 | (2) CONSTRUCTION.—The powers of the Village under this
 119 | charter shall be construed liberally in favor of the Village,
 120 | and the specific mention of particular powers in the charter
 121 | shall not be construed as limiting the general powers granted in
 122 | this charter in any way.

123 (3) FORM OF GOVERNMENT.—The Village shall be a council-
 124 manager form of government, with the council to consist of five
 125 Village council ("council") members elected by the Village at-
 126 large. The council shall constitute the governing body of the
 127 Village, with the duties and responsibilities hereinafter
 128 provided. The council shall appoint a Village manager to be the
 129 chief administrative officer of the Village who shall serve at
 130 the pleasure of the council.

131 Section 3. Nominations and elections.—

132 (1) NONPARTISAN ELECTIONS: ELECTORS: QUALIFYING.—

133 (a) Nonpartisan elections.—All elections shall be
 134 conducted on a nonpartisan basis without designation of
 135 political party affiliation.

136 (b) Electors.—Any person who is a resident of the Village,
 137 who has qualified as an elector of this state, and who registers
 138 as prescribed by law shall be an elector of the Village.

139 (c) Qualifying.—

140 1. Each candidate for Village council shall be a qualified
 141 elector of the Village and must reside in the Village for at
 142 least 1 year before the beginning of the qualifying period for
 143 the office sought.

144 2. Any elector of the Village who wishes to become a
 145 candidate for Village council shall qualify with the Supervisor
 146 of Elections of Palm Beach County for the initial elections;
 147 thereafter, candidates shall qualify with the official

148 designated by Village resolution or general law by providing
 149 proof of voter registration, current address, and 1 year of
 150 residency in the Village, unless the Village council, by
 151 resolution, provides that the Supervisor of Elections of Palm
 152 Beach County conduct the candidate qualification process.

153 3. The qualifying period for candidates for Village council
 154 shall be the same as provided by the Supervisor of Elections of
 155 Palm Beach County or as otherwise provided by ordinance.

156 (2) ELECTIONS.--

157 (a) Adoption of Florida Election Code.--All elections
 158 required under any article or section of this charter shall be
 159 conducted in accordance with the Florida Election Code, chapters
 160 97-106, Florida Statutes, except as otherwise provided in this
 161 charter. The council, by ordinance, may adopt such election
 162 procedures as are necessary and as provided by the Florida
 163 Election Code, chapters 97-106, Florida Statutes.

164 (b) At large elections.--

165 1. The first election of council members shall be held
 166 March 12, 2024, and thereafter will be held every odd-numbered
 167 year, unless this date is required to be changed to a date
 168 concurrent with any countywide or statewide election.

169 2. The candidates receiving the highest number of votes in
 170 the Village at-large election shall be elected.

171 3. The term of office for an elected council member shall
 172 begin immediately after official certification of the results of

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173 the election and shall expire upon the assumption of office by
174 his or her successor.

175 4. No election for a council member seat shall be required
176 if there is only one duly qualified candidate for the council
177 member seat.

178 (c) Village canvassing board.—The canvassing board shall
179 be composed of three members appointed by the Village council
180 by resolution. No member of the Village canvassing board shall
181 be an active participant in the Village election for which he or
182 she is canvassing as the term "active participant" is
183 interpreted by the Division of Elections. Should a vacancy occur
184 on the canvassing board, the Village council shall appoint a
185 replacement member by resolution. The Village canvassing board
186 shall canvass the election consistent with the requirements of
187 Florida law and consistent with and pursuant to any agreement
188 between the Village and the Supervisor of Elections of Palm
189 Beach County. The canvassing board shall certify the results of
190 the election upon receipt of the certification from the
191 Supervisor of Elections. However, the Village council may, by
192 resolution, delegate the election canvassing responsibilities
193 for Village elections to the county canvassing board.

194 (3) RECALL.—The qualified voters of the Village shall have
195 the power to remove from office any elected official of the
196 Village in accordance with the state law.

197 Section 4. Corporate boundaries.—The territorial
 198 boundaries of the Village of Loxahatchee upon the date of
 199 incorporation shall include the following areas situated in Palm
 200 Beach County:

201
 202 BEING PORTIONS OF TOWNSHIP 42 SOUTH, RANGE 40 EAST;
 203 TOWNSHIP 42 SOUTH, RANGE 41 EAST; TOWNSHIP 43 SOUTH,
 204 RANGE 40 EAST AND TOWNSHIP 43 SOUTH, RANGE 41 EAST,
 205 PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY
 206 DESCRIBED AS FOLLOWS:

207
 208 TOGETHER WITH:
 209 TOWNSHIP 42 SOUTH, RANGE 40 EAST
 210 THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 13, 14, AND 15
 211 AND ALL OF SECTIONS 23, 24, 25, 26, 32, 33, 35, AND
 212 36; AND THE SOUTH HALF OF SECTION 34; AND ALL THAT
 213 PART OF SECTION 31 LYING NORTH AND EAST OF THE NORTH
 214 EASTERLY RIGHT-OF-WAY LINE OF LEVEE L-8, A PROJECT IN
 215 THE PLAN OF WATER CONTROL OF THE CENTRAL AND SOUTHERN
 216 FLORIDA FLOOD CONTROL DISTRICT.

