

1 **CHARTER**

2 **VILLAGE OF LOXAHATCHEE**

3 **CHAPTER 2023 - _____**

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

24 Trail Improvement District and for the transfer of certain District assets and liabilities; providing for
25 waiver of specified eligibility provisions; requiring a referendum; providing 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
34 thereto, shall be known as the Charter of the Village of Loxahatchee (“Charter”).

35 (a) The Loxahatchee area in Palm Beach County includes a compact and contiguous
36 rural community with a population of approximately 43,000 people who are
37 experiencing certain impacts and threats to the agricultural character and
38 lifestyle as well as plant and tree nurseries face impacts and threats to their
39 agricultural business in the Loxahatchee community from urbanization in the
40 surrounding area.

41 (b) It is in the best interests of the public health, safety, and welfare of the residents
42 of the “Loxahatchee Area” to form a separate municipality for the “Loxahatchee
43 Area” with all the powers and authority necessary to provide adequate and
44 efficient municipal services to its residents.

45 (c) It is intended that this Charter and the incorporation of the “Loxahatchee area”
46 shall serve to preserve and protect the equestrian and agricultural character,

47 natural resources and rural quality of life of the community. In furtherance of
48 this intent, the rights of the Village residents, on properties zoned agricultural or
49 agricultural residential, as defined by the Palm Beach County Comprehensive
50 Plan on the date of incorporation, to utilize said lands for agricultural uses and
51 shall not be infringed upon by the Village, except for the following shall not be
52 construed as an infringement of said rights:

- 53 1. laws of the United States;
- 54 2. laws of the State, or
- 55 3. Best Management Practices adopted by the State Department of Agriculture,
56 or,
- 57 4. Agricultural Best Management Practices or any public health, safety and
58 welfare regulations as may be adopted by Ordinance by the Village council.

59 (d) It is intended that this Charter and the incorporation of the Village is to secure the
60 benefits of self-determination and affirm the values of representative democracy,
61 citizen participation, strong community leadership, professional management and
62 regional cooperation.

63 (e) It is the intent of this Charter and the incorporation of the Village to maintain a
64 financially secure and sustainable municipal government and to responsibly
65 manage the Village's debt obligations without causing the State to incur any
66 liability.

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

68 (a) This act shall take effect upon approval by a majority vote of those qualified
69 electors residing within the corporate limits of the proposed Village, as described

70 in Section 4, voting in a Special Election referendum conducted by the
71 Supervisor of Elections of Palm Beach County to be held November 7, 2023, in
72 accordance with the provisions of law relating to elections currently in force.

73 (b) The Village of Loxahatchee is hereby created and established effective
74 December 31, 2023, for the purpose of compliance with §200.066, Florida
75 Statutes, relating to assessment and collection of ad valorem taxes.

76

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

78 (1) **POWERS OF THE VILLAGE.** – The Village shall have all available governmental,
79 corporate, and proprietary powers of a municipality under the State Constitution and
80 laws of this State as fully and completely as though such powers were specifically
81 enumerated in this Charter, and may exercise them, except where prohibited by law.
82 Through the adoption of this Charter, it is the intent of the electors of the Village that
83 the municipal government established in this Section shall have the broadest exercise of
84 home rule powers permitted under the State Constitution and Laws of the State. This
85 Charter and the powers of the Village shall be construed liberally in favor of the Village.

86 (2) **CONSTRUCTION.** – The powers of the Village under this Charter shall be construed
87 liberally in favor of the village, and the specific mention of particular powers in the
88 Charter shall not be construed as limiting the general powers granted in this Charter in
89 any way.

90 (3) **FORM OF GOVERNMENT.** – The Village shall be a council-manager form of
91 government, with the council to consist of five village council (“council”) members
92 elected by the Village at-large. The council shall constitute the governing body of the

93 Village, with the duties and responsibilities hereinafter provided. The council shall
94 appoint a Village manager to be the chief administrative officer of the Village who shall
95 serve at the pleasure of the council.

96

97 **SECTION 3. NOMINATIONS AND ELECTIONS.**

98 (1) NONPARTISAN ELECTIONS: ELECTORS: QUALIFYING. –

99 (a) Nonpartisan elections. – All elections shall be conducted on a nonpartisan basis
100 without designation of political party affiliation.

