

1 A bill to be entitled

2 An act relating to Martin County; creating the Town of
3 Hobe Sound; providing a charter; providing legislative
4 intent; providing for a council-manager form of
5 government; providing boundaries; providing municipal
6 powers; providing for a town council and composition
7 thereof; providing for eligibility, terms, duties,
8 compensation, and reimbursement of expenses of council
9 members; providing for a mayor and vice mayor;
10 providing scheduling requirements of council meetings;
11 prohibiting interference with town employees;
12 providing for filling of vacancies and forfeiture of
13 office; providing for the appointment of a town
14 manager and town attorney and the qualifications,
15 removal, powers, and duties thereof; providing for the
16 establishment of town departments, agencies,
17 personnel, and boards; providing for an annual
18 independent audit; providing that the state is not
19 liable for financial shortfalls of the town; providing
20 for nonpartisan elections and matters relating
21 thereto; providing for town council districts;
22 providing for the recall of council members; providing
23 for initiative and referenda; providing for a code of
24 ethics; providing for future amendments to the
25 charter; providing severability; providing a town

26 transition schedule and procedures for the first
 27 election; providing for first-year expenses; providing
 28 for adoption of comprehensive plans and land
 29 development regulations; providing for accelerated
 30 entitlement to state-shared revenues; providing for
 31 entitlement to all local revenue sources authorized by
 32 general law; providing for the sharing of
 33 communications services tax revenues; providing for
 34 receipt and distribution of local option gas tax
 35 revenues; requiring a referendum; providing effective
 36 dates.

37

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

39

40 Section 1. Corporate name; purpose of the charter;
 41 creation and establishment of the Town of Hobe Sound.—

42 (1) CORPORATE NAME.—The municipality hereby established
 43 shall be known as the Town of Hobe Sound ("town").

44 (2) PURPOSE OF THE CHARTER.—This act, together with any
 45 future amendments thereto, may be known as the Charter of the
 46 Town of Hobe Sound ("charter").

47 (a) It is in the best interests of the public health,
 48 safety, and welfare of the residents of the Hobe Sound area to
 49 form a separate municipality for the Hobe Sound area with all

50 the powers and authority necessary to provide adequate and
 51 efficient municipal services to its residents.

52 (b) It is intended that this charter and the incorporation
 53 of the Hobe Sound area will serve to preserve and protect the
 54 character, natural resources, and quality of life of the
 55 community.

56 (c) It is the intent of this charter and the incorporation
 57 of the Hobe Sound area to secure the benefits of self-
 58 determination and affirm the values of representative democracy,
 59 citizen participation, strong community leadership, professional
 60 management, and regional cooperation.

61 (d) It is the intent of this charter and the incorporation
 62 of the town to maintain a financially secure and sustainable
 63 municipal government and to responsibly manage the town's debt
 64 obligations without causing the state to incur any liability.

65 (3) CREATION AND ESTABLISHMENT OF THE TOWN OF HOBE SOUND.—

66 (a) This act shall take effect upon approval by a majority
 67 vote of those qualified electors residing within the corporate
 68 limits of the proposed town as described in section 3 voting in
 69 a referendum election to be called by the Supervisor of
 70 Elections of Martin County to be held on August 28, 2018, in
 71 accordance with the provisions of law relating to elections
 72 currently in force.

73 (b) For the purpose of compliance with s. 200.066, Florida
 74 Statutes, relating to assessment and collection of ad valorem

75 taxes, the Town of Hobe Sound is created and established
 76 effective December 31, 2018.

77 Section 2. Powers of town; form of government.-

78 (1) POWERS OF THE TOWN.-The town shall have all available
 79 governmental, corporate, and proprietary powers of a
 80 municipality under the State Constitution and laws of the state
 81 as fully and completely as though such powers were specifically
 82 enumerated in this charter, and may exercise such powers, except
 83 when prohibited by law. Through the adoption of this charter, it
 84 is the intent of the electors of the town that the municipal
 85 government established in this section shall have the broadest
 86 exercise of home rule powers permitted under the State
 87 Constitution and laws of the state.

88 (2) CONSTRUCTION.-The powers of the town under this
 89 charter shall be construed liberally in favor of the town, and
 90 the specific mention of particular powers in the charter shall
 91 not be construed as limiting the general powers granted in this
 92 charter in any way.

93 (3) FORM OF GOVERNMENT.-The town shall have a council-
 94 manager form of government, with the council to consist of five
 95 town council ("council") members elected by the town at large
 96 from five districts. The council shall constitute the governing
 97 body of the town, with the duties and responsibilities
 98 hereinafter provided. The council shall appoint a town manager

99 to be the chief administrative officer of the town who shall
 100 serve at the pleasure of the council.

101 Section 3. Corporate boundaries.—The territorial
 102 boundaries of the Town of Hobe Sound upon the date of
 103 incorporation shall be as follows:

104
 105 THAT PORTION OF THE GOMEZ GRANT AS RECORDED IN PLAT 1,
 106 PAGE 80 PUBLIC RECORDS OF PALM BEACH (NOW MARTIN)
 107 COUNTY, FLORIDA AND THAT PORTION OF TOWNSHIP 39 SOUTH,
 108 RANGE 42 EAST, ALL BEING IN MARTIN COUNTY, FLORIDA,
 109 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

110
 111 BEGIN AT THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP
 112 40 SOUTH, RANGE 42 EAST, HAVING A CERTIFIED CORNER
 113 RECORD NUMBER 10789 FILED WITH THE FLORIDA DEPARTMENT
 114 OF NATURAL RESOURCES, NOW THE FLORIDA DEPARTMENT OF
 115 ENVIRONMENTAL PROTECTION, SAID CORNER ALSO BEING THE
 116 SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 39 SOUTH,
 117 RANGE 42 EAST;

