

**DRAFT CHARTER**  
**VILLAGE OF LOXAHATCHEE**  
**CHAPTER 2022 - \_\_\_\_\_**

An act relating to Palm Beach County; creating and establishing the Village of Loxahatchee; providing a charter; providing legislative intent; providing boundaries; providing municipal powers; providing for a council-manager form of government and composition and election of the council; providing for eligibility, terms, duties, compensation, and reimbursement of expenses of council members; providing for a mayor and vice mayor; providing scheduling requirements of council meetings; prohibiting interference with village employees; providing for filling of vacancies and forfeiture of office; providing for the appointment of a village manager and village attorney and the qualifications, removal, powers, and duties thereof; providing for the establishment of village departments, agencies, personnel, and boards; providing for an annual independent audit; providing that the state is not liable for financial shortfalls of the village; providing for nonpartisan elections and matters relating thereto; providing for the recall of council members; providing for initiative and referenda; providing for a code of ethics; providing for future amendments to the charter; providing for severability; providing a village transition schedule and procedures for the first election; providing for first-year expenses; providing for adoption of comprehensive plans and land development regulations; providing for accelerated entitlement to state-shared revenues; providing for entitlement to all local revenue sources allowed by general law; providing for the sharing of communications services tax revenues; providing for receipt and distribution of local option gas tax revenues; providing for continuation of the Palm Beach County Fire Rescue Municipal Service Taxing Unit; providing for continuation of the Palm Beach County Library Taxing District; providing for law enforcement; providing for the continuation and transfer of Indian Trail Improvement District and for transfer of its assets and liabilities; providing that all special acts of Indian Trail Improvement District shall become ordinances of the village providing for waiver of specified eligibility provisions; requiring a referendum; providing effective dates.

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

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

- (1) CORPORATE NAME. – The municipality hereby established shall be known as the Village of Loxahatchee (“Village”).
- (2) PURPOSE OF THE CHARTER. – This act, together with any future amendments thereto, shall be known as the Charter of the Village of Loxahatchee (“Charter”).
  - (a) It is in the best interests of the public health, safety, and welfare of the residents of

the “Indian Trail Area” to form a separate municipality for the “Indian Trail Area” with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.

(b) It is intended that this Charter and the incorporation of the “Indian Trail Area” shall serve to preserve and protect the equestrian and agricultural character, natural resources and quality of life of the community.

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

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

(b) The Village of Loxahatchee is hereby created and established effective December 31, 2022, for the purpose of compliance with §.200.066, Florida Statutes, relating to assessment and collection of ad valorem taxes. Notwithstanding anything to the contrary contained herein, the village although created and established as of December 31, 2021, shall not be operational until April 5, 2023.

**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.

(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 without designation of political party affiliation.

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

(c) Qualifying. –

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

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

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

(2) **ELECTIONS. –**

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

(b) At Large Elections. –

1. The first election of council members shall be held March 14, 2023, and thereafter will be held every odd-numbered year, unless this date is required to be changed to a date concurrent with any countywide or statewide election.
2. The candidates receiving the highest number of votes in the Village at-large election shall be elected.
3. The term of office for an elected council member shall begin immediately after official certification of the results of the election and shall expire upon the assumption of office by his or her successor.
4. No election for a council member seat shall be required if there is only one duly qualified candidate for the council member seat.

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

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

#### **SECTION 4. CORPORATE BOUNDARIES.**

The territorial boundaries of the Village of Loxahatchee upon the date of incorporation shall be as follows:

**[CORPORATE BOUNDARIES, SURVEY AND MAPS – TO BE INSERTED]**

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

**SECTION 5. VILLAGE COUNCIL.**

- (1) **GENERAL POWERS AND DUTIES.** – All powers of the Village shall be vested in the Village council, except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations permitted by or imposed on the Village by law.
- (2) **COMPOSITION; ELIGIBILITY; TERMS** –
- (a) **Composition.** – There shall be a Village council composed of four council members and a Mayor. Each council member shall be elected by the voters of the Village at large.
- (b) **Eligibility.** – In addition to the requirements provided in Section 3. For qualifying:
1. Each council member must reside in the Village for the duration of his or her term.
  2. The term of office for each council member shall be four (4) years.
  3. No council member shall serve more than two (2) consecutive terms of office, two (2) four (4) year terms as council members.
  4. No mayor shall serve more than two (2) consecutive terms as Mayor, two (2) four (4) year terms as Mayor.
- (c) **Seats.** – The Village council shall be divided into five (5) separate council seats to be designated as seats 1, 2, 3, 4 and Mayor, to be voted on a Village-wide basis, with each qualified elector entitled to vote for one candidate for each seat. Seats 1, 2, 3 and 4 shall each represent four (4) separate areas of the Village, as designated on the map below, and each candidate must reside within their respective area.

**[INSERT AREA MAP]**

- (3) **MAYOR VICE MAYOR.** –
- (a) **Mayor.** – The Mayor shall be elected on a Village-wide basis and may reside in any of the four (4) designated areas. The Mayor shall be a voting member of the council

and shall serve as chairperson during the meetings of the council and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The Mayor shall also serve as the ceremonial head of the Village.

- (b) Vice Mayor. – At the first regularly scheduled meeting after the Village’s first election and each regular election thereafter and after receiving the certified results of the election, the council, by a majority vote, shall select from its membership a Vice Mayor. Each year in which a regular election is not scheduled, the council, by the second regular meeting after the March meeting, shall by majority vote select from its membership a Vice Mayor. The Vice Mayor shall serve as Mayor during the absence or disability of the Mayor and, if a vacancy of the Mayor occurs, shall become interim Mayor until a Mayor is elected as described in paragraph (2) and (3).
  
- (4) COMPENSATION. –The initial compensation for the council members shall be \$18,000.00 per year and the Mayor shall be \$20,000.00 per year; less applicable taxes; plus an annual cost of living increase of one per cent (1%), An ordinance increasing or decreasing compensation of the council may be adopted at any time upon the affirmative voter of four (4) members of the council; however, if the council takes action to change the level of compensation, the salary of council members shall not be adjusted until after the first day after the next regular municipal election. In accordance with Florida laws, the council may provide for reimbursement of actual expenses incurred by its members, including the Mayor, while performing their official duties.
  
- (5) COUNCIL MEETINGS. –
  - (a) The council shall hold meetings in accordance with a duly adopted ordinance or resolution. Special meetings may be held at the call of the Mayor or a majority of the council members. At least a 24-hour notice shall be provided to each council member and the public for special meetings, unless there is an immediate threat to the public safety. Except as authorized by law, all meetings shall be open to the public.
  
  - (b) Three (3) members of the Village council shall constitute a quorum for the conduct of business unless otherwise provided herein. Unless a quorum is present, no action may be taken except to adjourn. In order to approve any action or adopt any ordinance or resolution there must be at least three affirmative votes for the action, unless otherwise provided herein.

(6) PROHIBITIONS. –

- (a) Neither the council, nor any individual member of the council, shall in any manner attempt to dictate the employment or removal of any employee other than the Village manager and Village attorney. The council is free to make inquiries of Village employees, but no individual member of the council shall give orders to any officer or employee of the Village. Recommendations for improvements in Village government operations shall come through the Village manager, but each member of the council shall be free to discuss or recommend improvements to the Village manager, and the council is free to direct the Village manager to implement specific recommendations for improvement in the Village government operations.
- (b) No present or former elected Village official shall hold any compensated appointive office or employment with the Village until one (1) year after leaving office.

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

- (a) Vacancies. – A vacancy in the office of a member of the council shall occur upon the incumbent's death, inability to fulfill the duties of the office, relocation of residence outside the Village, resignation, appointment to another public office, judicially determined incompetence, or removal or forfeiture of office as described in this subsection.

(b) Forfeiture of office.