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

104 (c) Qualifying. –

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

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

115 3. The qualifying period for candidates for Village council shall be the same as

116 provided by the Supervisor of Elections of Palm Beach County or as otherwise
117 provided by ordinance.

118 (2) ELECTIONS. –

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

125 (b) At Large Elections. –

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

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

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

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

136 (c) Village Canvassing Board. – The canvassing board shall be composed of three (3)
137 members appointed by the Village council by resolution. No member of the Village
138 canvassing board shall be an active participant in the Village election for which he

139 or she is canvassing as the term “active participant” is interpreted by the Division of
140 Elections. Should a vacancy occur on the canvassing board, the Village council
141 shall appoint a replacement member by resolution. The Village canvassing board
142 shall canvass the election consistent with the requirements of Florida law and
143 consistent with and pursuant to any agreement between the Village and the Palm
144 Beach County Supervisor of Elections. The canvassing board shall certify the
145 results of the election upon receipt of the certification from the Supervisor of
146 Elections. However, the Village council may, by resolution, delegate the election
147 canvassing responsibilities for Village elections to the county canvassing board.

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

150

151 **SECTION 4. CORPORATE BOUNDARIES.**

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

154

155 BEING PORTIONS OF TOWNSHIP 42 SOUTH, RANGE 40 EAST; TOWNSHIP 42 SOUTH,
156 RANGE 41 EAST; TOWNSHIP 43 SOUTH, RANGE 40 EAST AND TOWNSHIP 43 SOUTH,
157 RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY
158 DESCRIBED AS FOLLOWS:

159

160 TOGETHER WITH:

161 TOWNSHIP 42 SOUTH, RANGE 40 EAST

162 THE SOUTH ONE-HALF (S 1/2) OF SECTIONS 13, 14, AND 15 AND ALL OF SECTIONS
163 23, 24, 25, 26, 32, 33, 35, AND 36; AND THE SOUTH HALF OF SECTION 34; AND ALL
164 THAT PART OF SECTION 31 LYING NORTH AND EAST OF THE NORTH EASTERLY
165 RIGHT-OF-WAY LINE OF LEVEE L-8, A PROJECT IN THE PLAN OF WATER CONTROL
166 OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT.

167

168 TOGETHER WITH:

169 TOWNSHIP 42 SOUTH, RANGE 41 EAST

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

171 THE WEST 1/2 OF SECTION 17 AND ALL OF SECTIONS 18, 19, 20, 21, 22, 27, 28, 29, 30,

172 AND 32.

173 PCNs: 00414216000005010, 00414216000005020, 00414216000005030, 00414216000005040,

174 00414216000005050, 00414216000005060, 00414216000005070, AND 00414216000005080

175 AND THAT AREA OF NORTHLAKE BOULEVARD BETWEEN THESE PCNs.

176

177 TOGETHER WITH:

178 TOWNSHIP 43 SOUTH, RANGE 40 EAST

179 ALL OF SECTIONS 4, 9, 10, 11, 14, AND 15; THAT PART OF SECTION 3 LYING

180 NORTHERLY AND WESTERLY OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF

181 THE "M" CANAL; THE WEST THREE-QUARTERS (W 3/4) OF SECTIONS 13, 24, AND

182 25; AND THAT PART OF THE M" CANAL; THE WEST THREE-QUARTERS (W 3/4) OF

183 SECTIONS 13, 24, AND 25; AND THAT PART OF THE CANAL; THE WEST THREE-

184 QUARTERS (W 3/4) OF SECTIONS 13, 24, AND 25; AND THAT PART OF THE WEST

185 THREE-QUARTERS (W 3/4) OF SECTION 36 LYING NORTH OF THE NORTHERLY
186 RIGHT-OF-WAY LINE OF STATE ROAD 80 LESS PCNs 00404326010030010,
187 00404326010030020, 00404326010030030, 00404326010030040, 00404326010030050,
188 00404326010030060, 00404326010030190, 00404326010030200, 00404326010030210,
189 00404326010030220, 00404326010030230, AND 00404336000003020;
190 AND ALL THAT PART OF SECTIONS 5, 8, AND 6 LESS PCNs 00404305000003010 AND
191 00404306000001010 LYING NORTH AND EAST OF THE NORTH EASTERLY RIGHT-OF-
192 WAY LINE OF LEVEE L-8, A PROJECT IN THE PLAN OF WATER CONTROL OF THE
193 CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT.