118
 119 THENCE ALONG THE WEST LINE OF SAID SECTION 32,
 120 TOWNSHIP 39 SOUTH, RANGE 42 EAST N00°13'30"W, A
 121 DISTANCE OF 2652.34 FEET; THENCE CONTINUING ALONG THE
 122 WEST LINE OF SAID SECTION 32 N00°13'52"W, A DISTANCE
 123 OF 2652.17 FEET TO THE NORTHWEST CORNER OF SAID

124 SECTION 32, SAID CORNER ALSO BEING THE SOUTHWEST
 125 CORNER OF SECTION 29, TOWNSHIP 39 SOUTH, RANGE 42
 126 EAST; THENCE ALONG THE WEST LINE OF SAID SECTION 29,
 127 TOWNSHIP 39 SOUTH, RANGE 42 EAST N00°00'43"E TO THE
 128 SOUTHWESTERLY PROLONGATION OF THE NORTHERLY LINE OF
 129 THE GARCIA-VELEZ PARCEL OF LAND RECORDED IN O.R. BOOK
 130 1886, PAGE 1854, PUBLIC RECORDS OF MARTIN COUNTY,
 131 FLORIDA, A DISTANCE OF 4465.42 FEET;
 132
 133 THENCE ALONG SAID LINE OF PROLONGATION N67°59'54"E TO
 134 THE NORTHWESTERLY CORNER OF SAID GARCIA-VELEZ PARCEL
 135 RECORDED IN SAID O.R. BOOK 1886, PAGE 1854, A DISTANCE
 136 OF 2155.87 FEET; THENCE ALONG THE NORTHERLY LINE OF
 137 SAID GARCIA-VELEZ PARCEL N67°59'54"E, A DISTANCE OF
 138 3563.78 FEET; THENCE N19°53'28"W, A DISTANCE OF 693.00
 139 FEET; THENCE CONTINUING ALONG THE NORTHERLY LINE OF
 140 SAID GARCIA-VELEZ PARCEL N68°14'36"E TO THE NORTHWEST
 141 CORNER OF THE PLAT OF HOBE SOUND GOLF CLUB RECORDED IN
 142 PLAT BOOK 11, PAGE 21 PUBLIC RECORDS OF MARTIN COUNTY,
 143 FLORIDA, SAID NORTHWEST CORNER ALSO BEING THE
 144 NORTHWEST CORNER OF THE AMENDED PLAT OF GOMEZ HOMES
 145 AND GROVES RECORDED IN PLAT BOOK 3, PAGE 3 PUBLIC
 146 RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE OF
 147 1907.47 FEET; THENCE ALONG THE NORTHERLY LINE OF SAID
 148 PLAT OF HOBE SOUND GOLF CLUB AND SAME BEING THE

149 NORTHERLY LINE OF SAID AMENDED PLAT OF GOMEZ HOMES AND
150 GROVES, N68°14'36"E TO THE NORTHEASTERLY CORNER OF
151 SAID PLAT OF HOBE SOUND GOLF CLUB AND SAME BEING THE
152 NORTHEASTERLY CORNER OF SAID AMENDED PLAT OF GOMEZ
153 HOMES AND GROVES, A DISTANCE OF 2600.32 FEET TO A
154 POINT ON THE WESTERLY LINE OF BESSEMER'S UNRECORDED
155 SUBDIVISION OF THE GOMEZ GRANT LOTS A THROUGH N;
156
157 THENCE ALONG SAID WESTERLY LINE OF SAID BESSEMER'S
158 UNRECORDED SUBDIVISION N21°38'29"W TO THE NORTHERLY
159 LINE OF SAID LOT N OF SAID BESSEMER'S UNRECORDED
160 SUBDIVISION, SAME BEING THE NORTHERLY LINE OF THE
161 FIRST UNITED METHODIST CHURCH OF HOBE SOUND PARCEL
162 RECORDED IN O.R. BOOK 585, PAGE 898 PUBLIC RECORDS OF
163 MARTIN COUNTY, FLORIDA, A DISTANCE OF 4766.09 FEET;
164 THENCE ALONG SAID NORTHERLY LINE N68°17'42"E TO A
165 POINT ON THE CURVE OF THE CENTERLINE OF U.S. HIGHWAY
166 ONE, BEING A 200 FOOT WIDE RIGHT OF WAY, A DISTANCE OF
167 1404.13 FEET, SAID CURVE CONCAVE TO THE SOUTHWEST,
168 HAVING A RADIUS OF 5729.65 FEET; THENCE NORTHWESTERLY
169 ALONG SAID CURVE AN ARC DISTANCE OF 902.22 FEET,
170 THROUGH A CENTRAL ANGLE OF 09°01'19", HAVING A CHORD
171 BEARING OF N30°19'33"W AND A CHORD DISTANCE OF 901.29
172 FEET TO THE POINT OF TANGENT; THENCE CONTINUING ALONG
173 THE CENTERLINE OF SAID U.S. HIGHWAY ONE N34°50'13"W, A

