

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 of the Indian Trail Improvement District and for the transfer of certain District assets and

24 liabilities; providing for waiver of specified eligibility provisions; requiring a referendum; providing
25 effective dates.

26

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

28

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 and shall not be infringed upon by the Village, except
45 for 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
62 4, 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
69 December 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.

158

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.

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

TOGETHER WITH:
PARCEL 1
A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP
42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS
FOLLOWS: BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 15.
BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS
RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS,
PALM BEACH COUNTY, FLORIDA. BOUNDED ON THE NORTH BY THE RIGHT-OF-
WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK
1229, PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. BOUNDED
ON THE EAST BY THE RIGHT-OF-WAY FOR 120TH AVENUE NORTH AS RECORDED
IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH
COUNTY, FLORIDA. CONTAINING: 35.15 ACRES, MORE OR LESS.

TOGETHER WITH:
PARCEL 2
A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP
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.
226
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.
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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.

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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 vote of four
310 (4) members of the council; however, if the council takes action to change the level of
311 compensation, the salary of council members shall not be adjusted until after the first day
312 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
361 the next regularly scheduled council meeting or a special meeting may be called,
362 and the member may be declared to have forfeited office by majority vote of the
363 council.

364 (c) Filing of vacancies.

365 1. A vacancy on the council shall be filled by a majority vote of the remaining
366 members of the council for the period of time until the next election, when a
367 council member shall be elected for the remainder of the term vacated. If more
368 than six (6) months remain in the unexpired term and a majority of the remaining

369 council members cannot reach a decision within sixty (60) days after a vacancy
370 occurs, the vacancy shall be filled by a special election.

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

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380 **SECTION 6. ADMINISTRATION.**

381 (1) VILLAGE MANAGER.

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

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

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

391 (d) The Village manager or firm shall:

392 1. Appoint, hire, suspend, demote, or dismiss any Village employee under the
393 Village manager’s jurisdiction in accordance with the law, and may authorize any
394 department head to exercise these powers with respect to subordinates in that
395 department.

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

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

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

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

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

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

413 (a) Designate an employee, agency, or agencies to execute the planning functions with
414 such decision making responsibilities as may be specified by ordinance or general

415 law.
416 (b) Adopt a comprehensive plan and ensure that zoning and other land use control
417 ordinances are consistent with the plan, all in accordance with general law and this
418 Charter. The Palm Beach County Comprehensive Plan, as it exists on the day the
419 Village commences corporate existence, shall serve as the initial comprehensive plan
420 of the Village until the Village adopts its own comprehensive plan pursuant to Chapter
421 163, Florida Statutes.

422 (c) Adopt zoning and development regulations, to be specified by ordinance consistent
423 with this Charter, to implement the plan.
424

425 **SECTION 8. FINANCIAL MANAGEMENT.**

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

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

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

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

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438 (5) APPROPRIATIONS. –

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

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

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

455 (6) BONDS; INDEBTEDNESS. –

456 (a) Subject to the referendum requirements of the State Constitution, if applicable, the
457 Village may from time to time borrow money and issue bonds or other obligations or
458 evidence of indebtedness (collectively, “bonds”) of any type or character for any of
459 the purposes for which the Village is now or hereafter authorized by law to borrow
460 money, including to finance the cost of any capital or other project and to refund any

461 and all previous issues of bonds at or before maturity. Such bonds may be issued
462 pursuant to one or more resolutions adopted by a majority of the council.

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

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

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

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

474 **SECTION 9. INITIATIVE AND REFERENDUM.**

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

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

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

481

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

483

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

489 (2) INITIAL ELECTION OF COUNCIL. –

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

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

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

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

506

507 (4) SCHEDULE. –

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

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

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

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

525 (6) TRANSITIONAL ORDINANCES AND RESOLUTIONS. –

526 (a) All applicable county ordinances currently in place at the time of passage of the
527 referendum, unless specifically referenced in this Charter, shall remain in place until
528 and unless rescinded by action of the council. Except that a county ordinance, rule,
529 or regulation that is in conflict with this Charter, or an ordinance, rule, or regulation

530 of the Village shall not be effective to the extent of such conflict. Any existing Palm
531 Beach County ordinances, rules, and regulations, as of April 1, 2023, shall not be
532 altered, changed, rescinded, or added to, nor shall any variance be granted, if such
533 action would affect the Village without the approval of the council.

