

1 **CHARTER**

2 **VILLAGE OF LOXAHATCHEE**

3 **CHAPTER 2022 - \_\_\_\_\_**

4 An act relating to Palm Beach County; creating and establishing the Village of Loxahatchee; providing  
5 a charter; providing legislative intent; providing boundaries; providing municipal powers; providing for  
6 a council-manager form of government and composition and election of the council; providing for  
7 eligibility, terms, duties, compensation, and reimbursement of expenses of council members;  
8 providing for a mayor and vice mayor; providing scheduling requirements of council meetings;  
9 prohibiting interference with village employees; providing for filling of vacancies and forfeiture  
10 of office; providing for the appointment of a village manager and village attorney and the qualifications,  
11 removal, powers, and duties thereof; providing for the establishment of village departments, agencies,  
12 personnel, and boards; providing for an annual independent audit; providing that the state is not  
13 liable for financial shortfalls of the village; providing for nonpartisan elections and matters relating  
14 thereto; providing for the recall of council members; providing for initiative and referenda; providing  
15 for a code of ethics; providing for future amendments to the charter; providing for severability;  
16 providing a village transition schedule and procedures for the first election; providing for first-year  
17 expenses; providing for adoption of comprehensive plans and land development regulations; providing  
18 for accelerated entitlement to state-shared revenues; providing for entitlement to all local revenue  
19 sources allowed by general law; providing for the sharing of communications services tax revenues;  
20 providing for receipt and distribution of local option gas tax revenues; providing for continuation of the  
21 Palm Beach County Fire Rescue Municipal Service Taxing Unit; providing for continuation of the  
22 Palm Beach County Library Taxing District; providing for law enforcement; providing for the  
23 continuation and transfer of Indian Trail Improvement District and for transfer of its assets and

24 liabilities; providing that all special acts of Indian Trail Improvement District shall become ordinances  
25 of the village; providing for waiver of specified eligibility provisions; requiring a referendum; providing  
26 effective dates.

27

28 Be it Enacted by the Legislature of the State of Florida:

29 **SECTION 1. CORPORATE NAME; PURPOSE OF THE CHARTER; CREATION AND**  
30 **ESTABLISHMENT OF THE VILLAGE OF LOXAHATCHEE.**

31 (1) CORPORATE NAME. – The municipality hereby established shall be known as the  
32 Village of Loxahatchee (“Village”).

33 (2) PURPOSE OF THE CHARTER. – This act, together with any future amendments thereto,  
34 shall be known as the Charter of the Village of Loxahatchee (“Charter”).

35 (a) It is in the best interests of the public health, safety, and welfare of the residents of the  
36 “Indian Trail Area” to form a separate municipality for the “Indian Trail Area” with  
37 all the powers and authority necessary to provide adequate and efficient municipal  
38 services to its residents.

39 (b) It is intended that this Charter and the incorporation of the “Indian Trail Area” shall  
40 serve to preserve and protect the equestrian and agricultural character, natural resources  
41 and quality of life of the community. In furtherance of this intent, the rights of the  
42 Village residents, on properties zoned agricultural or agricultural residential, as defined  
43 by the Palm Beach County Comprehensive Plan on the date of incorporation, to utilize  
44 said lands for agricultural uses shall not be infringed upon by the Village, except for  
45 the following shall not be construed as an infringement of said rights:

46 1. laws of the United States;

- 47                   2. laws of the State, or  
48                   3. Best Management Practices adopted by the State Department of Agriculture,  
49                   or,  
50                   4. Agricultural Best Management Practices or any public health, safety and  
51                   welfare regulations as may be adopted by Ordinance by the village council.

52           (c) It is intended that this Charter and the incorporation of the Village is to secure the  
53           benefits of self-determination and affirm the values of representative democracy,  
54           citizen participation, strong community leadership, professional management and  
55           regional cooperation.

56           (d) It is the intent of this Charter and the incorporation of the Village to maintain a  
57           financially secure and sustainable municipal government and to responsibly manage  
58           the Village’s debt obligations without causing the State to incur any liability.

59   (3)   **CREATION AND ESTABLISHMENT OF THE VILLAGE OF LOXAHATCHEE.**

60           (a) This act shall take effect upon approval by a majority vote of those qualified electors  
61           residing within the corporate limits of the proposed village, as described in section 4,  
62           voting in a referendum conducted by the Supervisor of Elections of Palm Beach  
63           County to be held November 8, 2022, in accordance with the provisions of law relating  
64           to elections currently in force.

65           (b) The Village of Loxahatchee is hereby created and established effective December 31,  
66           2022, for the purpose of compliance with §.200.066, Florida Statutes, relating to  
67           assessment and collection of ad valorem taxes. Notwithstanding anything to the  
68           contrary contained herein, the village although created and established as of December  
69           31, 2022, shall not be operational until April 5, 2023.

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**SECTION 2. POWERS OF VILLAGE; FORM OF GOVERNMENT.**

- (1) **POWERS OF THE VILLAGE.** – The Village shall have all available governmental, corporate, and proprietary powers of a municipality under the State Constitution and laws of this State as fully and completely as though such powers were specifically enumerated in this Charter, and may exercise them, except where prohibited by law. Through the adoption of this Charter, it is the intent of the electors of the Village that the municipal government established in this Section shall have the broadest exercise of home rule powers permitted under the State Constitution and Laws of the State. This Charter and the powers of the Village shall be construed liberally in favor of the Village.
- (2) **CONSTRUCTION.** – The powers of the Village under this Charter shall be construed liberally in favor of the village, and the specific mention of particular powers in the Charter shall not be construed as limiting the general powers granted in this Charter in any way.
- (3) **FORM OF GOVERNMENT.** – The Village shall be a council-manager form of government, with the council to consist of five village council (“council”) members elected by the Village at-large. The council shall constitute the governing body of the Village, with the duties and responsibilities hereinafter provided. The council shall appoint a Village manager to be the chief administrative officer of the village who shall serve at the pleasure of the council.