194

195 TOGETHER WITH:

196 TOWNSHIP 43 SOUTH, RANGE 41 EAST

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

198

199 TOGETHER WITH:

200 PARCEL 1

201 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP
202 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS
203 FOLLOWS: BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 15.
204 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS
205 RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS,
206 PALM BEACH COUNTY, FLORIDA. BOUNDED ON THE NORTH BY THE RIGHT-OF-
207 WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK

208 1229, PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. BOUNDED
209 ON THE EAST BY THE RIGHT-OF-WAY FOR 120TH AVENUE NORTH AS RECORDED
210 IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH
211 COUNTY, FLORIDA. CONTAINING: 35.15 ACRES, MORE OR LESS.

212

213 TOGETHER WITH:

214 PARCEL 2

215 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP
216 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS
217 FOLLOWS:

218 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 15

219 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY AS RECORDED IN OFFICIAL
220 RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY,
221 FLORIDA.

222 BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD
223 AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 131, PUBLIC RECORDS,
224 PALM BEACH COUNTY, FLORIDA.

225 BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS
226 RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS,
227 PALM BEACH COUNTY, FLORIDA.

228 CONTAINING: 30.71 ACRES, MORE OR LESS.

229 EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY AS RECORDED IN
230 OFFICIAL RECORDS BOOK 12017, PAGE 1009, PUBLIC RECORDS, PALM BEACH

231 COUNTY, FLORIDA.
232 NET ACREAGE (LESS ADDITIONAL RIGHT-OF-WAY) 29.59 ACRES, MORE OR LESS
233 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY
234 OF RECORD.
235
236 TOGETHER WITH:
237 PARCEL 3
238 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 16, TOWNSHIP
239 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA,
240 BEING BOUNDED AS FOLLOWS:
241 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 16
242 BOUNDED ON THE WEST BY THE RIGHT-OF-WAY FOR 140TH AVENUE NORTH AS
243 RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 133, PUBLIC RECORDS, PALM
244 BEACH COUNTY, FLORIDA.
245 BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD
246 AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 125, PUBLIC RECORDS,
247 PALM BEACH COUNTY, FLORIDA.
248 BOUNDED ON THE EAST BY THE EAST LINE OF THE WEST ONE – HALF OF SAID
249 SECTION 16. HALF OF SAID SECTION 16.
250 EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY FOR NORTHLAKE
251 BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 20418, PAGE 771,
252 PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.
253 CONTAINING: 34.09 ACRES, MORE OR LESS.

254 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY
255 OF RECORD.

256

257 TOGETHER WITH:

258 PARCEL 4

259 A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 17, TOWNSHIP
260 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA,

261 BEING BOUNDED AS FOLLOWS:

262 BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SECTION 17.

263 BOUNDED ON THE WEST BY THE WEST LINE OF THE EAST ONE-HALF OF SECTION
264 17.

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

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

271 CONTAINING: 35.73 ACRES, MORE OR LESS.

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

273

274 **SECTION 5. VILLAGE COUNCIL.**

275 (1) GENERAL POWERS AND DUTIES. – All powers of the Village shall be vested in the
276 Village council, except as otherwise provided by law or this Charter, and the council

277 shall provide for the exercise thereof and for the performance of all duties and
278 obligations permitted by or imposed on the Village by law.

279 (2) COMPOSITION; ELIGIBILITY; TERMS –

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

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

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

286 2. The term of office for each council member shall be four (4) years.