217
 218 TOGETHER WITH:
 219 TOWNSHIP 42 SOUTH, RANGE 41 EAST
 220 ALL OF SECTIONS 31, 33, 34, AND 35.

221 THE WEST 1/2 OF SECTION 17 AND ALL OF SECTIONS 18, 19,
 222 20, 21, 22, 27, 28, 29, 30, AND 32.
 223 PCNs: 00414216000005010, 00414216000005020,
 224 00414216000005030, 00414216000005040,
 225 00414216000005050, 00414216000005060,
 226 00414216000005070, AND 00414216000005080 AND THAT AREA
 227 OF NORTHLAKE BOULEVARD BETWEEN THESE PCNs.

228
 229 TOGETHER WITH:
 230 TOWNSHIP 43 SOUTH, RANGE 40 EAST
 231 ALL OF SECTIONS 4, 9, 10, 11, 14, AND 15; THAT PART OF
 232 SECTION 3 LYING NORTHERLY AND WESTERLY OF THE
 233 SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE "M" CANAL; THE
 234 WEST THREE-QUARTERS (W 3/4) OF SECTIONS 13, 24, AND
 235 25; AND THAT PART OF THE M" CANAL; THE WEST THREE-
 236 QUARTERS (W 3/4) OF SECTIONS 13, 24, AND 25; AND THAT
 237 PART OF THE CANAL; THE WEST THREE-QUARTERS (W 3/4) OF
 238 SECTIONS 13, 24, AND 25; AND THAT PART OF THE WEST
 239 THREE-QUARTERS (W 3/4) OF SECTION 36 LYING NORTH OF
 240 THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 LESS
 241 PCNs 00404326010030010, 00404326010030020,
 242 00404326010030030, 00404326010030040,
 243 00404326010030050, 00404326010030060,
 244 00404326010030190, 00404326010030200,

245 00404326010030210, 00404326010030220,
 246 00404326010030230, AND 00404336000003020;
 247 AND ALL THAT PART OF SECTIONS 5, 8, AND 6 LESS PCNs
 248 00404305000003010 AND 00404306000001010 LYING NORTH
 249 AND EAST OF THE NORTH EASTERLY RIGHT-OF-WAY LINE OF
 250 LEVEE L-8, A PROJECT IN THE PLAN OF WATER CONTROL OF
 251 THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL
 252 DISTRICT.

253
 254 TOGETHER WITH:
 255 TOWNSHIP 43 SOUTH, RANGE 41 EAST
 256 ALL OF SECTIONS 2, 3, 4, 9, 10, AND 11.

257
 258 TOGETHER WITH:
 259 PARCEL 1
 260 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF
 261 SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM
 262 BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:
 263 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 15.
 264 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR COCONUT
 265 BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 5778,
 266 PAGE 1279, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
 267 BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK
 268 WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229,
 269 PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

270 BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR 120TH
 271 AVENUE NORTH AS RECORDED IN OFFICIAL RECORDS BOOK
 272 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY,
 273 FLORIDA. CONTAINING: 35.15 ACRES, MORE OR LESS.
 274
 275 TOGETHER WITH:
 276 PARCEL 2
 277 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF
 278 SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM
 279 BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:
 280 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION
 281 15
 282 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY AS RECORDED IN
 283 OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS,
 284 PALM BEACH COUNTY, FLORIDA.
 285
 286 BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK
 287 WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229,
 288 PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
 289
 290 BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR COCONUT
 291 BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 5778,
 292 PAGE 1279, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
 293
 294 CONTAINING: 30.71 ACRES, MORE OR LESS.

295
 296 EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY AS
 297 RECORDED IN OFFICIAL RECORDS BOOK 12017, PAGE 1009,
 298 PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
 299 NET ACREAGE (LESS ADDITIONAL RIGHT-OF-WAY) 29.59
 300 ACRES, MORE OR LESS SUBJECT TO EASEMENTS,
 301 RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF
 302 RECORD.
 303
 304 TOGETHER WITH:
 305 PARCEL 3
 306 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF
 307 SECTION 16, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM
 308 BEACH COUNTY, FLORIDA,
 309 BEING BOUNDED AS FOLLOWS:
 310 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION
 311 16
 312 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR 140TH
 313 AVENUE NORTH AS RECORDED IN OFFICIAL RECORDS BOOK
 314 1229, PAGE 133, PUBLIC RECORDS, PALM BEACH COUNTY,
 315 FLORIDA.
 316 BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK
 317 WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229,
 318 PAGE 125, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

319 BOUNDED ON THE EAST BY THE EAST LINE OF THE WEST ONE-
 320 HALF OF SAID SECTION 16. HALF OF SAID SECTION 16.
 321 EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY FOR
 322 NORTHLAKE BOULEVARD AS RECORDED IN OFFICIAL RECORDS
 323 BOOK 20418, PAGE 771, PUBLIC RECORDS, PALM BEACH
 324 COUNTY, FLORIDA.
 325 CONTAINING: 34.09 ACRES, MORE OR LESS.
 326 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND
 327 RIGHTS-OF-WAY OF RECORD.