**SECTION 3. NOMINATIONS AND ELECTIONS.**

- (1) **NONPARTISAN ELECTIONS; ELECTORS; QUALIFYING.** –
  - (a) Nonpartisan elections. – All elections shall be conducted on a nonpartisan basis

93 without designation of political party affiliation.

94 (b) Electors. – Any person who is a resident of the Village, who has qualified as an elector  
95 of this State, and who registers as prescribed by law shall be an elector of the Village.

96 (c) Qualifying. –

97 1. Each candidate for Village council shall be a qualified elector of the Village and  
98 must reside in the Village for at least one (1) year before the beginning of the  
99 qualifying period for the office sought.

100 2. Any elector of the Village who wishes to become a candidate for Village council  
101 shall qualify with the Supervisor of Elections of Palm Beach County for the initial  
102 elections: thereafter, candidates shall qualify with the official designated by  
103 Village resolution or general law by providing proof of voter registration, current  
104 address, and one (1) year of residency in the Village, unless the Village council,  
105 by resolution, provides that the Supervisor of Elections of Palm Beach County  
106 conduct the candidate qualification process.

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

110 (2) ELECTIONS. –

111 (a) Adoption of Florida Election Code. – All elections required under any article or  
112 section of this Charter shall be conducted in accordance with the Florida Election  
113 Code, Chapters 97-106, Florida Statutes, except as otherwise provided in this Charter.  
114 The council, by ordinance, may adopt such election procedures as are necessary and  
115 as provided by the Florida Election Code, Chapters 97-106, Florida Statutes.

116 (b) At Large Elections. –

117 1. The first election of council members shall be held March 14, 2023, and thereafter  
118 will be held every odd-numbered year, unless this date is required to be changed  
119 to a date concurrent with any countywide or statewide election.

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

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

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

127 (c) Village Canvassing Board. – The canvassing board shall be composed of three (3)  
128 members appointed by the Village council by resolution. No member of the Village  
129 canvassing board shall be an active participant in the Village election for which he or  
130 she is canvassing as the term “active participant” is interpreted by the Division of  
131 Elections. Should a vacancy occur on the canvassing board, the Village council shall  
132 appoint a replacement member by resolution. The Village canvassing board shall  
133 canvass the election consistent with the requirements of Florida law and consistent  
134 with and pursuant to any agreement between the Village and the Palm Beach County  
135 Supervisor of Elections. The canvassing board shall certify the results of the election  
136 upon receipt of the certification from the Supervisor of Elections. However, the  
137 Village council may, by resolution, delegate the election canvassing responsibilities  
138 for Village elections to the county canvassing board.

139 (3) RECALL. – The qualified voters of the Village shall have the power to remove from  
140 office any elected official of the Village in accordance with the state law.

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142 **SECTION 4. CORPORATE BOUNDARIES.**

143 The territorial boundaries of the Village of Loxahatchee upon the date of incorporation  
144 shall include the following areas situated in Palm Beach County:

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146 BEING PORTIONS OF TOWNSHIP 42 SOUTH, RANGE 40 EAST; TOWNSHIP 42 SOUTH,  
147 RANGE 41 EAST; TOWNSHIP 43 SOUTH, RANGE 40 EAST AND TOWNSHIP 43 SOUTH,  
148 RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY  
149 DESCRIBED AS FOLLOWS:

150

151 TOGETHER WITH:

152 TOWNSHIP 42 SOUTH, RANGE 40 EAST

153 THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 13, 14, AND 15 AND ALL OF SECTIONS

154 23, 24, 25, 26, 32, 33, 35, AND 36; AND THE SOUTH HALF OF SECTION 34; AND ALL

155 THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE NORTH EASTERLY

156 RIGHT-OF-WAY LINE OF LEVEE L-8, A PROJECT IN THE PLAN OF WATER CONTROL  
157 OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT.

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159 TOGETHER WITH:

160 TOWNSHIP 42 SOUTH, RANGE 41 EAST

161 ALL OF SECTIONS 31, 33, 34, AND 35.

162 THE WEST 1/2 OF SECTION 17 AND ALL OF SECTIONS 18, 19, 20, 21, 22, 27, 28, 29, 30,  
163 AND 32.  
164 PCNs: 00414216000005010, 00414216000005020, 00414216000005030, 00414216000005040,  
165 00414216000005050, 00414216000005060, 00414216000005070, AND 00414216000005080  
166 AND THAT AREA OF NORTHLAKE BOULEVARD BETWEEN THESE PCNs.  
167  
168 TOGETHER WITH:  
169 TOWNSHIP 43 SOUTH, RANGE 40 EAST  
170 ALL OF SECTIONS 4, 9, 10, 11, 14, AND 15; THAT PART OF SECTION 3 LYING  
171 NORTHERLY AND WESTERLY OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF  
172 THE "M" CANAL; THE WEST THREE-QUARTERS (W 3/4) OF SECTIONS 13, 24, AND  
173 25; AND THAT PART OF THE M" CANAL; THE WEST THREE-QUARTERS (W 3/4) OF  
174 SECTIONS 13, 24, AND 25; AND THAT PART OF THE CANAL; THE WEST THREE-  
175 QUARTERS (W 3/4) OF SECTIONS 13, 24, AND 25; AND THAT PART OF THE WEST  
176 THREE-QUARTERS (W 3/4) OF SECTION 36 LYING NORTH OF THE NORTHERLY  
177 RIGHT-OF-WAY LINE OF STATE ROAD 80 LESS PCNs 00404326010030010,  
178 00404326010030020, 00404326010030030, 00404326010030040, 00404326010030050,  
179 00404326010030060, 00404326010030190, 00404326010030200, 00404326010030210,  
180 00404326010030220, 00404326010030230, AND 00404336000003020;  
181 AND ALL THAT PART OF SECTIONS 5, 8, AND 6 LESS PCNs 00404305000003010 AND  
182 00404306000001010 LYING NORTH AND EAST OF THE NORTH EASTERLY RIGHT-OF-  
183 WAY LINE OF LEVEE L-8, A PROJECT IN THE PLAN OF WATER CONTROL OF THE  
184 CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT.



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186 TOGETHER WITH:

187 TOWNSHIP 43 SOUTH, RANGE 41 EAST

188 ALL OF SECTIONS 2, 3, 4, 9, 10, AND 11.

189

190 TOGETHER WITH:

191 PARCEL 1

192 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP  
193 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS  
194 FOLLOWS: BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 15.

195 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS  
196 RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS,  
197 PALM BEACH COUNTY, FLORIDA. BOUNDED ON THE NORTH BY THE RIGHT-OF-  
198 WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK  
199 1229, PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. BOUNDED  
200 ON THE EAST BY THE RIGHT-OF-WAY FOR 120TH AVENUE NORTH AS RECORDED  
201 IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH  
202 COUNTY, FLORIDA. CONTAINING: 35.15 ACRES, MORE OR LESS.

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204 TOGETHER WITH:

205 PARCEL 2

206 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP  
207 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS

208 FOLLOWS:  
209 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 15  
210 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY AS RECORDED IN OFFICIAL  
211 RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY,  
212 FLORIDA.  
213 BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD  
214 AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 131, PUBLIC RECORDS,  
215 PALM BEACH COUNTY, FLORIDA.  
216 BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS  
217 RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS,  
218 PALM BEACH COUNTY, FLORIDA.  
219 CONTAINING: 30.71 ACRES, MORE OR LESS.  
220 EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY AS RECORDED IN  
221 OFFICIAL RECORDS BOOK 12017, PAGE 1009, PUBLIC RECORDS, PALM BEACH  
222 COUNTY, FLORIDA.  
223 NET ACREAGE (LESS ADDITIONAL RIGHT-OF-WAY) 29.59 ACRES, MORE OR LESS  
224 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY  
225 OF RECORD.  
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227 TOGETHER WITH:  
228 PARCEL 3  
229 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 16, TOWNSHIP  
230 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA,

231 BEING BOUNDED AS FOLLOWS:  
232 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 16  
233 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR 140TH AVENUE NORTH AS  
234 RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 133, PUBLIC RECORDS, PALM  
235 BEACH COUNTY, FLORIDA.  
236 BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD  
237 AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 125, PUBLIC RECORDS,  
238 PALM BEACH COUNTY, FLORIDA.  
239 BOUNDED ON THE EAST BY THE EAST LINE OF THE WEST ONE – HALF OF SAID  
240 SECTION 16. HALF OF SAID SECTION 16.  
241 EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY FOR NORTHLAKE  
242 BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 20418, PAGE 771,  
243 PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.  
244 CONTAINING: 34.09 ACRES, MORE OR LESS.  
245 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY  
246 OF RECORD.  
247  
248 TOGETHER WITH:  
249 PARCEL 4  
250 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 17, TOWNSHIP  
251 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA,  
252 BEING BOUNDED AS FOLLOWS:  
253 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 17.

254 BOUNDED ON THE WEST BY THE WEST LINE OF THE EAST ONE-HALF OF SECTION  
255 17.

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

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

262 CONTAINING: 35.73 ACRES, MORE OR LESS.

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

264

265 **SECTION 5. VILLAGE COUNCIL.**

266 (1) GENERAL POWERS AND DUTIES. – All powers of the Village shall be vested in the  
267 Village council, except as otherwise provided by law or this Charter, and the council shall  
268 provide for the exercise thereof and for the performance of all duties and obligations  
269 permitted by or imposed on the Village by law.

270 (2) COMPOSITION; ELIGIBILITY; TERMS –

271 (a) Composition. – There shall be a Village council composed of four council members  
272 and a Mayor. Each council member and Mayor shall be elected by the voters of the  
273 Village at large.

274 (b) Eligibility. – In addition to the requirements provided in Section 3. For qualifying:

- 275 1. Each council member must reside in the Village for the duration of his or her term.  
276 2. The term of office for each council member shall be four (4) years.

277 3. No council member shall serve more than two (2) consecutive terms of office, two  
278 (2) four (4) year terms as council members. For the purposes of calculating term  
279 limits, partial terms shall not be counted toward term limits.