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

- a. Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law;
- b. Violates any express prohibition of this Charter.
- c. Is convicted of a felony or criminal misdemeanor, which felony or misdemeanor involves the office of Village council.
- d. Is found to have violated any standard of conduct or code of ethics established by law for public officials or has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
- e. Misses three (3) consecutive regularly scheduled council meetings without

justifiable reason or unless excused by the council.

(c) Filing of vacancies.

1. A vacancy on the council shall be filled by a majority vote of the remaining members of the council for the period of time until the next election, when a council member shall be elected for the remainder of the term vacated. If more than six (6) months remain in the unexpired term and a majority of the remaining council members cannot reach a decision within sixty (60) days after a vacancy occurs, the vacancy shall be filled by a special election.
2. In the event that all of the council members are removed by death, disability, recall, forfeiture of office, or resignation, the Governor shall appoint interim council members who shall call a special election at least thirty (30) days, but no more than sixty (60) days, after such appointment. Such election shall be held in the same manner as the initial elections under this charter. However, if there are fewer than six (6) months remaining in any unexpired terms, the interim council appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates as provided in this Charter.

**SECTION 6. ADMINISTRATION.**

(1) VILLAGE MANAGER.

- (a) The council shall appoint a Village manager, or a management firm to fulfill the duties of a Village manager, who shall serve at the pleasure of the council. The qualifications of the Village manager or firm may be established by ordinance.
- (b) The Village manager or firm may be removed by a majority vote of the council.
- (c) During the absence or disability of the Village manager, the Village council may by resolution designate a properly qualified person to temporarily execute the functions of the Village manager. Such person shall have the same powers and duties as the Village manager and may be removed by the Village council at any time upon a majority vote of the council.
- (d) The Village manager or firm shall:
  1. Appoint, hire, suspend, demote, or dismiss any Village employee under the Village manager's jurisdiction in accordance with the law, and may authorize



any department head to exercise these powers with respect to subordinates in that department.

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

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

- (1) DEPARTMENTS; BOARDS; AGENCIES. – The council may establish, modify, or terminate such department, board or agencies as it determines necessary for the effective administration of employees of the Village's departments, boards, and agencies.
- (2) PERSONNEL. – Consistent with all applicable state and federal laws, the council shall provide by ordinance for the establishment, regulation, and maintenance of a system governing personnel policies necessary for the effective administration of employees of the Village's departments, boards, and agencies.
- (3) PLANNING. – Consistent with all applicable state and federal laws with respect to land use, development, and environmental protection, the Village shall:
  - (a) Designate an employee, agency, or agencies to execute the planning functions with such decision-making responsibilities as may be specified by ordinance or general law.
  - (b) Adopt a comprehensive plan and ensure that zoning and other land use control ordinances are consistent with the plan, all in accordance with general law. The Palm Beach County Comprehensive Plan, as it exists on the day the Village commences corporate existence, shall serve as the initial comprehensive plan of the Village until the Village adopts its own comprehensive plan pursuant to Chapter 163, Florida Statutes.
  - (c) Adopt zoning and development regulations, to be specified by ordinance, to implement the plan.

## **SECTION 8. FINANCIAL MANAGEMENT.**

- (1) **FISCAL YEAR.** – The fiscal year of the Village shall begin on the first day of October and end on the last day of September of each year.
- (2) **EXPENDITURE OF VILLAGE FUNDS.** – No Village funds shall be expended except pursuant to a duly approved appropriations or for the payment of bonds, notes, or other indebtedness duly authorized by the council and only from such funds so authorized.
- (3) **BUDGET ADOPTION.** – The council shall adopt a budget in accordance with applicable general law, after a minimum of two public hearings on the proposed budget. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.
- (4) **EXPENDITURES.** – The budget shall not provide for expenditures in an amount greater than the revenues budgeted.
- (5) **APPROPRIATIONS.** –
  - (a) If, during the fiscal year, revenues in excess of such revenues estimated in the budget are available for appropriation, the council by resolution may make supplemental appropriations for the year in an amount not to exceed such excess.
  - (b) If, at any time during the fiscal year, it appears probable to the Village manager that the revenues available will be insufficient to meet the amount appropriated, the Village manager shall report to the council without delay, indicating the estimated amount of the deficiency, any remedial action taken, and recommendations as to any other steps that should be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficiency and, for that purpose, the council may by resolution reduce one (1) or more appropriations accordingly.
  - (c) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the unencumbered balance thereof. Notwithstanding any other provisions of law, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
- (6) **BONDS; INDEBTEDNESS.** –