328
 329 TOGETHER WITH:

330 PARCEL 4

331 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF
 332 SECTION 17, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM
 333 BEACH COUNTY, FLORIDA,

334
 335 BEING BOUNDED AS FOLLOWS:

336
 337 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 17.

338
 339 BOUNDED ON THE WEST BY THE WEST LINE OF THE EAST ONE-
 340 HALF OF SECTION 17.

341

342 BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK
 343 WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229,
 344 PAGE 125, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

346 BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR 140TH
 347 AVENUE NORTH AS RECORDED IN OFFICIAL RECORDS BOOK
 348 1229, PAGE 133, PUBLIC RECORDS, PALM BEACH COUNTY,
 349 FLORIDA.

351 CONTAINING: 35.73 ACRES, MORE OR LESS.

353 All lying in Palm Beach County, Florida, being
 354 approximately 27,000 acres.

356 Section 5. Village council.-

357 (1) GENERAL POWERS AND DUTIES.-All powers of the Village
 358 shall be vested in the council, except as otherwise provided by
 359 law or this charter, and the council shall provide for the
 360 exercise thereof and for the performance of all duties and
 361 obligations permitted by or imposed on the Village by law.

362 (2) COMPOSITION; ELIGIBILITY; TERMS.-

363 (a) Composition.-There shall be a Village council composed
 364 of four council members and a Mayor. Each council member and
 365 Mayor shall be elected by the voters of the Village at large.

366 (b) Eligibility.—In addition to the requirements provided
367 in section 3 for qualifying:

368 1. Each council member must reside in the Village for the
369 duration of his or her term.

370 2. The term of office for each council member shall be 4
371 years.

372 3. No council member shall serve more than two consecutive
373 4-year terms as council members. For the purposes of calculating
374 term limits, partial terms shall not be counted toward term
375 limits.

376 4. No Mayor shall serve more than two consecutive 4-year
377 terms as Mayor. For the purposes of calculating term limits,
378 partial terms shall not be counted toward term limits.

379 (c) Seats.—The Village council shall be divided into five
380 separate council seats to be designated as seats 1, 2, 3, 4 and
381 Mayor, to be voted on a Villagewide basis, with each qualified
382 elector entitled to vote for one candidate for each seat. Each
383 candidate shall qualify on a Villagewide basis and may reside
384 anywhere within the Village. Following the initial election the
385 council may, by ordinance, provide that Seats 1, 2, 3, and 4
386 shall represent four separate district areas of the Village, as
387 designated on a map of the Village, which map shall be included
388 in and made a part of said ordinance, with each candidate
389 residing in his or her respective area and must reside during
390 his or her term of office.

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391 (3) MAYOR; VICE MAYOR.--

392 (a) Mayor.--The Mayor shall be a voting member of the
393 council and shall serve as chairperson during the meetings of
394 the council and shall serve as the head of municipal government
395 for the purpose of execution of legal documents as required by
396 ordinance. The Mayor shall also serve as the ceremonial head of
397 the Village.

398 (b) Vice Mayor.--At the first regularly scheduled meeting
399 after the Village's first election and each regular election
400 thereafter and after receiving the certified results of the
401 election, the council, by a majority vote, shall select from its
402 membership a Vice Mayor. Each year in which a regular election
403 is not scheduled, the council, by the second regular meeting
404 after the March meeting, shall by majority vote select from its
405 membership a Vice Mayor. The Vice Mayor shall serve as Mayor
406 during the absence or disability of the Mayor and, if a vacancy
407 of the Mayor occurs, shall become interim Mayor until a Mayor is
408 elected as described in subsections (2) and (3).

409 (4) COMPENSATION.--The initial compensation for the council
410 members shall be \$18,000 per year, payable in equal monthly
411 payments and the Mayor shall be \$20,000 per year, payable in
412 equal monthly payments; less applicable taxes; plus an annual
413 cost of living increase of one percent. An ordinance increasing
414 or decreasing compensation of the council may be adopted at any
415 time upon the affirmative vote of four members of the council;

416 however, if the council takes action to change the level of
417 compensation, the salary of council members shall not be
418 adjusted until after the first day after the next regular
419 municipal election. In accordance with Florida laws, the council
420 may provide for reimbursement of actual expenses incurred by its
421 members, including the Mayor, while performing their official
422 duties.

423 (5) COUNCIL MEETINGS.—

424 (a) The council shall hold a minimum of 12 regular
425 meetings per year in accordance with a duly adopted ordinance or
426 resolution. Special meetings may be held at the call of the
427 Mayor or a majority of the council members. At least a 24-hour
428 notice shall be provided to each council member and the public
429 for special meetings, unless there is an immediate threat to the
430 public safety. Except as authorized by law, all meetings shall
431 be open to the public.

432 (b) Three members of the Village council shall constitute
433 a quorum for the conduct of business unless otherwise provided
434 herein. Unless a quorum is present, no action may be taken
435 except to adjourn. In order to approve any action or adopt any
436 ordinance or resolution there must be at least three affirmative
437 votes for the action, unless otherwise provided herein.