280 4. No mayor shall serve more than two (2) consecutive terms as Mayor, two (2) four  
281 (4) year terms as Mayor. For the purposes of calculating term limits, partial terms  
282 shall not be counted toward term limits.

283 (c) Seats. – The Village council shall be divided into five (5) separate council seats to be  
284 designated as seats 1, 2, 3, 4 and Mayor, to be voted on a Village-wide basis, with  
285 each qualified elector entitled to vote for one candidate for each seat. Each candidate  
286 shall qualify on a Village-wide basis and may reside anywhere within the Village.  
287 Following the initial election the Village council may, by ordinance, provide that Seats  
288 1, 2, 3 and 4 shall represent four (4) separate district areas of the Village, as designated  
289 on a map of the Village, which map shall be included in and made a part of said  
290 ordinance, with each candidate residing in their respective area and must reside during  
291 his or her term of office.

292 (3) MAYOR; VICE MAYOR. –

293 (a) Mayor. –The Mayor shall be a voting member of the council and shall serve as  
294 chairperson during the meetings of the council and shall serve as the head of municipal  
295 government for the purpose of execution of legal documents as required by ordinance.

296 The Mayor shall also serve as the ceremonial head of the Village.

297 (b) Vice Mayor. – At the first regularly scheduled meeting after the Village’s first election  
298 and each regular election thereafter and after receiving the certified results of the  
299 election, the council, by a majority vote, shall select from its membership a Vice

300 Mayor. Each year in which a regular election is not scheduled, the council, by the  
301 second regular meeting after the March meeting, shall by majority vote select from its  
302 membership a Vice Mayor. The Vice Mayor shall serve as Mayor during the absence  
303 or disability of the Mayor and, if a vacancy of the Mayor occurs, shall become interim  
304 Mayor until a Mayor is elected as described in paragraph (2) and (3).

305 (4) COMPENSATION. –The initial compensation for the council members shall be  
306 \$18,000.00 per year, payable in equal monthly payments and the Mayor shall be  
307 \$20,000.00 per year, payable in equal monthly payments; less applicable taxes; plus an  
308 annual cost of living increase of one per cent (1%). An ordinance increasing or decreasing  
309 compensation of the council may be adopted at any time upon the affirmative voter of  
310 four (4) members of the council; however, if the council takes action to change the level  
311 of compensation, the salary of council members shall not be adjusted until after the first  
312 day after the next regular municipal election. In accordance with Florida laws, the council  
313 may provide for reimbursement of actual expenses incurred by its members, including the  
314 Mayor, while performing their official duties.

315 (5) COUNCIL MEETINGS. –

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

322 (b) Three (3) members of the Village council shall constitute a quorum for the conduct of

323 business unless otherwise provided herein. Unless a quorum is present, no action may  
324 be taken except to adjourn. In order to approve any action or adopt any ordinance or  
325 resolution there must be at least three affirmative votes for the action, unless otherwise  
326 provided herein.

327 (c) All council members present shall vote on all matters before the council except on  
328 those matters for which a council member announces a conflict of interest or the  
329 Village Attorney determines that there is a conflict of interest.

330 (6) PROHIBITIONS. –

331 (a) Neither the council, nor any individual member of the council, shall in any manner  
332 attempt to dictate the employment or removal of any employee other than the Village  
333 manager and Village attorney. The council is free to make inquiries of Village  
334 employees, but no individual member of the council shall give orders to any officer  
335 or employee of the Village. Recommendations for improvements in Village  
336 government operations shall come through the Village manager, but each member of  
337 the council shall be free to discuss or recommend improvements to the Village  
338 manager, and the council is free to direct the Village manager to implement specific  
339 recommendations for improvement in the Village government operations.

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

342 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

343 (a) Vacancies. – A vacancy in the office of a member of the council shall occur upon the  
344 incumbent's death, inability to fulfill the duties of the office, relocation of residence  
345 outside the Village, resignation, appointment to another public office, judicially

346 determined incompetence, or removal or forfeiture of office as described in this  
347 subsection.

348 (b) Forfeiture of office.

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

350 a. Lacks at any time during the term of office any qualification for the office  
351 prescribed by this Charter or by law;

352 b. Violates any express prohibition of this Charter.

353 c. Is convicted of a felony or criminal misdemeanor, which felony or  
354 misdemeanor involves the office of Village council.

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

358 e. Misses three (3) consecutive regularly scheduled council meetings without  
359 justifiable reason or unless excused by the council.

360 2. If any of these events should occur, a hearing shall automatically be conducted at the  
361 next regularly scheduled council meeting or a special meeting may be called, and the  
362 member may be declared to have forfeited office by majority vote of the council.

363 (c) Filing of vacancies.

364 1. A vacancy on the council shall be filled by a majority vote of the remaining  
365 members of the council for the period of time until the next election, when a  
366 council member shall be elected for the remainder of the term vacated. If more  
367 than six (6) months remain in the unexpired term and a majority of the remaining  
368 council members cannot reach a decision within sixty (60) days after a vacancy



369 occurs, the vacancy shall be filled by a special election.  
370 2. In the event that all of the council members are removed by death, disability,  
371 recall, forfeiture of office, or resignation, the Governor shall appoint interim  
372 council members who shall call a special election at least thirty (30) days, but no  
373 more than sixty (60) days, after such appointment. Such election shall be held in  
374 the same manner as the initial elections under this charter. However, if there are  
375 fewer than six (6) months remaining in any unexpired terms, the interim council  
376 appointed by the Governor shall serve out the unexpired terms. Appointees must  
377 meet all requirements for candidates as provided in this Charter.  
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379 **SECTION 6. ADMINISTRATION.**

380 (1) **VILLAGE MANAGER.**

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

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

385 (c) During the absence or disability of the Village manager, the Village council may by  
386 resolution designate a properly qualified person to temporarily execute the functions  
387 of the Village manager. Such person shall have the same powers and duties as the  
388 Village manager and maybe removed by the Village council at any time upon a  
389 majority vote of the council.