- (a) Subject to the referendum requirements of the State Constitution, if applicable, the Village may from time to time borrow money and issue bonds or other obligations or evidence of indebtedness (collectively, “bonds”) of any type or character for any of the purposes for which the Village is now or hereafter authorized by law to borrow money, including to finance the cost of any capital or other project and to refund any and all previous issues of bonds at or before maturity. Such bonds may be issued pursuant to one or more resolutions adopted by a majority of the council.
  - (b) The Village may assume all outstanding indebtedness related to facilities that it acquires from other units of local government and be liable for payment of such indebtedness in accordance with its terms.
- (7) **REVENUE BONDS.** – Revenue bonds may be issued by the Village as authorized by law.
  - (8) **ANNUAL AUDIT.** – The council shall provide for an independent annual financial audit of all Village accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, directly, or indirectly, in the fiscal affairs of the Village government or in any of its officers.
  - (9) **SHORTFALLS.** – The state is not liable for financial shortfalls of the Village.

**SECTION 9. INITIATIVE AND REFERENDUM.**

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

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

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

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

In the event this question is answered affirmatively by a majority of voters voting in the referendum, the Charter will take effect as provided herein. The referendum election shall be conducted by the Supervisor of Elections of Palm beach County in accordance with the Florida Election Code, and the cost of such election shall be funded by the Board of County Commissioners of Palm Beach County.

(2) INITIAL ELECTION OF COUNCIL. –

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

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

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

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

(4) SCHEDULE. –

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

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

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

- (5) **FIRST YEAR EXPENSES.** – The council, in order to provide moneys for the expenses and support of the Village, shall have the power to borrow money necessary for the operation of municipal government until such time as a budget is adopted and revenues are raised in accordance with this Charter.
- (6) **TRANSITIONAL ORDINANCES AND RESOLUTIONS.** –
- (a) All applicable county ordinances currently in place at the time of passage of the referendum, unless specifically referenced in this Charter, shall remain in place until and unless rescinded by action of the council. Except that a county ordinance, rule, or regulation that is in conflict with an ordinance, rule, or regulation of the Village shall not be effective to the extent of such conflict. Any existing Palm Beach County ordinances, rules, and regulations, as of April 1, 2023, shall not be altered, changed, rescinded, or added to, nor shall any variance be granted, if such action would affect the Village without the approval of the council.
- (b) The village council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first council meeting may be passed as emergency ordinances. These transitional ordinances, passed as emergency ordinances, shall be effective for no longer than 90 days after adoption, and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.
- (7) **TRANSITIONAL COMPREHENSIVE PLAN.** – Until such time as the village adopts a comprehensive plan, the applicable provisions of the Comprehensive Plan of Palm Beach County, as the same exists on the day the village commences corporate existence, shall remain in effect as the village's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the village council which shall be deemed the local planning agency until the council establishes a separate local planning agency. This charter shall not affect any of the rights and obligations, between and among any persons, which have been and are established by or result from any existing development orders in the area which are identified in Section 4 of this charter. Notwithstanding any other provision of general law or this charter, from the effective date of this charter until 60 months subsequent to the date initial land development regulations adopted by the village pursuant to Chapter 163, Florida Statutes, become final, the comprehensive plan and land development regulations of Palm Beach County shall govern the issuance of all development orders for a parcel or parcels of land located within or upon the lands identified in Palm Beach County Zoning

Resolution R-2019-0389 (April 4, 2019) (collectively, the “Property”), and during such period all local government development orders and development permits associated with such Property shall be administered and issued by Palm Beach County pursuant to County development regulations, unless an affected landowner voluntarily elects to subject the Property, in whole or in part, to the village’s comprehensive plan and land development regulations; provided, however, that neither the gross residential density nor the gross non-residential intensities assigned to the Property by County Zoning Resolution R-2019-0389 shall be increased by an owner thereof without first obtaining the approval of the village council.