438 (c) All council members present shall vote on all matters
439 before the council except on those matters for which a council

440 member announces a conflict of interest or the Village attorney
 441 determines that there is a conflict of interest.

442 (6) PROHIBITIONS.—

443 (a) Neither the council, nor any individual member of the
 444 council, shall in any manner attempt to dictate the employment
 445 or removal of any employee other than the Village manager and
 446 Village attorney. The council is free to make inquiries of
 447 Village employees, but no individual member of the council shall
 448 give orders to any officer or employee of the Village.

449 Recommendations for improvements in Village government
 450 operations shall come through the Village manager, but each
 451 member of the council shall be free to discuss or recommend
 452 improvements to the Village manager, and the council is free to
 453 direct the Village manager to implement specific recommendations
 454 for improvement in the Village government operations.

455 (b) No present or former elected Village official shall
 456 hold any compensated appointive office or employment with the
 457 Village until 1 year after leaving office.

458 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF
 459 VACANCIES.—

460 (a) Vacancies.—A vacancy in the office of a member of the
 461 council shall occur upon the incumbent's death, inability to
 462 fulfill the duties of the office, relocation of residence
 463 outside the Village, resignation, appointment to another public

464 office, judicially determined incompetence, or removal or
 465 forfeiture of office as described in this subsection.
 466 (b) Forfeiture of office.—
 467 1. A member of the council may forfeit the office if the
 468 member:
 469 a. Lacks at any time during the term of office any
 470 qualification for the office prescribed by this charter or by
 471 law;
 472 b. Violates any express prohibition of this charter;
 473 c. Is convicted of a felony or criminal misdemeanor, which
 474 felony or misdemeanor involves the office of Village council;
 475 d. Is found to have violated any standard of conduct or
 476 code of ethics established by law for public officials or has
 477 been suspended from office by the Governor, unless subsequently
 478 reinstated as provided by law; or
 479 e. Misses three consecutive regularly scheduled council
 480 meetings without justifiable reason or unless excused by the
 481 council.
 482 2. If any of these events should occur, a hearing shall
 483 automatically be conducted at the next regularly scheduled
 484 council meeting or a special meeting may be called, and the
 485 member may be declared to have forfeited office by majority vote
 486 of the council.
 487 (c) Filing of vacancies.

488 1. A vacancy on the council shall be filled by a majority
 489 vote of the remaining members of the council for the period of
 490 time until the next election, when a council member shall be
 491 elected for the remainder of the term vacated. If more than 6
 492 months remain in the unexpired term and a majority of the
 493 remaining council members cannot reach a decision within 60 days
 494 after a vacancy occurs, the vacancy shall be filled by a special
 495 election.

496 2. In the event that all of the council members are removed
 497 by death, disability, recall, forfeiture of office, or
 498 resignation, the Governor shall appoint interim council members
 499 who shall call a special election at least 30 days, but no more
 500 than 60 days, after such appointment. Such election shall be
 501 held in the same manner as the initial elections under this
 502 charter. However, if there are fewer than 6 months remaining in
 503 any unexpired terms, the interim council appointed by the
 504 Governor shall serve out the unexpired terms. Appointees must
 505 meet all requirements for candidates as provided in this
 506 charter.

507 Section 6. Administration.-

508 (1) VILLAGE MANAGER.-

509 (a) The council shall appoint a Village manager, or a
 510 management firm to fulfill the duties of a Village manager, who
 511 shall serve at the pleasure of the council. The qualifications
 512 of the Village manager or firm may be established by ordinance.

513 (b) The Village manager or firm may be removed by a
 514 majority vote of the council.

515 (c) During the absence or disability of the Village
 516 manager, the Village council may by resolution designate a
 517 properly qualified person to temporarily execute the functions
 518 of the Village manager. Such person shall have the same powers
 519 and duties as the Village manager and may be removed by the
 520 Village council at any time upon a majority vote of the council.

521 (d) The Village manager or firm shall:

522 1. Appoint, hire, suspend, demote, or dismiss any Village
 523 employee under the Village manager's jurisdiction in accordance
 524 with the law, and may authorize any department head to exercise
 525 these powers with respect to subordinates in that department.

526 2. Direct and supervise the administration of all
 527 departments of the Village except the office of the Village
 528 attorney.

529 (2) VILLAGE ATTORNEY.— There shall be a Village attorney
 530 who shall be a member of The Florida Bar in good standing, be
 531 appointed by the council, and serve as the chief legal advisor
 532 to the council and Village administrators, departments, and
 533 agencies. The council may remove the Village attorney for any
 534 reason by a majority vote of its members.

535 Section 7. Departments; personnel; planning.—

536 (1) DEPARTMENTS; BOARDS; AGENCIES.—The council may
 537 establish, modify, or terminate such department, board, or

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538 agencies as it determines necessary for the effective
539 administration of employees of the Village's departments,
540 boards, and agencies.

541 (2) PERSONNEL.—Consistent with all applicable state and
542 federal laws, the council shall provide by ordinance for the
543 establishment, regulation, and maintenance of a system governing
544 personnel policies necessary for the effective administration of
545 employees of the Village's departments, boards, and agencies.