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

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

293 (c) Seats. – The Village council shall be divided into five (5) separate council seats to
294 be designated as seats 1, 2, 3, 4 and Mayor, to be voted on a Village-wide basis, with
295 each qualified elector entitled to vote for one candidate for each seat. Each
296 candidate shall qualify on a Village-wide basis and may reside anywhere within the
297 Village. Following the initial election the Village council may, by ordinance,
298 provide that Seats 1, 2, 3 and 4 shall represent four (4) separate district areas of the
299 Village, as designated on a map of the Village, which map shall be included in and

300 made a part of said ordinance, with each candidate residing in their respective area
301 and must reside during his or her term of office.

302 (3) MAYOR; VICE MAYOR. –

303 (a) Mayor. –The Mayor shall be a voting member of the council and shall serve as
304 chairperson during the meetings of the council and shall serve as the head of
305 municipal government for the purpose of execution of legal documents as required
306 by ordinance. The Mayor shall also serve as the ceremonial head of the Village.

307 (b) Vice Mayor. – At the first regularly scheduled meeting after the Village’s first
308 election and each regular election thereafter and after receiving the certified results
309 of the election, the council, by a majority vote, shall select from its membership a
310 Vice Mayor. Each year in which a regular election is not scheduled, the council, by
311 the second regular meeting after the March meeting, shall by majority vote select
312 from its membership a Vice Mayor. The Vice Mayor shall serve as Mayor during
313 the absence or disability of the Mayor and, if a vacancy of the Mayor occurs, shall
314 become interim Mayor until a Mayor is elected as described in paragraph (2) and
315 (3).

316 (4) COMPENSATION. – The initial compensation for the council members shall be
317 \$18,000.00 per year, payable in equal monthly payments and the Mayor shall be
318 \$20,000.00 per year, payable in equal monthly payments; less applicable taxes; plus an
319 annual cost of living increase of one per cent (1%). An ordinance increasing or
320 decreasing compensation of the council may be adopted at any time upon the affirmative
321 vote of four (4) members of the council; however, if the council takes action to change
322 the level of compensation, the salary of council members shall not be adjusted until after

323 the first day after the next regular municipal election. In accordance with Florida laws,
324 the council may provide for reimbursement of actual expenses incurred by its members,
325 including the Mayor, while performing their official duties.

326 (5) COUNCIL MEETINGS. –

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

333 (b) Three (3) members of the Village council shall constitute a quorum for the conduct
334 of business unless otherwise provided herein. Unless a quorum is present, no action
335 may be taken except to adjourn. In order to approve any action or adopt any
336 ordinance or resolution there must be at least three affirmative votes for the action,
337 unless otherwise provided herein.

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

341 (6) PROHIBITIONS. –

342 (a) Neither the council, nor any individual member of the council, shall in any manner
343 attempt to dictate the employment or removal of any employee other than the
344 Village manager and Village attorney. The council is free to make inquiries of
345 Village employees, but no individual member of the council shall give orders to any

346 officer or employee of the Village. Recommendations for improvements in Village
347 government operations shall come through the Village manager, but each member of
348 the council shall be free to discuss or recommend improvements to the Village
349 manager, and the council is free to direct the Village manager to implement specific
350 recommendations for improvement in the Village government operations.

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

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

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

359 (b) Forfeiture of office.

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

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

363 b. Violates any express prohibition of this Charter.

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

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

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

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

375 (c) Filing of vacancies.

376 1. A vacancy on the council shall be filled by a majority vote of the remaining
377 members of the council for the period of time until the next election, when a
378 council member shall be elected for the remainder of the term vacated. If more
379 than six (6) months remain in the unexpired term and a majority of the remaining
380 council members cannot reach a decision within sixty (60) days after a vacancy
381 occurs, the vacancy shall be filled by a special election.

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

390

391 **SECTION 6. ADMINISTRATION.**

392 (1) VILLAGE MANAGER.

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

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

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

402 (d) The Village manager or firm shall:

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

407 2. Direct and supervise the administration of all departments of the Village except
408 the office of the Village attorney.

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

414

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

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

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

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

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

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

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

436 (d) Any change to the town’s future land use map, or any change to zoning designation
437 for any parcel within the town shall require the affirmative vote of no fewer than

438 four members of the town council.