174 DISTANCE OF 6166.70 FEET TO THE POINT OF CURVE CONCAVE
175 TO THE SOUTHWEST, HAVING A RADIUS OF 5729.65 FEET;
176 THENCE ALONG SAID CURVE TO THE INTERSECTION OF A LINE
177 THAT IS PARALLEL WITH AND 20.00 SOUTHERLY OF THE NORTH
178 RIGHT OF WAY LINE OF SE OSPREY STREET, AN ARC DISTANCE
179 OF 460.30 FEET, THROUGH A CENTRAL ANGLE OF 04°36'11",
180 HAVING A CHORD BEARING OF N37°08'18"W AND A CHORD
181 DISTANCE OF 460.18 FEET; THENCE ALONG SAID PARALLEL
182 LINE N68°23'27"E TO THE CENTERLINE OF SE GOMEZ AVENUE,
183 BEING A 70 FOOT WIDE RIGHT OF WAY, A DISTANCE OF
184 3764.80 FEET; THENCE ALONG SAID CENTERLINE OF SE GOMEZ
185 AVENUE N21°41'13"W TO THE SOUTHWESTERLY PROLONGATION
186 OF THE NORTHERLY LINE OF THE PLAT OF THE SANCTUARY AS
187 RECORDED IN PLAT BOOK 11, PAGE 86 PUBLIC RECORDS OF
188 MARTIN COUNTY, FLORIDA, A DISTANCE OF 680.05 FEET;
189 THENCE ALONG SAID NORTHERLY LINE OF SAID PLAT OF THE
190 SANCTUARY N68°19'05"E TO A POINT IN THE INTRACOASTAL
191 WATERWAY RECORDED IN PLAT BOOK 2, PAGES 1 THROUGH 9
192 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE
193 OF 2916.38 FEET, SAID INTRACOASTAL WATERWAY ALSO KNOWN
194 AS THE JENSEN BEACH TO JUPITER AQUATIC PRESERVE AND
195 ALSO REFERRED TO AS THE INDIAN RIVER;
196
197 THENCE MEANDERING SOUTHERLY THROUGH SAID INTRACOASTAL
198 WATERWAY THE FOLLOWING COURSES AND DISTANCES:

199 S23°38'46"E, A DISTANCE OF 3025.21 FEET; THENCE
 200 S06°12'50"E, A DISTANCE OF 3454.77 FEET; THENCE
 201 S43°46'34"E, A DISTANCE OF 2706.93 FEET; THENCE
 202 S15°47'16"E, A DISTANCE OF 3172.40 FEET; THENCE
 203 S23°40'43"E, A DISTANCE OF 4736.44 FEET; THENCE
 204 S15°04'03"E, A DISTANCE OF 779.24 FEET; THENCE
 205 S11°12'05"E, A DISTANCE OF 1473.28 FEET; THENCE
 206 S17°37'55"E, A DISTANCE OF 1948.52 FEET; THENCE
 207 S35°43'50"E TO THE EASTERLY PROLONGATION OF THE SOUTH
 208 LINE OF GOVERNMENT LOT 4, SECTION 26, TOWNSHIP 39
 209 SOUTH, RANGE 42 EAST, A DISTANCE OF 4412.49 FEET;
 210
 211 THENCE ALONG SAID EASTERLY PROLONGATION OF THE SOUTH
 212 LINE OF GOVERNMENT LOT 4, SECTION 26, TOWNSHIP 39
 213 SOUTH, RANGE 42 EAST S89°58'18"W TO THE APPROXIMATE
 214 SHORELINE OF THE INTRACOASTAL WATERWAY, ALSO BEING THE
 215 APPROXIMATE SHORELINE OF THE HOBE SOUND OR INDIAN
 216 RIVER, A DISTANCE OF 1176.59 FEET; THENCE ALONG THE
 217 SOUTH LINE OF SAID GOVERNMENT LOT 4, SECTION 26,
 218 TOWNSHIP 39 SOUTH, RANGE 42 EAST S89°58'18"W TO THE
 219 SOUTHWEST CORNER OF SAID GOVERNMENT LOT 4, SECTION 26,
 220 SAME BEING THE SOUTHEAST CORNER OF PAPAYA VILLAGE
 221 RECORDED IN PLAT BOOK 2, PAGE 74 PUBLIC RECORDS OF
 222 MARTIN COUNTY, FLORIDA, A DISTANCE OF 1979.86 FEET;
 223 THENCE CONTINUING ALONG SAID SOUTH LINE OF SECTION 26

224 AND THE CENTERLINE OF PAPAYA BLVD., AN UNOPEN AND
 225 UNPAVED 30 FOOT WIDE RIGHT OF WAY AS SHOWN ON SAID
 226 PLAT OF PAPAYA VILLAGE S89°56'15"W TO THE SOUTHWEST
 227 CORNER OF SAID SECTION 26, SAME BEING THE SOUTHEAST
 228 CORNER OF SECTION 27, TOWNSHIP 39 SOUTH, RANGE 42
 229 EAST, A DISTANCE OF 1324.65 FEET; THENCE ALONG SAID
 230 CENTERLINE AND THE SOUTH LINE OF SAID SECTION 27,
 231 TOWNSHIP 39 SOUTH, RANGE 42 EAST S89°56'15W TO THE
 232 SOUTH QUARTER CORNER OF SAID SECTION 27, SAME BEING
 233 THE END OF SAID CENTERLINE OF PAPAYA BLVD., A DISTANCE
 234 OF 2639.12 FEET; THENCE CONTINUING ALONG THE SOUTH
 235 LINE OF SAID SECTION 27 AND THE SOUTH LINE OF THE
 236 FIRST ADDITION TO THE PAPAYA VILLAGE RECORDED IN PLAT
 237 BOOK 3, PAGE 60 PUBLIC RECORDS OF MARTIN COUNTY,
 238 FLORIDA S89°50'24"W TO THE SOUTHWEST CORNER OF SAID
 239 SECTION 27, SAME BEING THE SOUTHEAST CORNER OF SECTION
 240 28, TOWNSHIP 39 SOUTH, RANGE 42 EAST, AND SAME BEING
 241 THE SOUTHWEST CORNER OF SAID PLAT OF THE FIRST
 242 ADDITION TO THE PAPAYA VILLAGE, A DISTANCE OF 2639.28
 243 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION 28,
 244 TOWNSHIP 39 SOUTH, RANGE 42 EAST AND ALONG THE SOUTH
 245 LINE OF EAGLE WOOD RECORDED IN PLAT BOOK 9, PAGE 26
 246 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA S89°56'34"W
 247 TO THE EASTERLY RIGHT OF WAY OF FLORA AVE AS SHOWN ON
 248 SAID PLAT OF EAGLE WOOD, A DISTANCE OF 2262.89 FEET;