546 (3) PLANNING.—Consistent with all applicable state and
547 federal laws with respect to land use, development, and
548 environmental protection, the Village shall:

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

552 (b) Adopt a comprehensive plan and ensure that zoning and
553 other land use control ordinances are consistent with the plan,
554 all in accordance with general law and this charter. The Palm
555 Beach County Comprehensive Plan, as it exists on the day the
556 Village commences corporate existence, shall serve as the
557 initial comprehensive plan of the Village until the Village
558 adopts its own comprehensive plan pursuant to chapter 163,
559 Florida Statutes.

560 (c) Adopt zoning and development regulations, to be
561 specified by ordinance consistent with this charter, to
562 implement the plan.

563 (d) Any change to the town's future land use map, or any
 564 change to zoning designation for any parcel within the town
 565 shall require the affirmative vote of no fewer than four members
 566 of the town council.

567 Section 8. Financial management.—

568 (1) FISCAL YEAR.—The fiscal year of the Village shall
 569 begin on the first day of October and end on the last day of
 570 September of each year.

571 (2) EXPENDITURE OF VILLAGE FUNDS.— No Village funds shall
 572 be expended except pursuant to a duly approved appropriations or
 573 for the payment of bonds, notes, or other indebtedness duly
 574 authorized by the council and only from such funds so
 575 authorized.

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

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

583 (5) APPROPRIATIONS.--

584 (a) If, during the fiscal year, revenues in excess of such
 585 revenues estimated in the budget are available for
 586 appropriation, the council by resolution may make supplemental

587 appropriations for the year in an amount not to exceed such
 588 excess.

589 (b) If, at any time during the fiscal year, it appears
 590 probable to the Village manager that the revenues available will
 591 be insufficient to meet the amount appropriated, the Village
 592 manager shall report to the council without delay, indicating
 593 the estimated amount of the deficiency, any remedial action
 594 taken, and recommendations as to any other steps that should be
 595 taken. The council shall then take such further action as it
 596 deems necessary to prevent or minimize any deficiency and, for
 597 that purpose, the council may by resolution reduce one or more
 598 appropriations accordingly.

599 (c) No appropriation for debt service may be reduced or
 600 transferred, and no appropriation may be reduced below any
 601 amount required by law to be appropriated, or by more than the
 602 unencumbered balance thereof. Notwithstanding any other
 603 provisions of law, the supplemental and emergency appropriations
 604 and reduction or transfer of appropriations authorized by this
 605 section may be made effective immediately upon adoption.

606 (6) BONDS; INDEBTEDNESS.--

607 (a) Subject to the referendum requirements of the State
 608 Constitution, if applicable, the Village may from time to time
 609 borrow money and issue bonds or other obligations or evidence of
 610 indebtedness (collectively, "bonds") of any type or character
 611 for any of the purposes for which the Village is now or

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612 hereafter authorized by law to borrow money, including to
613 finance the cost of any capital or other project and to refund
614 any and all previous issues of bonds at or before maturity. Such
615 bonds may be issued pursuant to one or more resolutions adopted
616 by a majority of the council.

617 (b) The Village may assume all outstanding indebtedness
618 related to facilities that it acquires from other units of local
619 government and be liable for payment of such indebtedness in
620 accordance with its terms.

621 (7) REVENUE BONDS.—Revenue bonds may be issued by the
622 Village as authorized by law.

623 (8) ANNUAL AUDIT.—The council shall provide for an
624 independent annual financial audit of all Village accounts and
625 may provide for more frequent audits as it deems necessary. Such
626 audits shall be made by a certified public accountant or a firm
627 of such accountants who have no personal interest, directly or
628 indirectly, in the fiscal affairs of the Village government or
629 in any of its officers.

630 (9) SHORTFALLS.—The state is not liable for financial
631 shortfalls of the Village.

632 Section 9. Initiative and referendum.—The powers of
633 initiative and referendum are reserved to the qualified
634 registered voters of the Village. The election laws of the state
635 shall govern the exercise of the powers of initiative and
636 referendum under this charter.

637 Section 10. Referendum election: transition.-
 638 (1) REFERENDUM ELECTION.-The referendum election called
 639 for by this action shall be held on the November 7, 2023,
 640 ballot:
 641
 642 "Shall the Village of Loxahatchee be created and its charter
 643 adopted? YES / NO"
 644
 645 In the event this question is answered affirmatively by a
 646 majority of voters voting in the referendum, the charter will
 647 take effect as provided herein. The referendum election shall be
 648 conducted by the Supervisor of Elections of Palm Beach County in
 649 accordance with the Florida Election Code, and the cost of such
 650 election shall be funded by the Board of County Commissioners of
 651 Palm Beach County.
 652 (2) INITIAL ELECTION OF COUNCIL.--
 653 (a) After the adoption of this charter, the Board of
 654 County Commissioners of Palm Beach County shall call an election
 655 to be held March 12, 2024, for the election of five Village
 656 council members. The election shall be conducted by the
 657 Supervisor of Elections of Palm Beach County in accordance with
 658 the Florida Election Code, and the cost of such election shall
 659 be funded by the Board of County Commissioners of Palm Beach
 660 County.