439

440 **SECTION 8. FINANCIAL MANAGEMENT.**

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

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

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

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

452 (5) APPROPRIATIONS. –

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

456 (b) If, at any time during the fiscal year, it appears probable to the Village manager that
457 the revenues available will be insufficient to meet the amount appropriated, the
458 Village manager shall report to the council without delay, indicating the estimated
459 amount of the deficiency, any remedial action taken, and recommendations as to any
460 other steps that should be taken. The council shall then take such further action as it

461 deems necessary to prevent or minimize any deficiency and, for that purpose, the
462 council may by resolution reduce one (1) or more appropriations accordingly.

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

469 (6) BONDS; INDEBTEDNESS. –

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

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

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

482 (8) ANNUAL AUDIT. – The council shall provide for an independent annual financial
483 audit of all Village accounts and may provide for more frequent audits as it deems

484 necessary. Such audits shall be made by a certified public accountant or a firm of such
485 accountants who have no personal interest, directly, or indirectly, in the fiscal affairs of
486 the Village government or in any of its officers.

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

488 **SECTION 9. INITIATIVE AND REFERENDUM.**

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

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

493 (1) **REFERENDUM ELECTION.** – The referendum election called for by this action
494 shall be held on November 7, 2023 ballot:

495
496 “Shall the Village of Loxahatchee be created and its Charter adopted? **YES / NO**”

497
498 In the event this question is answered affirmatively by a majority of voters voting in the
499 referendum, the Charter will take effect as provided herein. The referendum election
500 shall be conducted by the Supervisor of Elections of Palm Beach County in accordance
501 with the Florida Election Code, and the cost of such election shall be funded by the
502 Board of County Commissioners of Palm Beach County.

503 (2) **INITIAL ELECTION OF COUNCIL.** –

504 (a) After the adoption of this Charter, the Board of County Commissioners of Palm
505 Beach County shall call an election to be held March 12, 2024, for the election of
506 five (5) Village council members. The election shall be conducted by the Supervisor

507 of Elections of Palm Beach County in accordance with the Florida Election Code,
508 and the cost of such election shall be funded by the Board of County Commissioners
509 of Palm Beach County.

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

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

515 (3) The two (2) council members receiving the highest number of votes and the Mayor shall
516 each be elected to an initial term expiring upon certification of the election results for
517 the March 2028 election. The two (2) remaining council members shall each be elected
518 to an initial term expiring upon certification of the election results for the March 2026
519 election. Thereafter, all terms shall be for a period of four (4) years.

520 (4) SCHEDULE. –

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

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

527 (c) First council meeting. – On April 10, 2024, provided the results of the election of
528 the Village council under this Charter have been certified, the newly elected
529 members of the Village council shall meet at a location to be determined. In the

530 event the results have not been certified by April 10, 2024, the newly elected
531 members shall meet on the following Tuesday. The initial council shall have the
532 authority and power to enter into contracts, provide for necessary Village officers
533 and facilities and do such other things as it deems necessary and appropriate for the
534 Village.

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

539 (6) TRANSITIONAL ORDINANCES AND RESOLUTIONS. –

540 (a) All applicable county ordinances currently in place at the time of passage of the
541 referendum, unless specifically referenced in this Charter, shall remain in place until
542 and unless rescinded by action of the council. Except that a county ordinance, rule,
543 or regulation that is in conflict with this Charter, or an ordinance, rule, or regulation
544 of the Village shall not be effective to the extent of such conflict. Any existing Palm
545 Beach County ordinances, rules, and regulations, as of April 1, 2024, shall not be
546 altered, changed, rescinded, or added to, nor shall any variance be granted, if such
547 action would affect the Village without the approval of the council.

548 (b) The village council shall adopt ordinances and resolutions required to effect the
549 transition. Ordinances adopted within 60 days after the first council meeting may be
550 passed as emergency ordinances. These transitional ordinances, passed as emergency
551 ordinances, shall be effective for no longer than 90 days after adoption, and thereafter

552 may be readopted, renewed, or otherwise continued only in the manner normally
553 prescribed for ordinances.