249
 250 THENCE ON A LINE ALONG THE APPROXIMATE EASTERLY RIGHT
 251 OF WAY OF FLORA AVENUE S21°43'27"W, A DISTANCE OF
 252 977.73 FEET; THENCE CONTINUING ALONG THE APPROXIMATE
 253 EAST RIGHT OF WAY LINE OF FLORA AVENUE S00°24'08"E TO
 254 THE SOUTH LINE OF THE NORTH ONE-QUARTER (N 1/4) OF THE
 255 SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-
 256 QUARTER (NE 1/4) OF SECTION 33, TOWNSHIP 39 SOUTH,
 257 RANGE 42 EAST, A DISTANCE OF 743.38 FEET; THENCE ALONG
 258 SAID SOUTH LINE N89°58'36"E TO THE EAST LINE OF THE
 259 SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-
 260 QUARTER (NE 1/4) OF SAID SECTION 33, A DISTANCE OF
 261 1292.82 FEET; THENCE ALONG SAID EAST LINE S00°00'56"E
 262 TO THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE
 263 1/4) OF SAID SECTION 33, A DISTANCE OF 991.23 FEET;
 264 THENCE ALONG SAID SOUTH LINE S89°59'15"W TO A LINE
 265 40.00 FEET OF THE EAST LINE OF THE SOUTHWEST ONE-
 266 QUARTER (SW1/4) OF SAID SECTION 33 AND PARALLEL WITH
 267 SAID EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION
 268 33, A DISTANCE OF 1284.95 FEET; THENCE ALONG SAID
 269 PARALLEL LINE S00°04'55"E TO THE SOUTH LINE OF SAID
 270 SECTION 33, A DISTANCE OF 2642.32 FEET; THENCE ALONG
 271 SAID SOUTH LINE OF SECTION 33, TOWNSHIP 39 SOUTH,
 272 RANGE 42 EAST N89°55'42"W TO THE SOUTHWEST CORNER OF
 273 SAID SECTION 33, SAME BEING THE SOUTHEAST CORNER OF

274 SECTION 32, TOWNSHIP 39 SOUTH, RANGE 42 EAST, A
 275 DISTANCE OF 2709.76 FEET; THENCE ALONG THE SOUTH LINE
 276 OF SAID SECTION 32, TOWNSHIP 39 SOUTH, RANGE 42 EAST
 277 S89°58'25"W TO THE SOUTH QUARTER CORNER OF SAID
 278 SECTION 32, A DISTANCE OF 2644.31 FEET; THENCE
 279 CONTINUING ALONG THE SOUTH LINE OF SAID SECTION 32
 280 S89°58'19"W TO THE SOUTHWEST CORNER OF SAID SECTION 32
 281 AND TO THE POINT OF BEGINNING, A DISTANCE OF 2643.99
 282 FEET.

283
 284 SAID CORPORATE LIMITS CONTAINING 264,037,076 PLUS OR
 285 MINUS SQUARE FEET (6,061.46 PLUS OR MINUS ACRES)

287 Section 4. Town council.—

288 (1) GENERAL POWERS AND DUTIES.—All powers of the town
 289 shall be vested in the council, except as otherwise provided by
 290 law or this charter, and the council shall provide for the
 291 exercise thereof and for the performance of all duties and
 292 obligations permitted by or imposed on the town by law.

293 (2) COMPOSITION; ELIGIBILITY; TERMS.—

294 (a) Composition.—There shall be a council composed of five
 295 council members. One council member shall be elected by the
 296 voters of the town at large in each of five districts; district
 297 one through district five.

298 (b) Eligibility.—

299 1. Each candidate for council shall be a qualified elector
 300 of the town.

301 2. Each candidate for council shall have been a resident
 302 of the town and the district he or she represents for at least 1
 303 year before qualifying for office.

304 3. Each council member must reside in the district the
 305 member represents for the duration of his or her term.

306 4. The term of office for each council member shall be 4
 307 years.

308 (3) MAYOR; VICE MAYOR.-

309 (a) Mayor.-At the first regularly scheduled meeting after
 310 the town's first election and each regular election thereafter
 311 and after receiving the certified results of the election, the
 312 council, by a majority vote, shall select from its membership a
 313 mayor. Each year in which a regular election is not scheduled,
 314 the council, by the second regular meeting after September 1,
 315 shall by majority vote select from its membership a mayor. The
 316 mayor shall serve as chairperson during the meetings of the
 317 council and shall serve as the head of municipal government for
 318 the purpose of execution of legal documents as required by
 319 ordinance. The mayor shall also serve as the ceremonial head of
 320 the town.

321 (b) Vice mayor.-A vice mayor shall be selected in the same
 322 manner as the mayor as provided in paragraph (a). The vice mayor
 323 shall serve as mayor during the absence or disability of the

324 mayor and, if a vacancy of the mayor occurs, shall become
 325 interim mayor until a mayor is selected as provided in paragraph
 326 (a).

327 (4) COMPENSATION.—An ordinance increasing or decreasing
 328 compensation of the council may be adopted at any time upon the
 329 affirmative vote of four members of the council; however, if the
 330 council takes action to change the level of compensation, the
 331 salary of council members shall not be adjusted until after the
 332 first day after the next regular municipal election. The council
 333 may provide for reimbursement of actual expenses incurred by its
 334 members, including the mayor, while performing their official
 335 duties.