661 (b) An individual who wishes to run for one of five
662 initial seats on the council shall qualify with the Supervisor
663 of Elections of Palm Beach County in accordance with this
664 charter and general law.

665 (c) For the initial elections, the county canvassing board
666 shall certify the results of the elections in accordance with
667 general law.

668 (d) The two council members receiving the highest number
669 of votes and the Mayor shall each be elected to an initial term
670 expiring upon certification of the election results for the
671 March 2028 election. The two remaining council members shall
672 each be elected to an initial term expiring upon certification
673 of the election results for the March 2026 election. Thereafter,
674 all terms shall be for a period of 4 years.

675 (3) SCHEDULE.--

676 (a) First election of council members.--At the time of its
677 adoption, this charter shall be in effect to the extent
678 necessary so that the first election of members of the Village
679 council may be conducted in accordance with this charter.

680 (b) Time of taking full effect.-- This charter shall take
681 full effect for all purposes on and after the date of the first
682 meeting of the newly elected Village council provided in
683 paragraph (c).

684 (c) First council meeting.--On April 10, 2024, provided
685 the results of the election of the Village council under this

686 charter have been certified, the newly elected members of the
687 Village council shall meet at a location to be determined. In
688 the event the results have not been certified by April 10, 2024,
689 the newly elected members shall meet on the following Tuesday.
690 The initial council shall have the authority and power to enter
691 into contracts, provide for necessary Village officers and
692 facilities and do such other things as it deems necessary and
693 appropriate for the Village.

694 (4) FIRST YEAR EXPENSES.—The council, in order to provide
695 moneys for the expenses and support of the Village, shall have
696 the power to borrow money necessary for the operation of
697 municipal government until such time as a budget is adopted and
698 revenues are raised in accordance with this charter.

699 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—

700 (a) All applicable county ordinances currently in place at
701 the time of passage of the referendum, unless specifically
702 referenced in this charter, shall remain in place until and
703 unless rescinded by action of the council. Except that a county
704 ordinance, rule, or regulation that is in conflict with this
705 charter, or an ordinance, rule, or regulation of the Village
706 shall not be effective to the extent of such conflict. Any
707 existing Palm Beach County ordinances, rules, and regulations,
708 as of April 1, 2024, shall not be altered, changed, rescinded,
709 or added to, nor shall any variance be granted, if such action
710 would affect the Village without the approval of the council.

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711 (b) The council shall adopt ordinances and resolutions
712 required to effect the transition. Ordinances adopted within 60
713 days after the first council meeting may be passed as emergency
714 ordinances. These transitional ordinances, passed as emergency
715 ordinances, shall be effective for no longer than 90 days after
716 adoption, and thereafter may be readopted, renewed, or otherwise
717 continued only in the manner normally prescribed for ordinances.

718 (6) TRANSITIONAL COMPREHENSIVE PLAN.--

719 (a) Until such time as the Village adopts a comprehensive
720 plan, the applicable provisions of the Comprehensive Plan of
721 Palm Beach County, as the same exists on the day the Village
722 commences corporate existence, shall remain in effect as the
723 Village's transitional comprehensive plan. However, except as
724 otherwise set forth herein, all planning functions, duties, and
725 authority shall thereafter be vested in the council which shall
726 be deemed the local planning agency until the council
727 establishes a separate local planning agency. This charter shall
728 not affect any of the rights and obligations, between and among
729 any persons, which have been and are established by or result
730 from any existing development orders in the area which are
731 identified in section 4 and as set forth in this section.

732 (b) Notwithstanding any other provision of general law or
733 this charter, from the effective date of this charter until 60
734 months subsequent to the date initial land development
735 regulations adopted by the Village pursuant to chapter 163,

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736 Florida Statutes, become final (the "transition period"), the
737 comprehensive plan and land development regulations of Palm
738 Beach County shall govern the issuance of all development orders
739 for a parcel or parcels of land located within or upon the lands
740 identified in Palm Beach County Zoning Resolution R-2019-0389
741 (April 4, 2019) (collectively, the "Property"), and during such
742 transition period all local government development orders and
743 development permits associated with such Property shall be
744 administered and issued by Palm Beach County pursuant to county
745 development regulations, unless an affected landowner
746 voluntarily elects to subject the Property, in whole or in part,
747 to the Village's comprehensive plan and land development
748 regulations; provided, however, that neither the gross
749 residential density nor the gross non-residential intensities
750 assigned to the Property by County Zoning Resolution R-2019-0389
751 shall be increased by an owner thereof without first obtaining
752 the approval of the council. The Village shall enter into any
753 agreement as may be necessary with Palm Beach County to
754 effectuate the provisions of this section 10(7) (b)
755 Notwithstanding any provision of law or this charter, no
756 amendment to this section 10(7) (b) relating to the Property
757 during the transition period shall be operative without an
758 ordinance adopted by the affirmative vote of not less than four
759 members of the council and an affirmative vote of a majority of
760 the registered electors of the Village.