- (8) TRANSITIONAL LAND DEVELOPMENT REGULATIONS. – To implement the transitional comprehensive land use plan when adopted, the Village shall in accordance with the procedures required by the laws of the state, adopt ordinances providing for land use development regulations within the corporate limits. Until the Village adopts ordinances, the following shall apply:
- (a) The comprehensive land use plan and land use development regulations of Palm Beach County, as the same exists on the date that the Village commenced corporate existence, shall remain in effect as the Village’s transitional land use development regulations and comprehensive land use plan.
  - (b) All powers and duties of the Palm Beach County Growth Management and Building Departments, the Palm beach County Special Magistrate, and Board of County Commissioners of Palm Beach County, as provided in these transitional land use development regulations, shall be vested in the council until such time as the council delegates all powers and duties, or a portion thereof, to another agency, department, or entity.
  - (c) Subsequent to the adoption of a local comprehensive land use plan and subject to general law, the council is fully empowered to amend, supersede, enforce, or repeal the transitional land use development regulations, or any portion thereof, by ordinance.
  - (d) Subsequent to the commencement of the Village’s corporate existence, an amendment of the comprehensive land use plan or land use development regulations enacted by the Board of County Commissioners of Palm Beach County shall not be deemed an amendment of the Village’s transitional comprehensive land use plan or land use development regulations or otherwise take effect within the Village’s municipal boundaries.

- (9) STATE SHARED REVENUES. –The Village shall be entitled to participate in all shared revenue programs of the State of Florida effective immediately on the date of incorporation. The provisions of Chapter 218.23(1), Florida Statutes shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the fiscal year 2022-2023. Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population estimate, the Palm Beach County Planning Division estimate should be utilized.
- (10) LOCAL REVENUE SOURCES. – The village shall be entitled to receive all local revenue sources available pursuant to general law, including but not limited to local communications services tax imposed under Chapter 202.19, Florida Statutes. The local communication services tax rate imposed by Palm Beach County will continue within the village boundaries during the period commencing with the date of incorporation through January 1, 2024. Revenues from the tax shall be shared by Palm Beach County with the village in proportion to the projected village population estimate of the Palm Beach County Planning Division compared with the unincorporated population of Palm Beach County before the incorporation of the village.
- (11) LOCAL OPTION GAS TAX REVENUES. – Notwithstanding the requirements of Chapter 336.025, Florida Statutes to the contrary, the Village shall be entitled to receive local option gas tax revenues beginning October 1, 2022. The amount of said revenues distributed to the Village shall be in accordance with general law, Palm Beach County ordinance or interlocal agreement negotiated with the Board of County Commissioners of Palm Beach County.
- (12) CONTRACTUAL SERVICES AND FACILITIES. – Contractual services for law enforcement, fire rescue, emergency management, public works, parks and recreation, planning and zoning, building inspection, development review, animal control, library services, village manager or management firm, village attorney and solid waste collection may be supplied by a contract between the village and the Board of County Commissioners of Palm Beach County, special districts, municipalities, or private enterprise until such time as the council establishes such independent services. However, existing solid waste contracts shall be honored as required by Chapter 165.061(1)(f), Florida Statutes, and Article I, section 10 of the State Constitution. Facilities for housing the newly formed municipal operations may be rented or leased until the village selects more permanent facilities.

**SECTION 11. CONTINUATION, MERGER, AND DISSOLUTION  
OF EXISTING DISTRICTS.**

- (1) PALM BEACH COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING UNIT. – Notwithstanding the incorporation of the Village of Loxahatchee, that portion of the

Palm Beach County Fire Rescue Municipal Service Taxing Unit, a special taxing district created by the Palm Beach County Commission that lies within the boundaries of the Village of Loxahatchee, is authorized to continue in existence, until the village adopts an ordinance to the contrary.