390 (d) The Village manager or firm shall:

391 1. Appoint, hire, suspend, demote, or dismiss any Village employee under the

392 Village manager's jurisdiction in accordance with the law, and may authorize any  
393 department head to exercise these powers with respect to subordinates in that  
394 department.

395 2. Direct and supervise the administration of all departments of the Village except  
396 the office of the Village attorney.

397 (2) VILLAGE ATTORNEY. – There shall be a Village attorney who shall be a member of  
398 The Florida Bar in good standing, be appointed by the council, and serve as the chief legal  
399 advisor to the council and Village administrators, departments, and agencies. The council  
400 may remove the Village attorney for any reason by a majority vote of its members.

401

402 **SECTION 7. DEPARTMENTS; PERSONNEL; PLANNING.**

403 (1) DEPARTMENTS; BOARDS; AGENCIES. – The council may establish, modify, or  
404 terminate such department, board on agencies as it determines necessary for the effective  
405 administration of employees of the Village's departments, boards, and agencies.

406 (2) PERSONNEL. – Consistent with all applicable state and federal laws, the council shall  
407 provide by ordinance for the establishment, regulation, and maintenance of a system  
408 governing personnel policies necessary for the effective administration of employees of  
409 the Village's departments, boards, and agencies.

410 (3) PLANNING. – Consistent with all applicable state and federal laws with respect to land  
411 use, development, and environmental protection, the Village shall:

412 (a) Designate an employee, agency, or agencies to executed the planning functions with  
413 such decisions making responsibilities as may be specified by ordinance or general  
414 law.

415 (b) Adopt a comprehensive plan and ensure that zoning and other land use control  
416 ordinances are consistent with the plan, all in accordance with general law and this  
417 Charter. The Palm Beach County Comprehensive Plan, as it exists on the day the  
418 Village commences corporate existence, shall serve as the initial comprehensive plan  
419 of the Village until the Village adopts its own comprehensive plan pursuant to Chapter  
420 163, Florida Statutes.

421 (c) Adopt zoning and development regulations, to be specified by ordinance consistent  
422 with this Charter, to implement the plan.

423

424 **SECTION 8. FINANCIAL MANAGEMENT.**

425 (1) FISCAL YEAR. – The fiscal year of the Village shall begin on the first day of October  
426 and end on the last day of September of each year.

427 (2) EXPENDITURE OF VILLAGE FUNDS. – No Village funds shall be expended except  
428 pursuant to a duly approved appropriations or for the payment of bonds, notes, or other  
429 indebtedness duly authorized by the council and only from such funds so authorized.

430 (3) BUDGET ADOPTION. – The council shall adopt a budget in accordance with applicable  
431 general law, after a minimum of two public hearings on the proposed budget. A resolution  
432 adopting the annual budget shall constitute appropriation of the amounts specified therein  
433 as expenditures from funds indicated.

434 (4) EXPENDITURES. – The budget shall not provide for expenditures in an amount greater  
435 than the revenues budgeted.

436 (5) APPROPRIATIONS. –

437 (a) If, during the fiscal year, revenues in excess of such revenues estimated in the budget

438 are available for appropriation, the council by resolution may make supplemental  
439 appropriations for the year in an amount not to exceed such excess.

440 (b) If, at any time during the fiscal year, it appears probable to the Village manager that  
441 the revenues available will be insufficient to meet the amount appropriated, the  
442 Village manager shall report to the council without delay, indicating the estimated  
443 amount of the deficiency, any remedial action taken, and recommendations as to any  
444 other steps that should be taken. The council shall then take such further action as it  
445 deems necessary to prevent or minimize any deficiency and, for that purpose, the  
446 council may by resolution reduce one (1) or more appropriations accordingly.

447 (c) No appropriation for debt service may be reduced or transferred, and no appropriation  
448 may be reduced below any amount required by law to be appropriated, or by more  
449 than the unencumbered balance thereof. Notwithstanding any other provisions of law,  
450 the supplemental and emergency appropriations and reduction or transfer of  
451 appropriations authorized by this section may be made effective immediately upon  
452 adoption.

453 (6) **BONDS; INDEBTEDNESS. –**

454 (a) Subject to the referendum requirements of the State Constitution, if applicable, the  
455 Village may from time to time borrow money and issue bonds or other obligations or  
456 evidence of indebtedness (collectively, “bonds”) of any type or character for any of  
457 the purposes for which the Village is now or hereafter authorized by law to borrow  
458 money, including to finance the cost of any capital or other project and to refund any  
459 and all previous issues of bonds at or before maturity. Such bonds may be issued  
460 pursuant to one or more resolutions adopted by a majority of the council.

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

464 (7) REVENUE BONDS. – Revenue bonds may be issued by the Village as authorized by  
465 law.

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

471 (9) SHORTFALLS. – The state is not liable for financial shortfalls of the Village.