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

540 (7) TRANSITIONAL COMPREHENSIVE PLAN. –

541 (a) Until such time as the Village adopts a comprehensive plan, the applicable provisions
542 of the Comprehensive Plan of Palm Beach County, as the same exists on the day the
543 Village commences corporate existence, shall remain in effect as the Village's
544 transitional comprehensive plan. However, except as otherwise set forth herein, all
545 planning functions, duties, and authority shall thereafter be vested in the village
546 council which shall be deemed the local planning agency until the council establishes
547 a separate local planning agency. This charter shall not affect any of the rights and
548 obligations, between and among any persons, which have been and are established by
549 or result from any existing development orders in the area which are identified in
550 Section 4 of this charter and as set forth in this Section 7.

551 (b) Notwithstanding any other provision of general law or this charter, from the effective
552 date of this charter until 60 months subsequent to the date initial land development

553 regulations adopted by the Village pursuant to Chapter 163, Florida Statutes, become
554 final (hereafter, the “Transition Period”), the comprehensive plan and land
555 development regulations of Palm Beach County shall govern the issuance of all
556 development orders for a parcel or parcels of land located within or upon the lands
557 identified in Palm Beach County Zoning Resolution R-2019-0389 (April 4, 2019)
558 (collectively, the “Property”), and during such Transition Period all local government
559 development orders and development permits associated with such Property shall be
560 administered and issued by Palm Beach County pursuant to County development
561 regulations, unless an affected landowner voluntarily elects to subject the Property, in
562 whole or in part, to the Village’s comprehensive plan and land development
563 regulations; provided, however, that neither the gross residential density nor the gross
564 non-residential intensities assigned to the Property by County Zoning Resolution R-
565 2019-0389 shall be increased by an owner thereof without first obtaining the approval
566 of the Village council. The Village shall enter into any agreement as may be necessary
567 with Palm Beach County to effectuate the provisions of this Section 10(7)(b)
568 Notwithstanding any provision of law or this Charter, no amendment to this Section
569 10(7)(b) relating to the Property during the Transition Period shall be operative
570 without an ordinance adopted by the affirmative vote of not less than four members
571 of the Village council and an affirmative vote of a majority of the registered electors
572 of the Village.

573 (c) The Village shall not annex any development parcel (Pod) identified on the approved
574 Master Plan (as amended) for the Property prior to Palm Beach County issuing a
575 building permit for such Pod. Annexation shall follow the procedures provided in

576 Section 171.0413, Florida Statutes (as amended). The Village may annex a Pod at the
577 request of the owner(s) thereof, as provided in Section 171.044, Florida Statutes.
578 Notwithstanding any provision of law or this Charter, no amendment to this Section
579 10(7)(c) shall be operative without an ordinance adopted by the affirmative vote of
580 not less than four members of the Village council and an affirmative vote of a majority
581 of the registered electors of the Village.

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

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

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

597 (c) Subsequent to the adoption of a local comprehensive land use plan and subject to
598 general law, the council is fully empowered to amend, supersede, enforce, or repeal

599 the transitional land use development regulations, or any portion thereof, by
600 ordinance.

601 (d) Subsequent to the commencement of the Village's corporate existence, an amendment
602 of the comprehensive land use plan or land use development regulations enacted by
603 the Board of County Commissioners of Palm Beach County shall not be deemed an
604 amendment of the Village's transitional comprehensive land use plan or land use
605 development regulations or otherwise take effect within the Village's municipal
606 boundaries.

607 (9) STATE SHARED REVENUES. – The Village shall be entitled to participate in all shared
608 revenue programs of the State of Florida effective immediately on the date of
609 incorporation. The provisions of Chapter 218.23(1), Florida Statutes shall be waived for
610 the purpose of eligibility to receive revenue sharing funds from the date of incorporation
611 through the fiscal year 2022-2023. Initial population estimates for calculating eligibility
612 for shared revenues shall be determined by the University of Florida Bureau of Economic
613 and Business Research. Should the bureau be unable to provide an appropriate population
614 estimate, the Palm Beach County Planning Division estimate should be utilized.