554 (7) TRANSITIONAL COMPREHENSIVE PLAN. –

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

565 (b) Notwithstanding any other provision of general law or this charter, from the
566 effective date of this charter until 60 months subsequent to the date initial land
567 development regulations adopted by the Village pursuant to Chapter 163, Florida
568 Statutes, become final (hereafter, the “Transition Period”), the comprehensive plan
569 and land development regulations of Palm Beach County shall govern the issuance
570 of all development orders for a parcel or parcels of land located within or upon the
571 lands identified in Palm Beach County Zoning Resolution R-2019-0389 (April 4,
572 2019) (collectively, the “Property”), and during such Transition Period all local
573 government development orders and development permits associated with such
574 Property shall be administered and issued by Palm Beach County pursuant to

575 County development regulations, unless an affected landowner voluntarily elects to
576 subject the Property, in whole or in part, to the Village's comprehensive plan and
577 land development regulations; provided, however, that neither the gross residential
578 density nor the gross non-residential intensities assigned to the Property by County
579 Zoning Resolution R-2019-0389 shall be increased by an owner thereof without first
580 obtaining the approval of the Village council. The Village shall enter into any
581 agreement as may be necessary with Palm Beach County to effectuate the provisions
582 of this Section 10(7)(b) Notwithstanding any provision of law or this Charter, no
583 amendment to this Section 10(7)(b) relating to the Property during the Transition
584 Period shall be operative without an ordinance adopted by the affirmative vote of not
585 less than four members of the Village council and an affirmative vote of a majority
586 of the registered electors of the Village.

587 (c) The Village shall not annex any development parcel (Pod) identified on the
588 approved Master Plan (as amended) for the Property prior to Palm Beach County
589 issuing a building permit for such Pod. Annexation shall follow the procedures
590 provided in Section 171.0413, Florida Statutes (as amended). The Village may
591 annex a Pod at the request of the owner(s) thereof, as provided in Section 171.044,
592 Florida Statutes. Notwithstanding any provision of law or this Charter, no
593 amendment to this Section 10(7)(c) shall be operative without an ordinance adopted
594 by the affirmative vote of not less than four members of the Village council and an
595 affirmative vote of a majority of the registered electors of the Village.

596 (8) TRANSITIONAL LAND DEVELOPMENT REGULATIONS. – To implement the
597 transitional comprehensive land use plan when adopted, the Village shall in accordance

598 with the procedures required by the laws of the state, adopt ordinances providing for
599 land use development regulations within the corporate limits. Until the Village adopts
600 ordinances, the following shall apply:

601 (a) The comprehensive land use plan and land use development regulations of Palm
602 Beach County, as the same exists on the date that the Village commenced corporate
603 existence, shall remain in effect as the Village's transitional land use development
604 regulations and comprehensive land use plan.

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

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

615 (d) Subsequent to the commencement of the Village's corporate existence, an
616 amendment of the comprehensive land use plan or land use development regulations
617 enacted by the Board of County Commissioners of Palm Beach County shall not be
618 deemed an amendment of the Village's transitional comprehensive land use plan or
619 land use development regulations or otherwise take effect within the Village's
620 municipal boundaries.

621 (9) STATE SHARED REVENUES. – The Village shall be entitled to participate in all
622 revenue sharing programs of the State of Florida effective April 1, 2024. The provisions
623 of Chapter 218.23(1), Florida Statutes shall be waived for the purpose of eligibility to
624 receive revenue sharing funds from the date of incorporation through the fiscal year
625 2024-2025. For purposes of complying with s.218.23(1), Florida Statutes, relating to ad
626 valorem taxation, the millage levied by special districts may be used for an indefinite
627 period of time. Initial population estimates for calculating eligibility for shared revenues
628 shall be determined by the University of Florida Bureau of Economic and Business
629 Research. Should the bureau be unable to provide an appropriate population estimate,
630 the Palm Beach County Planning Division estimate should be utilized.

631 (10) LOCAL REVENUE SOURCES. – The Village shall be entitled to receive all local
632 revenue sources available pursuant to general law, including but not limited to local
633 communications services tax imposed under Chapter 202.19, Florida Statutes. The local
634 communication services tax rate imposed by Palm Beach County will continue within
635 the Village boundaries during the period commencing with the date of incorporation
636 through January 1, 2025. Revenues from the tax shall be shared by Palm Beach County
637 with the Village in proportion to the projected village population estimate of the Palm
638 Beach County Planning Division compared with the unincorporated population of Palm
639 Beach County before the incorporation of the Village.