472 **SECTION 9. INITIATIVE AND REFERENDUM.**

473 The powers of initiative and referendum are reserved to the qualified registered voters of the  
474 Village. The election laws of the State shall govern the exercise of the powers of initiative and  
475 referendum under this Charter.

476 **SECTION 10. REFERENDUM ELECTION: TRANSITION.**

477 (1) REFERENDUM ELECTION. – The referendum election called for by this action  
478 shall be held on November 8, 2022 ballot:

479  
480 “Shall the Village of Loxahatchee be created and its Charter adopted? **YES / NO**”

481  
482 In the event this question is answered affirmatively by a majority of voters voting in the  
483 referendum, the Charter will take effect as provided herein. The referendum election shall

484 be conducted by the Supervisor of Elections of Palm beach County in accordance with  
485 the Florida Election Code, and the cost of such election shall be funded by the Board of  
486 County Commissioners of Palm Beach County.

487 (2) INITIAL ELECTION OF COUNCIL. –

488 (a) After the adoption of this Charter, the Board of County Commissioners of Palm Beach  
489 County shall call an election to be held March 14, 2023, for the election of five (5)  
490 Village council members. The election shall be conducted by the Supervisor of  
491 Elections of Palm Beach County in accordance with the Florida Election Code, and  
492 the cost of such election shall be funded by the Board of County Commissioners of  
493 Palm Beach County.

494 (b) An individual who wishes to run for one (1) of five (5) initial seats on the council shall  
495 qualify with the Supervisor of Elections of Palm Beach County in accordance with  
496 this Charter and general law.

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

499 (3) The two (2) council members receiving the highest number of votes and the Mayor shall  
500 each be elected to an initial term expiring upon certification of the election results for the  
501 March 2027 election. The two (2) remaining council members shall each be elected to an  
502 initial term expiring upon certification of the election results for the March 2025 election.  
503 Thereafter, all terms shall be for a period of four (4) years.

504 (4) SCHEDULE. –

505 (a) First election of council members. – At the time of its adoption, this Charter shall be  
506 in effect to the extent necessary so that the first election of members of the Village

507 council may be conducted in accordance with this Charter.

508 (b) Time of taking full effect. – This Charter shall take full effect for all purposes on and  
509 after the date of the first meeting of the newly elected Village council provided in  
510 Paragraph (c).

511 (c) First council meeting. – On April 5, 2023, provided the results of the election of the  
512 Village council under this Charter have been certified, the newly elected members of  
513 the Village council shall meet at a location to be determined. In the event the results  
514 have not been certified by April 5, 2023, the newly elected members shall meet on the  
515 following Tuesday. The initial council shall have the authority and power to enter  
516 into contracts, provide for necessary Village officers and facilities and do such other  
517 things as it deems necessary and appropriate for the Village.

518 (5) FIRST YEAR EXPENSES. – The council, in order to provide moneys for the expenses  
519 and support of the Village, shall have the power to borrow money necessary for the  
520 operation of municipal government until such time as a budget is adopted and revenues  
521 are raised in accordance with this Charter.

522 (6) TRANSITIONAL ORDINANCES AND RESOLUTIONS. –

523 (a) All applicable county ordinances currently in place at the time of passage of the  
524 referendum, unless specifically referenced in this Charter, shall remain in place until  
525 and unless rescinded by action of the council. Except that a county ordinance, rule,  
526 or regulation that is in conflict with this Charter, or an ordinance, rule, or regulation  
527 of the Village shall not be effective to the extent of such conflict. Any existing Palm  
528 Beach County ordinances, rules, and regulations, as of April 1, 2023, shall not be  
529 altered, changed, rescinded, or added to, nor shall any variance be granted, if such

530 action would affect the Village without the approval of the council.

531 (b) The village council shall adopt ordinances and resolutions required to effect the  
532 transition. Ordinances adopted within 60 days after the first council meeting may be  
533 passed as emergency ordinances. These transitional ordinances, passed as emergency  
534 ordinances, shall be effective for no longer than 90 days after adoption, and thereafter  
535 may be readopted, renewed, or otherwise continued only in the manner normally  
536 prescribed for ordinances.

537 (7) TRANSITIONAL COMPREHENSIVE PLAN. –

538 Until such time as the village adopts a comprehensive plan, the applicable provisions of  
539 the Comprehensive Plan of Palm Beach County, as the same exists on the day the village  
540 commences corporate existence, shall remain in effect as the village's transitional  
541 comprehensive plan. However, except as otherwise set forth herein, all planning  
542 functions, duties, and authority shall thereafter be vested in the village council which shall  
543 be deemed the local planning agency until the council establishes a separate local planning  
544 agency. This charter shall not affect any of the rights and obligations, between and among  
545 any persons, which have been and are established by or result from any existing  
546 development orders in the area which are identified in Section 4 of this charter and as set  
547 forth in this Section 6. Notwithstanding any other provision of general law or this charter,  
548 from the effective date of this charter until 60 months subsequent to the date initial land  
549 development regulations adopted by the village pursuant to Chapter 163, Florida Statutes,  
550 become final (hereafter, the “Transition Period”), the comprehensive plan and land  
551 development regulations of Palm Beach County shall govern the issuance of all  
552 development orders for a parcel or parcels of land located within or upon the lands



553 identified in Palm Beach County Zoning Resolution R-2019-0389 (April 4, 2019)  
554 (collectively, the “Property”), and during such Transition Period all local government  
555 development orders and development permits associated with such Property shall be  
556 administered and issued by Palm Beach County pursuant to County development  
557 regulations, unless an affected landowner voluntarily elects to subject the Property, in  
558 whole or in part, to the Village’s comprehensive plan and land development regulations;  
559 provided, however, that neither the gross residential density nor the gross non-residential  
560 intensities assigned to the Property by County Zoning Resolution R-2019-0389 shall be  
561 increased by an owner thereof without first obtaining the approval of the Village council.  
562 The Village shall enter into any agreement as may be necessary with Palm Beach County  
563 to effectuate the provisions of this Section 6. Notwithstanding any provision of law or this  
564 Charter, no amendment to this Section 6 relating to the Property during the Transition  
565 Period shall be operative without an ordinance adopted by the affirmative vote of not  
566 less than four members of the Village council.