761 (c) The Village shall not annex any development parcel
762 (Pod) identified on the approved Master Plan as amended for the
763 Property prior to Palm Beach County issuing a building permit
764 for such Pod. Annexation shall follow the procedures provided in
765 s. 171.0413, Florida Statutes, as amended. The Village may annex
766 a Pod at the request of the owner or owners thereof, as provided
767 in s. 171.044, Florida Statutes. Notwithstanding any provision
768 of law or this charter, no amendment to this section 10(7)(c)
769 shall be operative without an ordinance adopted by the
770 affirmative vote of not less than four members of the council
771 and an affirmative vote of a majority of the registered electors
772 of the Village.

773 (7) TRANSITIONAL LAND DEVELOPMENT REGULATIONS.— To
774 implement the transitional comprehensive land use plan when
775 adopted, the Village shall, in accordance with the procedures
776 required by the laws of the state, adopt ordinances providing
777 for land use development regulations within the corporate
778 limits. Until the Village adopts ordinances, the following shall
779 apply:

780 (a) The comprehensive land use plan and land use
781 development regulations of Palm Beach County, as the same exists
782 on the date that the Village commenced corporate existence,
783 shall remain in effect as the Village's transitional land use
784 development regulations and comprehensive land use plan.

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785 (b) All powers and duties of the Palm Beach County Growth
786 Management and Building Departments, the Palm Beach County
787 Special Magistrate, and Board of County Commissioners of Palm
788 Beach County, as provided in these transitional land use
789 development regulations, shall be vested in the council until
790 such time as the council delegates all powers and duties, or a
791 portion thereof, to another agency, department, or entity.

792 (c) Subsequent to the adoption of a local comprehensive
793 land use plan and subject to general law, the council is fully
794 empowered to amend, supersede, enforce, or repeal the
795 transitional land use development regulations, or any portion
796 thereof, by ordinance.

797 (d) Subsequent to the commencement of the Village's
798 corporate existence, an amendment of the comprehensive land use
799 plan or land use development regulations enacted by the Board of
800 County Commissioners of Palm Beach County shall not be deemed an
801 amendment of the Village's transitional comprehensive land use
802 plan or land use development regulations or otherwise take
803 effect within the Village's municipal boundaries.

804 (8) STATE SHARED REVENUES.—The Village shall be entitled
805 to participate in all revenue sharing programs of the state
806 effective April 1, 2024. The provisions of s. 218.23(1), Florida
807 Statutes, shall be waived for the purpose of eligibility to
808 receive revenue sharing funds from the date of incorporation
809 through the fiscal year 2024-2025. For purposes of complying

810 with s. 218.23(1), Florida Statutes, relating to ad valorem
 811 taxation, the millage levied by special districts may be used
 812 for an indefinite period of time. Initial population estimates
 813 for calculating eligibility for shared revenues shall be
 814 determined by the University of Florida Bureau of Economic and
 815 Business Research. Should the bureau be unable to provide an
 816 appropriate population estimate, the Palm Beach County Planning
 817 Division estimate should be utilized.

818 (9) LOCAL REVENUE SOURCES.—The Village shall be entitled
 819 to receive all local revenue sources available pursuant to
 820 general law, including but not limited to local communications
 821 services tax imposed under s. 202.19, Florida Statutes. The
 822 local communication services tax rate imposed by Palm Beach
 823 County will continue within the Village boundaries during the
 824 period commencing with the date of incorporation through January
 825 1, 2025. Revenues from the tax shall be shared by Palm Beach
 826 County with the Village in proportion to the projected village
 827 population estimate of the Palm Beach County Planning Division
 828 compared with the unincorporated population of Palm Beach County
 829 before the incorporation of the Village.

830 (10) LOCAL OPTION GAS TAX REVENUES.—Notwithstanding the
 831 requirements of s. 336.025, Florida Statutes, to the contrary,
 832 the Village shall be entitled to receive local option gas tax
 833 revenues beginning December 31, 2023. The amount of said
 834 revenues distributed to the Village shall be in accordance with

835 general law, Palm Beach County ordinance, or interlocal
 836 agreement negotiated with the Board of County Commissioners of
 837 Palm Beach County.

838 (11) CONTRACTUAL SERVICES AND FACILITIES.—Contractual
 839 services for law enforcement, fire rescue, emergency management,
 840 public works, parks and recreation, planning and zoning,
 841 building inspection, development review, animal control, library
 842 services, village manager or management firm, Village attorney,
 843 and solid waste collection may be supplied by a contract between
 844 the Village and the Board of County Commissioners of Palm Beach
 845 County, special districts, municipalities, or private enterprise
 846 until such time as the council establishes such independent
 847 services. However, existing solid waste contracts shall be
 848 honored as required by s. 165.061(1)(f), Florida Statutes, and
 849 Article I, section 10 of the State Constitution. Facilities for
 850 housing the newly formed municipal operations may be rented or
 851 leased until the Village selects more permanent facilities.