640 (11) LOCAL OPTION GAS TAX REVENUES. – Notwithstanding the requirements of
641 Chapter 336.025, Florida Statutes to the contrary, the Village shall be entitled to receive
642 local option gas tax revenues beginning December 31, 2023. The amount of said
643 revenues distributed to the Village shall be in accordance with general law, Palm Beach

644 County ordinance or interlocal agreement negotiated with the Board of County
645 Commissioners of Palm Beach County.

646 (12) **CONTRACTUAL SERVICES AND FACILITIES.** – Contractual services for law
647 enforcement, fire rescue, emergency management, public works, parks and recreation,
648 planning and zoning, building inspection, development review, animal control, library
649 services, village manager or management firm, village attorney and solid waste
650 collection may be supplied by a contract between the village and the Board of County
651 Commissioners of Palm Beach County, special districts, municipalities, or private
652 enterprise until such time as the council establishes such independent services.
653 However, existing solid waste contracts shall be honored as required by Chapter
654 165.061(1)(f), Florida Statutes, and Article I, section 10 of the State Constitution.
655 Facilities for housing the newly formed municipal operations may be rented or leased
656 until the village selects more permanent facilities.

657

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

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

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

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

674 (4) INDIAN TRAIL IMPROVEMENT DISTRICT CONTINUATION. – The Indian Trail
675 Improvement District, an independent special district created by a special act of the
676 Legislature, is authorized to continue in existence. Indian Trail Improvement District is
677 authorized to transfer certain District assets to the Village of Loxahatchee, which assets
678 shall become Village assets upon transfer. Indian Trail Improvement District is
679 authorized to transfer non ad valorem assessments for maintenance and improvements
680 related to those assets it transfers to the Village.

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

685 (b) The Indian Trail Improvement District shall continue to be responsible for the levy
686 and collection of debt service and maintenance assessments for Unit of Development
687 No. 18, also known as Madison Green, for the purpose of paying the outstanding
688 bonded indebtedness under the Indian Trail Improvement District Water Control and

689 Improvement Bonds Unit of Development No. 18. Series 2015, and for the purpose of
690 maintaining the works of the District within Unit of Development No. 18. This
691 responsibility shall terminate on August 1, 2031, when the bonds are fully paid.
692 Effective August 1, 2031, Unit of Development No. 18 shall be removed from the
693 boundaries of the Indian Trail Improvement District, and no longer be the
694 responsibility of the District.

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

698

699 **SECTION 12. GENERAL PROVISIONS.**

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

707 (2) CHARTER AMENDMENTS. – This charter may be amended in accordance with the
708 provisions for charter amendments as specified in the Municipal Home Rule Powers Act,
709 Chapter 166 Florida Statutes, as the same may be amended from time to time, or its

710 successor, or as may otherwise be provided by general law. The form, content, and
711 certification of any petition to amend shall be established by ordinance.

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

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

719 (5) WAIVER. – The thresholds established by s.165.061, Florida Statutes, for
720 incorporation have been met with the following exception: a waiver is granted to the
721 provisions of s.165.061(1)(d) Florida Statutes relating to the requirement of having a
722 minimum distance of 2 miles from the boundaries of an existing municipality.

723

724

SECTION 13. EFFECTIVE DATES.

725

This act shall take effect only upon its approval by a majority vote of those qualified electors

726

residing within the proposed corporate limits of the proposed Village of Loxahatchee as

727

described in section 4, voting in a referendum election to be called by the Palm Beach County

728

Commission and to be held on November 7, 2023, in accordance with the provisions of law

729

relating to elections currently in force, except that:

730

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

731

(2) If approved by the electorate, Section 10(2) and Section 10(3) shall take effect

732

immediately upon certification of the election results by the Palm Beach County

733

Supervisor of Elections.

734

(3) The remainder of this act shall take effect April 10, 2024.

735

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

736

Filed in Office Secretary of State _____.