336 (5) COUNCIL MEETINGS.—

337 (a) The council shall hold meetings in accordance with a
 338 duly adopted ordinance or resolution. Special meetings may be
 339 held at the call of the mayor or a majority of the council
 340 members. At least a 24-hour notice shall be provided to each
 341 council member and the public for special meetings, unless there
 342 is an immediate threat to the public safety. Except as
 343 authorized by law, all meetings shall be open to the public.

344 (b) Three members of the council shall constitute a quorum
 345 for the conduct of business unless otherwise provided herein.
 346 Unless a quorum is present, no action may be taken except to
 347 adjourn. In order to approve any action or adopt any ordinance

348 or resolution, there must be at least three affirmative votes
349 for the action, unless otherwise provided herein.

350 (6) PROHIBITIONS.—

351 (a) Neither the council, nor any individual member of the
352 council, shall in any manner attempt to dictate the employment
353 or removal of any employee other than the town manager and town
354 attorney. The council is free to make inquiries of town
355 employees, but no individual member of the council shall give
356 orders to any officer or employee of the town. Recommendations
357 for improvements in town government operations shall come
358 through the town manager, but each member of the council shall
359 be free to discuss or recommend improvements to the town
360 manager, and the council is free to direct the town manager to
361 implement specific recommendations for improvements in town
362 government operations.

363 (b) No present or former elected town official shall hold
364 any compensated appointive office or employment with the town
365 until 1 year after leaving office.

366 (7) VACANCIES; FORFEITURE OF OFFICE; FILLING OF
367 VACANCIES.—

368 (a) Vacancies.—A vacancy in the office of a member of the
369 council, mayor, or vice mayor shall occur upon the incumbent's
370 death, inability to fulfill the duties of the office, relocation
371 of residence outside the district, resignation, appointment to

372 another public office, judicially determined incompetence, or
 373 removal or forfeiture of office as described in this subsection.

374 (b) Forfeiture of office.—

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

377 a. Lacks at any time during the term of office any
 378 qualification for the office prescribed by this charter or by
 379 law;

380 b. Violates any express prohibition of this charter;

381 c. Is convicted of a felony or criminal misdemeanor that
 382 involves the office of town council;

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

387 e. Misses three consecutive regularly scheduled council
 388 meetings, unless excused by the council.

389
 390 If any of these events should occur, a hearing shall
 391 automatically be conducted at the next regularly scheduled
 392 council meeting, and the member may be declared to have
 393 forfeited office by majority vote of the council.

394 2. The council shall be the sole judge of the
 395 qualifications of its members and shall hear all questions
 396 relating to forfeiture of a council member's office, including

397 whether good cause for absence has been or may be established.
398 The council shall have the power to set additional written
399 standards of conduct for its members beyond those specified in
400 this charter and may provide for such penalties as it deems
401 appropriate, including forfeiture of office. In order to
402 exercise these powers, the council shall have power to subpoena
403 witnesses, administer oaths, and require the production of
404 evidence.

405 (c) Filling of vacancies.-

406 1. A vacancy on the council shall be filled by a majority
407 vote of the remaining members of the council for the period of
408 time until the next election, when a council member shall be
409 elected for the remainder of the term vacated. If there are more
410 than 6 months remaining in the unexpired term and a majority of
411 the remaining council members cannot reach a decision within 60
412 days after the vacancy occurs, the vacancy shall be filled by a
413 special election.

414 2. In the event that all of the council members are
415 removed by death, disability, recall, forfeiture of office, or
416 resignation, the Governor shall appoint interim council members
417 who shall call a special election at least 30 days, but no more
418 than 60 days, after such appointment. Such election shall be
419 held in the same manner as the initial elections under this
420 charter. However, if there are fewer than 6 months remaining in
421 any unexpired terms, the interim council appointed by the

422 Governor shall serve out the unexpired terms. Appointees must
423 meet all requirements for candidates as provided in this
424 charter.

425 3. The burden of establishing good cause for absences
426 shall be on the council member in question; however, any council
427 member may, at any time during a duly held meeting, move to
428 establish good cause for his or her absence. A council member
429 whose qualifications are in question or who is otherwise subject
430 to forfeiture of his or her office shall not vote on such
431 matters.

432 Section 5. Administration.-

433 (1) TOWN MANAGER.-

434 (a) The council shall appoint a town manager, or a
435 management firm to fulfill the duties of a town manager, who
436 shall serve at the pleasure of the council. The qualifications
437 of the town manager or firm may be established by ordinance.

438 (b) The town manager or firm may be removed by a majority
439 vote of the council.

440 (c) During the absence or disability of the town manager,
441 the council may by resolution designate a properly qualified
442 person to temporarily execute the functions of the town manager.
443 The person thus designated shall have the same powers and duties
444 as the town manager and may be removed by the council at any
445 time upon a majority vote of the council.

446 (d) The town manager or firm shall:

447 1. Appoint, hire, suspend, demote, or dismiss any town
448 employee under the town manager's jurisdiction in accordance
449 with general law and may authorize any department head to
450 exercise such powers with respect to subordinates in that
451 department.

452 2. Direct and supervise the administration of all
453 departments of the town except the office of the town attorney.

454 (2) TOWN ATTORNEY.—There shall be a town attorney who
455 shall be a member of The Florida Bar in good standing, be
456 appointed by the council, and serve as the chief legal advisor
457 to the council and town administrators, departments, and
458 agencies. The council may remove the town attorney for any
459 reason by a majority vote of its members.