852 Section 11. Continuation, merger, and dissolution of
 853 existing districts.—

854 (1) PALM BEACH COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING
 855 UNIT.—Notwithstanding the incorporation of the Village of
 856 Loxahatchee, that portion of the Palm Beach County Fire Rescue
 857 Municipal Service Taxing Unit, a special taxing district created
 858 by the Palm Beach County Commission that lies within the
 859 boundaries of the Village of Loxahatchee, is authorized to

860 continue in existence, until the Village adopts an ordinance to
 861 the contrary.

862 (2) LAW ENFORCEMENT.—Law enforcement services shall
 863 continue to be provided by the Palm Beach County Sheriff's
 864 Office until the village adopts an ordinance or resolution or
 865 enters into an interlocal agreement to the contrary.

866 (3) PALM BEACH COUNTY LIBRARY TAXING DISTRICT.--
 867 Notwithstanding the incorporation of the Village of Loxahatchee,
 868 that portion of the Palm Beach County Library Taxing District, a
 869 dependent district of Palm Beach County codified by chapter
 870 2000-405, Laws of Florida, that lies within the boundaries of
 871 the Village, is authorized but not required to continue in
 872 existence.

873 (4) INDIAN TRAIL IMPROVEMENT DISTRICT.--The Indian Trail
 874 Improvement District, an independent special district created by
 875 a special act of the Legislature, is authorized to continue in
 876 existence. Indian Trail Improvement District is authorized to
 877 transfer certain District assets to the Village of Loxahatchee,
 878 which assets shall become Village assets upon transfer. Indian
 879 Trail Improvement District is authorized to transfer non-ad
 880 valorem assessments for maintenance and improvements related to
 881 those assets it transfers to the Village.

882 (a) The assets, liabilities, and written contracts of the
 883 Indian Trail Improvement District, including all rights,
 884 obligations, duties, and relationships now existing by law or

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885 agreement, shall be unaffected and shall remain in full force
886 and effect and shall be those of the District except as
887 transferred to the Village of Loxahatchee.

888 (b) The Indian Trail Improvement District shall continue
889 to be responsible for the levy and collection of debt service
890 and maintenance assessments for Unit of Development No. 18, also
891 known as Madison Green, for the purpose of paying the
892 outstanding bonded indebtedness under the Indian Trail
893 Improvement District Water Control and Improvement Bonds Unit of
894 Development No. 18. Series 2015, and for the purpose of
895 maintaining the works of the District within Unit of Development
896 No. 18. This responsibility shall terminate on August 1, 2031,
897 when the bonds are fully paid. Effective August 1, 2031, Unit of
898 Development No. 18 shall be removed from the boundaries of the
899 Indian Trail Improvement District, and no longer be the
900 responsibility of the District.

901 (c) To the extent not inconsistent with this charter, all
902 resolutions, and policies of the Indian Trail Improvement
903 District shall remain in effect until amended, revised, or
904 repealed by the District.

905 Section 12. General provisions.-

906 (1) CODE OF ETHICS.-It is essential to the proper conduct
907 and operation of the Village that the officers and employees of
908 the Village be independent and impartial and for their offices
909 not to be used for private gain other than the remuneration

910 provided by law or by ordinances. It is declared to be the
 911 policy of the Village that its officers and employees are agents
 912 of the people and hold their positions for the benefit of the
 913 public. Therefore, all Village officers and employees shall
 914 adhere to the standards of conduct as provided in part III of
 915 chapter 112, Florida Statutes, and other applicable general law.

916 (2) CHARTER AMENDMENTS.—This charter may be amended in
 917 accordance with the provisions for charter amendments as
 918 specified in the Municipal Home Rule Powers Act, chapter 166,
 919 Florida Statutes, as the same may be amended from time to time,
 920 or its successor, or as may otherwise be provided by general
 921 law. The form, content, and certification of any petition to
 922 amend shall be established by ordinance.

923 (3) SEVERABILITY.—If any provisions of this act, or the
 924 application thereof to any person or circumstance, is held
 925 invalid, the invalidity shall not affect other provisions or
 926 applications of this act which can be given effect without the
 927 invalid provision or application, and to this end the provisions
 928 of this act are declared severable.

929 (4) ELIMINATION OF TRANSITIONAL ELEMENTS FROM THIS
 930 CHARTER.—Upon completion of the transitional phase provided in
 931 this charter, the sections of the charter relating to transition
 932 may be eliminated from this charter.

933 (5) WAIVER.—The thresholds established by s. 165.061,
 934 Florida Statutes, for incorporation have been met with the

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935 following exception: a waiver is granted to the provisions of s.
936 165.061(1)(d), Florida Statutes, relating to the requirement of
937 having a minimum distance of 2 miles from the boundaries of an
938 existing municipality.

939 Section 13. This act shall take effect only upon its
940 approval by a majority vote of those qualified electors residing
941 within the proposed corporate limits of the proposed Village of
942 Loxahatchee as described in section 4, voting in a referendum
943 election to be called by the Palm Beach County Commission and to
944 be held on November 7, 2023, in accordance with the provisions
945 of law relating to elections currently in force, except that
946 section 10(1) and this section shall take effect upon becoming a
947 law. If approved by the electorate, section 10(2) and section
948 10(3) shall take effect immediately upon certification of the
949 election results by the Palm Beach County Supervisor of
950 Elections.