- (2) **LAW ENFORCEMENT.** – Law enforcement services shall continue to be provided by the Palm Beach County Sheriff's Office, until the village adopts an ordinance or resolution or enters into an interlocal agreement to the contrary.
- (3) **PALM BEACH COUNTY LIBRARY TAXING DISTRICT.** – Notwithstanding the incorporation of the Village of Loxahatchee, that portion of the Palm Beach County Library Taxing District, a dependent district of Palm Beach County created by Laws of Fla., Ch. 67-1869, as amended, that lies within the boundaries of the Village, is authorized but not required to continue in existence.
- (4) **INDIAN TRAIL IMPROVEMENT DISTRICT CONTINUATION AND TRANSFER.** The Indian Trail Improvement District, an independent special district created by a special act of the Legislature, shall become a dependent district of the Village of Loxahatchee on April 5, 2023. All special acts of the Indian Trail Improvement District shall become Ordinances of the Village of Loxahatchee on April 5, 2023.
  - (a) The assets, liabilities, and written contracts of the Loxahatchee Improvement District, including all rights, obligations, duties and relationships now existing by law or agreement, shall be unaffected and shall remain in full force and effect and shall be those of the district as a dependent district of the Village of Loxahatchee. All rights, obligations, duties, and relationships now existing by law or agreement shall remain in full force and effect and shall be those of the district as a dependent district of the Village of Loxahatchee. All rights, claims, actions, orders, and all contracts of the special district and all legal or administrative proceedings involving the district shall continue in full force and effect under the jurisdiction of the district as a dependent district of the Village of Loxahatchee.
  - (b) Notwithstanding any provisions of Chapter 189, Florida Statutes to the contrary, the Indian Trail Improvement District, after it becomes a dependent district of the Village of Loxahatchee, in order to prevent impairment of existing bonded indebtedness, shall continue to be responsible for the levy and collection of debt service and maintenance assessments for Unit of Development No. 18, also known as Madison Green, for the purpose of paying the outstanding bonded indebtedness under the Indian Trail Improvement District Water Control and Improvement Bonds Unit of Development No. 18, Series 2015, and for the purpose of maintaining the works of the district within Unit of Development No. 18. This responsibility shall terminate on August 1, 2031, when the bonds are fully paid. Effective August 1, 2031, Unit of Development No. 18 shall be removed from the boundaries of the Indian Trail Improvement District, and no longer be the responsibility of the District.



- (c) Effective April 5, 2023, at 7:00 P.M., the terms of office of the Board of Supervisors of the Indian Trail Improvement District shall terminate and the village council members of the Village of Loxahatchee shall assume the duties and responsibilities of the Board of Supervisors.
- (d) To the extent not inconsistent with this charter, all resolutions, and policies of the Indian Trail Improvement District shall remain in effect until amended, revised, or repealed by the village council.
- (e) Additional provisions which are necessary to effect this transition and to provide for the operation of the Indian Trail Improvement District as a dependent district of the village shall be adopted by ordinance.

### **SECTION 12. GENERAL PROVISIONS.**

- (1) **CODE OF ETHICS.** – It is essential to the proper conduct and operation of the Village that the officers and employees of the Village be independent and impartial and for their offices not to be used for private gain other than the remuneration provided by law or by ordinances. It is declared to be the policy of the Village that its officers and employees are agents of the people and hold their positions for the benefit of the public. Therefore, all Village officers and employees shall adhere to the standards of conduct as provided in Part III of Chapter 112, Florida Statutes, and other applicable Florida law.
- (2) **CHARTER AMENDMENTS.** – This charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rule Powers Act, Chapter 166 Florida Statutes, as the same may be amended from time to time, or its successor, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.
- (3) **SEVERABILITY.** – If any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.
- (4) **ELIMINATION OF TRANSITIONAL ELEMENTS FROM THIS CHARTER.** – Upon completion of the transitional phase provided in this charter, the sections of the charter relating to transition may be eliminated from this charter.

### **SECTION 13. EFFECTIVE DATES.**

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

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

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

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

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

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