567 (8) TRANSITIONAL LAND DEVELOPMENT REGULATIONS. – To implement the  
568 transitional comprehensive land use plan when adopted, the Village shall in accordance  
569 with the procedures required by the laws of the state, adopt ordinances providing for land  
570 use development regulations within the corporate limits. Until the Village adopts  
571 ordinances, the following shall apply:

572 (a) The comprehensive land use plan and land use development regulations of Palm  
573 Beach County, as the same exists on the date that the Village commenced corporate  
574 existence, shall remain in effect as the Village’s transitional land use development  
575 regulations and comprehensive land use plan.

576 (b) All powers and duties of the Palm Beach County Growth Management and Building  
577 Departments, the Palm beach County Special Magistrate, and Board of County  
578 Commissioners of Palm Beach County, as provided in these transitional land use  
579 development regulations, shall be vested in the council until such time as the council  
580 delegates all powers and duties, or a portion thereof, to another agency, department,  
581 or entity.

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

586 (d) Subsequent to the commencement of the Village's corporate existence, an amendment  
587 of the comprehensive land use plan or land use development regulations enacted by  
588 the Board of County Commissioners of Palm Beach County shall not be deemed an  
589 amendment of the Village's transitional comprehensive land use plan or land use  
590 development regulations or otherwise take effect within the Village's municipal  
591 boundaries.

592 (9) **STATE SHARED REVENUES.** –The Village shall be entitled to participate in all shared  
593 revenue programs of the State of Florida effective immediately on the date of  
594 incorporation. The provisions of Chapter 218.23(1), Florida Statutes shall be waived for  
595 the purpose of eligibility to receive revenue sharing funds from the date of incorporation  
596 through the fiscal year 2022-2023. Initial population estimates for calculating eligibility  
597 for shared revenues shall be determined by the University of Florida Bureau of Economic  
598 and Business Research. Should the bureau be unable to provide an appropriate population

599 estimate, the Palm Beach County Planning Division estimate should be utilized.

600 (10) LOCAL REVENUE SOURCES. – The village shall be entitled to receive all local  
601 revenue sources available pursuant to general law, including but not limited to local  
602 communications services tax imposed under Chapter 202.19, Florida Statutes. The local  
603 communication services tax rate imposed by Palm Beach County will continue within the  
604 village boundaries during the period commencing with the date of incorporation through  
605 January 1, 2024. Revenues from the tax shall be shared by Palm Beach County with the  
606 village in proportion to the projected village population estimate of the Palm Beach  
607 County Planning Division compared with the unincorporated population of Palm Beach  
608 County before the incorporation of the village.

609 (11) LOCAL OPTION GAS TAX REVENUES. – Notwithstanding the requirements of  
610 Chapter 336.025, Florida Statutes to the contrary, the Village shall be entitled to receive  
611 local option gas tax revenues beginning October 1, 2022. The amount of said revenues  
612 distributed to the Village shall be in accordance with general law, Palm Beach County  
613 ordinance or interlocal agreement negotiated with the Board of County Commissioners  
614 of Palm Beach County.

615 (12) CONTRACTUAL SERVICES AND FACILITIES. – Contractual services for law  
616 enforcement, fire rescue, emergency management, public works, parks and recreation,  
617 planning and zoning, building inspection, development review, animal control, library  
618 services, village manager or management firm, village attorney and solid waste collection  
619 may be supplied by a contract between the village and the Board of County  
620 Commissioners of Palm Beach County, special districts, municipalities, or private  
621 enterprise until such time as the council establishes such independent services. However,

622 existing solid waste contracts shall be honored as required by Chapter 165.061(1)(f),  
623 Florida Statutes, and Article I, section 10 of the State Constitution. Facilities for housing  
624 the newly formed municipal operations may be rented or leased until the village selects  
625 more permanent facilities.

626 **SECTION 11. CONTINUATION, MERGER, AND DISSOLUTION**

627 **OF EXISTING DISTRICTS.**

628 (1) **PALM BEACH COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING UNIT.** –  
629 Notwithstanding the incorporation of the Village of Loxahatchee, that portion of the Palm  
630 Beach County Fire Rescue Municipal Service Taxing Unit, a special taxing district created  
631 by the Palm Beach County Commission that lies within the boundaries of the Village of  
632 Loxahatchee, is authorized to continue in existence, until the village adopts an ordinance  
633 to the contrary.

634 (2) **LAW ENFORCEMENT.** – Law enforcement services shall continue to be provided by the  
635 Palm Beach County Sheriff's Office, until the village adopts an ordinance or resolution or  
636 enters into an interlocal agreement to the contrary.