460 Section 6. Departments; personnel; planning.—

461 (1) DEPARTMENTS; BOARDS; AGENCIES.—The council may
462 establish, modify, or terminate such departments, boards, or
463 agencies as it determines necessary for the efficient
464 administrative operation of the town. Such departments, boards,
465 or agencies shall be determined by ordinance.

466 (2) PERSONNEL.—Consistent with all applicable state and
467 federal laws, the council shall provide by ordinance for the
468 establishment, regulation, and maintenance of a system governing
469 personnel policies necessary for the effective administration of
470 employees of the town's departments, boards, and agencies.

471 (3) PLANNING.—Consistent with all applicable state and
472 federal laws with respect to land use, development, and
473 environmental protection, the town shall:

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

477 (b) Adopt a comprehensive plan and ensure that zoning and
478 other land use control ordinances are consistent with the plan,
479 all in accordance with general law. The Martin County
480 Comprehensive Plan, as it exists on the day that the town
481 commences corporate existence, shall serve as the initial
482 comprehensive plan of the town until the town adopts its own
483 comprehensive plan pursuant to chapter 163, Florida Statutes.

484 (c) Adopt zoning and development regulations, to be
485 specified by ordinance, to implement the plan.

486 Section 7. Financial management.—

487 (1) FISCAL YEAR.—The fiscal year of the town shall begin
488 on the first day of October and end on the last day of September
489 of each year.

490 (2) EXPENDITURE OF TOWN FUNDS.—No town funds shall be
491 expended except pursuant to duly approved appropriations or for
492 the payment of bonds, notes, or other indebtedness duly
493 authorized by the council and only from such funds so
494 authorized.

495 (3) BUDGET ADOPTION.—The council shall annually adopt a
496 budget in accordance with applicable general law after a minimum
497 of two public hearings on the proposed budget. A resolution
498 adopting the budget shall constitute appropriation of the
499 amounts specified therein as expenditures from funds indicated.

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

502 (5) APPROPRIATIONS.—

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

508 (b) If, at any time during the fiscal year, it appears
509 probable to the town manager that the revenues available will be
510 insufficient to meet the amount appropriated, the town manager
511 shall report to the council without delay, indicating the
512 estimated amount of the deficiency, any remedial action taken,
513 and recommendations as to any other steps that should be taken.
514 The council shall then take such further action as it deems
515 necessary to prevent or minimize any deficiency and, for that
516 purpose, the council may by resolution reduce one or more
517 appropriations accordingly.

518 (c) No appropriation for debt service may be reduced or
519 transferred, and no appropriation may be reduced below any

520 amount required by law to be appropriated, or by more than the
521 unencumbered balance thereof. Notwithstanding any other
522 provision of law, the supplemental and emergency appropriations
523 and reduction or transfer of appropriations authorized by this
524 section may be made effective immediately upon adoption.

525 (6) BONDS; INDEBTEDNESS.—

526 (a) Subject to the referendum requirements of the State
527 Constitution, if applicable, the town may from time to time
528 borrow money and issue bonds or other obligations or evidence of
529 indebtedness (collectively, "bonds") of any type or character
530 for any of the purposes for which the town is not or hereafter
531 authorized by law to borrow money, including to finance the cost
532 of any capital or other project and to refund any and all
533 previous issues of bonds at or before maturity. Such bonds may
534 be issued pursuant to one or more resolutions adopted by a
535 majority of the council.

536 (b) The town may assume all outstanding indebtedness
537 related to facilities that it acquires from other units of local
538 government and be liable for payment of such indebtedness in
539 accordance with its terms.

540 (7) REVENUE BONDS.—Revenue bonds may be issued by the town
541 as authorized by law.

542 (8) ANNUAL AUDIT.—The council shall provide for an
543 independent annual financial audit of all town accounts and may
544 provide for more frequent audits as it deems necessary. Such

545 audits shall be made by a certified public accountant or an
546 accounting firm that has no personal interest, directly or
547 indirectly, in the fiscal affairs of the town government or in
548 any of its officers.

549 (9) SHORTFALLS.—The state is not liable for financial
550 shortfalls of the town.

551 Section 8. Nominations and elections.—

552 (1) NONPARTISAN ELECTIONS; ELECTORS; QUALIFYING.—

553 (a) Nonpartisan elections.—All elections shall be
554 conducted on a nonpartisan basis without designation of
555 political party affiliation.

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

559 (c) Qualifying.—

560 1. Each candidate for the council shall be a qualified
561 elector of the town and must reside in the district for which he
562 or she is seeking office for at least 1 year before the
563 beginning of the qualifying period for the office sought.

564 2. Any elector of the town who wishes to become a
565 candidate for the council shall qualify with the Supervisor of
566 Elections of Martin County for the initial election; thereafter,
567 candidates shall qualify with the official designated by
568 resolution or general law by providing proof of voter

569 registration, current address, and at least 1-year's residency
 570 in the district in which they are seeking office.

571 3. The qualifying period for candidates for the council
 572 shall be provided by the Supervisor of Elections of Martin
 573 County or otherwise provided by ordinance.

574 (2) ELECTIONS.—

575 (a) Adoption of Florida Election Code.—All elections
 576 required under any section of this charter shall be conducted in
 577 accordance with the Florida Election Code, chapters 97-106,
 578 Florida Statutes, except as otherwise provided in this charter.
 579 The council, by ordinance, may adopt such election procedures as
 580 are necessary and as provided by the Florida Election Code,
 581 chapters 97-106, Florida Statutes.

582 (b) At large elections.—

583 1. The first regular election of council members shall be
 584 held on March 12, 2019, and thereafter will be 10 weeks before
 585 the date of the general election in each even-numbered year,
 586 unless this date is required to be changed to a date concurrent
 587 with any countywide or statewide election.