615 (10) LOCAL REVENUE SOURCES. – The Village shall be entitled to receive all local
616 revenue sources available pursuant to general law, including but not limited to local
617 communications services tax imposed under Chapter 202.19, Florida Statutes. The local
618 communication services tax rate imposed by Palm Beach County will continue within the
619 Village boundaries during the period commencing with the date of incorporation through
620 January 1, 2024. Revenues from the tax shall be shared by Palm Beach County with the
621 Village in proportion to the projected village population estimate of the Palm Beach

622 County Planning Division compared with the unincorporated population of Palm Beach
623 County before the incorporation of the Village.

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

630 (12) CONTRACTUAL SERVICES AND FACILITIES. – Contractual services for law
631 enforcement, fire rescue, emergency management, public works, parks and recreation,
632 planning and zoning, building inspection, development review, animal control, library
633 services, village manager or management firm, village attorney and solid waste collection
634 may be supplied by a contract between the village and the Board of County
635 Commissioners of Palm Beach County, special districts, municipalities, or private
636 enterprise until such time as the council establishes such independent services. However,
637 existing solid waste contracts shall be honored as required by Chapter 165.061(1)(f),
638 Florida Statutes, and Article I, section 10 of the State Constitution. Facilities for housing
639 the newly formed municipal operations may be rented or leased until the village selects
640 more permanent facilities.

641

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

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

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

653 (3) PALM BEACH COUNTY LIBRARY TAXING DISTRICT. – Notwithstanding the
654 incorporation of the Village of Loxahatchee, that portion of the Palm Beach County Library
655 Taxing District, a dependent district of Palm Beach County created by Laws of Fla., Ch.
656 67-1869, as amended, that lies within the boundaries of the Village, is authorized but not
657 required to continue in existence.

658 (4) INDIAN TRAIL IMPROVEMENT DISTRICT CONTINUATION. – The Indian Trail
659 Improvement District, an independent special district created by a special act of the
660 Legislature, is authorized to continue in existence. Indian Trail Improvement District is
661 authorized to transfer certain District assets to the Village of Loxahatchee, which assets
662 shall become Village assets upon transfer.

663 (a) The assets, liabilities, and written contracts of the Indian Trail Improvement District,
664 including all rights, obligations, duties and relationships now existing by law or
665 agreement, shall be unaffected and shall remain in full force and effect and shall be
666 those of the District except as transferred to the Village of Loxahatchee.

667 (b) The Indian Trail Improvement District shall continue to be responsible for the levy and
668 collection of debt service and maintenance assessments for Unit of Development No.
669 18, also known as Madison Green, for the purpose of paying the outstanding bonded
670 indebtedness under the Indian Trail Improvement District Water Control and
671 Improvement Bonds Unit of Development No. 18. Series 2015, and for the purpose of
672 maintaining the works of the District within Unit of Development No. 18. This
673 responsibility shall terminate on August 1, 2031, when the bonds are fully paid.
674 Effective August 1, 2031, Unit of Development No. 18 shall be removed from the
675 boundaries of the Indian Trail Improvement District, and no longer be the responsibility
676 of the District.

677 (c) To the extent not inconsistent with this Charter, all resolutions, and policies of the
678 Indian Trail Improvement District shall remain in effect until amended, revised, or
679 repealed by the Village Council.

680

681 **SECTION 12. GENERAL PROVISIONS.**

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

689 (2) CHARTER AMENDMENTS. – This charter may be amended in accordance with the
690 provisions for charter amendments as specified in the Municipal Home Rule Powers Act,
691 Chapter 166 Florida Statutes, as the same may be amended from time to time, or its successor,
692 or as may otherwise be provided by general law. The form, content, and certification of any
693 petition to amend shall be established by ordinance.

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

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

701

702

SECTION 13. EFFECTIVE DATES.

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

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

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

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

713 Became a law with/without the Governor's approval _____.

714 Filed in Office Secretary of State _____.