637 (3) **PALM BEACH COUNTY LIBRARY TAXING DISTRICT.** – Notwithstanding the  
638 incorporation of the Village of Loxahatchee, that portion of the Palm Beach County Library  
639 Taxing District, a dependent district of Palm Beach County created by Laws of Fla., Ch.  
640 67-1869, as amended, that lies within the boundaries of the Village, is authorized but not  
641 required to continue in existence.

642 (4) **INDIAN TRAIL IMPROVEMENT DISTRICT CONTINUATION AND TRANSFER.**  
643 The Indian Trail Improvement District, an independent special district created by a special

644 act of the Legislature, shall become a dependent district of the Village of Loxahatchee. on  
645 April 5, 2023. All special acts of the Indian Trail Improvement District shall become  
646 Ordinances of the Village of Loxahatchee on April 5, 2023.

647 (a) The assets, liabilities, and written contracts of the Indian Trail Improvement District,  
648 including all rights, obligations, duties and relationships now existing by law or  
649 agreement, shall be unaffected and shall remain in full force and effect and shall be  
650 those of the district as a dependent district of the Village of Loxahatchee. All rights,  
651 obligations, duties, and relationships now existing by law or agreement shall remain in  
652 full force and effect and shall be those of the district as a dependent district of the  
653 Village of Loxahatchee. All rights, claims, actions, orders, and all contracts of the  
654 special district and all legal or administrative proceedings involving the district shall  
655 continue in full force and effect under the jurisdiction of the district as a dependent  
656 district of the Village of Loxahatchee.

657 (b) Notwithstanding any provisions of Chapter 189, Florida Statutes to the contrary, the  
658 Indian Trail Improvement District, after it becomes a dependent district of the Village  
659 of Loxahatchee, in order to prevent impairment of existing bonded indebtedness, shall  
660 continue to be responsible for the levy and collection of debt service and maintenance  
661 assessments for Unit of Development No. 18, also known as Madison Green, for the  
662 purpose of paying the outstanding bonded indebtedness under the Indian Trail  
663 Improvement District Water Control and Improvement Bonds Unit of Development  
664 No. 18, Series 2015, and for the purpose of maintaining the works of the district within  
665 Unit of Development No. 18. This responsibility shall terminate on August 1, 2031,  
666 when the bonds are fully paid. Effective August 1, 2031, Unit of Development No. 18

667 shall be removed from the boundaries of the Indian Trail Improvement District, and no  
668 longer be the responsibility of the District.

669 (c) Effective April 5, 2023, at 7:00 P.M., the terms of office of the Board of Supervisors  
670 of the Indian Trail Improvement District shall terminate and the village council  
671 members of the Village of Loxahatchee shall assume the duties and responsibilities of  
672 the Board of Supervisors.

673 (d) To the extent not inconsistent with this Charter, all resolutions, and policies of the  
674 Indian Trail Improvement District shall remain in effect until amended, revised, or  
675 repealed by the village council.

676 (e) Additional provisions which are necessary to effect this transition and to provide for  
677 the operation of the Indian Trail Improvement District as a dependent district of the  
678 village shall be adopted by ordinance.

679 **SECTION 12. GENERAL PROVISIONS.**

680 (1) CODE OF ETHICS. – It is essential to the proper conduct and operation of the Village  
681 that the officers and employees of the Village be independent and impartial and for their  
682 offices not to be used for private gain other than the remuneration provided by law or by  
683 ordinances. It is declared to be the policy of the Village that its officers and employees are  
684 agents of the people and hold their positions for the benefit of the public. Therefore, all  
685 Village officers and employees shall adhere to the standards of conduct as provided in Part  
686 III of Chapter 112, Florida Statutes, and other applicable Florida law.

687 (2) CHARTER AMENDMENTS. – This charter may be amended in accordance with the  
688 provisions for charter amendments as specified in the Municipal Home Rule Powers Act,

689 Chapter 166 Florida Statutes, as the same may be amended from time to time, or its successor,  
690 or as may otherwise be provided by general law. The form, content, and certification of any  
691 petition to amend shall be established by ordinance.

692 (3) SEVERABILITY. – If any provisions of this act, or the application thereof to any person  
693 or circumstance, is held invalid, the invalidity shall not affect other provisions or applications  
694 of this act which can be given effect without the invalid provision or application, and to this  
695 end the provisions of this act are declared severable.

696 (4) ELIMINATION OF TRANSITIONAL ELEMENTS FROM THIS CHARTER. – Upon  
697 completion of the transitional phase provided in this charter, the sections of the charter relating  
698 to transition may be eliminated from this charter.

699 **SECTION 13. EFFECTIVE DATES.**

700 This act shall take effect only upon its approval by a majority vote of those qualified electors  
701 residing within the proposed corporate limits of the proposed Village of Loxahatchee as described  
702 in section 4, voting in a referendum election to be called by the Palm Beach County Commission  
703 and to be held on November 8, 2022, in accordance with the provisions of law relating to elections  
704 currently in force, except that:

705 (1) Section 1, section 10(1) and this section shall take effect upon becoming a law.

706 (2) If approved by the electorate, section 10(2) and section 10(3) shall take effect  
707 immediately upon certification of the election results by the Palm Beach County  
708 Supervisor of Elections.)

709 (3) The remainder of this act shall take effect April 5, 2023.

710 Became a law with/without the Governor's approval \_\_\_\_\_.

711 Filed in Office Secretary of State \_\_\_\_\_.