588 2. Electors may vote for one candidate from each of the
 589 five council districts. The candidate in each district receiving
 590 the highest number of votes in the town at-large election shall
 591 be elected to such council district.

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

594 the election and shall expire upon the assumption of office by
595 his or her successor.

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

599 (c) Town canvassing board.—The town canvassing board shall
600 be composed of three members appointed by the council by
601 resolution. No member of the town canvassing board shall be an
602 active participant in the town election for which he or she is
603 canvassing, as the term "active participant" is interpreted by
604 the Division of Elections. If a vacancy occurs on the canvassing
605 board, the council shall appoint a replacement member by
606 resolution. The town canvassing board shall canvass the election
607 consistent with the requirements of general law and consistent
608 with and pursuant to any agreement between the town and the
609 Supervisor of Elections of Martin County. The canvassing board
610 shall certify the results of the election upon receipt of the
611 certification from the supervisor of elections. However, the
612 council may, by resolution, delegate the election canvassing
613 responsibilities for town elections to the county canvassing
614 board.

615 (3) COUNCIL DISTRICTS; REDISTRICTING.—

616 (a) There shall be five council districts. The districts
617 shall be as roughly equal in permanent population as practicable
618 according to the population figures available from the most

619 recent Martin County population estimate determined by the
620 decennial United States Census. Legal descriptions for the
621 council districts located within the boundary of the Town of
622 Hobe Sound are as follows:

623 1. District one: everything east of Gomez Avenue north of
624 Bridge Road and everything east of Federal Highway south of
625 Bridge Road.

626 2. District two: Osprey Street to the north; Gomez Avenue
627 to the east; A1A/Dixie Highway to the west; and Bridge Road to
628 the south.

629 3. District three: Osprey Street to the north; A1A/Dixie
630 Highway to the east; Federal Highway to the west; and Bridge
631 Road to the South.

632 4. District four: everything west of Federal Highway and
633 north of Bridge Road.

634 5. District five: everything west of Federal Highway and
635 south of Bridge Road.

636 (b) The district boundaries shall be reapportioned based
637 upon the official state and federal census. The council shall
638 adopt an ordinance containing the reapportionment within 6
639 months after the date of official publication of the most recent
640 official state and federal census, beginning with the 2020
641 census. District boundaries shall be reapportioned to create
642 districts of nearly equal population. Districts shall be
643 arranged in a logical and compact geographic pattern and shall

644 promote fair representation. Service boundaries of public
645 facilities may be considered. The district boundaries may be
646 reapportioned on a more frequent basis in the event that
647 annexation or development impacts the ability to provide for
648 fair representation, as determined by the council.

649 (4) RECALL.—The qualified voters of the town shall have
650 the power to remove from office any elected official of the town
651 in accordance with general law.

652 Section 9. Initiative and referendum.—The powers of
653 initiative and referendum are reserved to the qualified
654 registered voters of the town. The election laws of the state
655 shall govern the exercise of the powers of initiative and
656 referendum under this charter.

657 Section 10. General provisions.—

658 (1) CODE OF ETHICS.—It is essential to the proper conduct
659 and operation of the town that the officers and employees of the
660 town be independent and impartial and for their offices not to
661 be used for private gain other than the remuneration provided by
662 law or ordinance. It is declared to be the policy of the town
663 that its officers and employees are agents of the people and
664 hold their positions for the benefit of the public.

665 (2) AMENDMENTS TO CHARTER.—This charter may be amended in
666 accordance with the provisions for charter amendments as
667 specified in the Municipal Home Rule Powers Act, chapter 166,
668 Florida Statutes, or as otherwise provided by general law.

669 (3) SEVERABILITY.—If any provision of this charter or the
 670 application thereof to any person or circumstance is held
 671 invalid, the invalidity shall not affect other provisions or
 672 applications of this charter which can be given effect without
 673 the invalid provisions or application, and to this end the
 674 provisions of this charter are declared severable.

675 Section 11. Referendum election; transition.—

676 (1) REFERENDUM ELECTION.—The referendum election called
 677 for by this act shall be held on August 28, 2018, at which time
 678 the following question shall be placed upon the ballot:

679 Shall the Town of Hobe Sound be created and its charter
 680 adopted?

681 YES

682 NO

683

684 In the event this question is answered affirmatively by a
 685 majority of voters voting in the referendum, the charter will
 686 take effect as provided herein. The referendum election shall be
 687 conducted by the Supervisor of Elections of Martin County in
 688 accordance with the Florida Election Code, and the cost of such
 689 election shall be funded by the Board of County Commissioners of
 690 Martin County.

691 (2) INITIAL ELECTION OF COUNCIL.—

692 (a) After the adoption of this charter, the Supervisor of
 693 Elections of Martin County shall call an election to be held on

694 March 12, 2019, for the election of five council members. The
 695 election shall be conducted by the Supervisor of Elections of
 696 Martin County in accordance with the Florida Election Code, and
 697 the cost of such election shall be funded by the Board of County
 698 Commissioners of Martin County.

699 (b) An individual who wishes to run for one of five
 700 initial seats on the council shall qualify with the Supervisor
 701 of Elections of Martin County in accordance with this charter
 702 and general law. The qualifying period for the initial election
 703 of the council shall begin at noon on the second Monday in
 704 January and end at noon on the second Friday in January, unless
 705 otherwise provided by law.

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

709 (d) The council members from districts 1, 3, and 5 shall
 710 be elected to an initial term expiring upon certification of the
 711 election results of the August 2022 election. The council
 712 members from districts 2 and 4 shall be elected to an initial
 713 term expiring upon certification of the election results of the
 714 August 2020 election. Thereafter, all terms shall be for a
 715 period of 4 years.

716 (3) SCHEDULE.—

717 (a) First election of council members.—At the time of its
 718 adoption, this charter shall be in effect to the extent

719 necessary so that the first election of members of the council
720 may be conducted in accordance with this charter.

721 (b) Time of taking full effect.—This charter shall be in
722 full effect for all purposes on and after the date of the first
723 meeting of the newly elected council provided in paragraph (c).

724 (c) First council meeting.— On March 20, 2019, provided
725 the results of the election of the council under this charter
726 have been certified, the newly elected members of the council
727 shall meet at a location to be determined. In the event the
728 results have not been certified by March 20, 2019, the newly
729 elected members shall meet on the following Tuesday. The initial
730 council shall have the authority and power to enter into
731 contracts, arrange for the hiring of legal counsel, begin
732 recruiting applicants for town manager, provide for necessary
733 town offices and facilities, and do such other things as it
734 deems necessary and appropriate for the town.

735 (4) FIRST YEAR EXPENSES.—The council, in order to provide
736 moneys for the expenses and support of the town, shall have the
737 power to borrow money necessary for the operation of municipal
738 government until such time as a budget is adopted and revenues
739 are raised in accordance with this charter.

740 (5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—

741 (a) All applicable county ordinances currently in place at
742 the time of passage of the referendum, unless specifically
743 referenced in this charter, shall remain in place until and

744 unless rescinded by action of the council, except that a county
745 ordinance, rule, or regulation that is in conflict with a town
746 ordinance, rule, or regulation shall not be effective to the
747 extent of such conflict. Any existing Martin County ordinances,
748 rules, and regulations, as of April 1, 2019, shall not be
749 altered, changed, rescinded, or added to, nor shall any variance
750 be granted without the approval of the council if such action
751 would affect the town.

752 (b) The council shall adopt ordinances and resolutions
753 required to effect the transition.

754 (6) TRANSITIONAL COMPREHENSIVE PLAN.—Until such time as
755 the town adopts a comprehensive plan, the Martin County
756 Comprehensive Plan, as it exists on the day that the town
757 commences corporate existence, shall remain in effect as the
758 town's transitional comprehensive plan. However, all planning
759 functions, duties, and authority shall thereafter be vested in
760 the council, which shall be deemed the local planning agency
761 until the council establishes a separate local planning agency.

762 (7) TRANSITIONAL LAND DEVELOPMENT REGULATIONS.—To
763 implement the transitional comprehensive land use plan when
764 adopted, the town shall, in accordance with the procedures
765 required by the laws of the state, adopt ordinances providing
766 for land use development regulations within the corporate
767 limits. Until the town adopts ordinances, the following shall
768 apply:

769 (a) The comprehensive land use plan and land use
 770 development regulations of Martin County, as the same exist on
 771 the date that the town commenced corporate existence, shall
 772 remain in effect as the town's transitional land use development
 773 regulations and comprehensive land use plan.

774 (b) All powers and duties of the Martin County Growth
 775 Management and Building Departments, the Martin County Special
 776 Magistrate, and the Board of County Commissioners of Martin
 777 County, as provided in these transitional land use development
 778 regulations, shall be vested in the council until such time as
 779 the council delegates all powers and duties, or a portion
 780 thereof, to another agency, department, or entity.

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

786 (d) Subsequent to the commencement of the town's corporate
 787 existence, an amendment of the comprehensive land use plan or
 788 land use development regulations enacted by the Board of County
 789 Commissioners of Martin County shall not be deemed an amendment
 790 of the town's transitional comprehensive land use plan or land
 791 use development regulations or otherwise take effect within the
 792 town's municipal boundaries.

793 (8) STATE-SHARED REVENUES.—The town shall be entitled to
794 participate in all revenue sharing programs of the state
795 effective April 1, 2019. The provisions of s. 218.23(1), Florida
796 Statutes, shall be waived for the purpose of conducting audits
797 and financial reporting through the end of the town fiscal year
798 2019-2020. For purposes of complying with s. 218.23(1), Florida
799 Statutes, relating to ad valorem taxation, the millage levied by
800 special districts may be used for an indefinite period of time.
801 Initial revised population estimates for calculating eligibility
802 for shared revenues shall be determined by the University of
803 Florida Bureau of Economic and Business Research. If the bureau
804 is unable to provide an appropriate population estimate, the
805 Martin County Office of Community Development shall provide the
806 estimate.

807 (9) LOCAL REVENUE SOURCES.—The town shall be entitled to
808 receive all local revenue sources available pursuant to general
809 law, including, but not limited to, the local communications
810 services tax imposed under s. 202.19, Florida Statutes. The
811 local communications services tax rate imposed by Martin County
812 will continue within the town boundaries during the period
813 commencing with the date of incorporation through January 1,
814 2020. Revenues from the tax shall be shared by Martin County
815 with the town in proportion to the projected town population
816 estimate of the Martin County Comprehensive Planning Division

817 compared with the unincorporated population of Martin County
818 before the incorporation of the town.

819 (10) LOCAL OPTION GAS TAX REVENUES.—Notwithstanding the
820 requirements of s. 336.025, Florida Statutes, the town shall be
821 entitled to receive local option gas tax revenue beginning on
822 October 1, 2019. These revenues shall be distributed in
823 accordance with general law or by an interlocal agreement
824 negotiated with the Board of County Commissioners of Martin
825 County.

826 (11) CONTRACTUAL SERVICES AND FACILITIES.—Contractual
827 services for law enforcement, emergency management, public
828 works, parks and recreation, planning and zoning, building
829 inspection, development review, animal control, library
830 services, town manager or management firm, town attorney, and
831 solid waste collection may be supplied by a contract between the
832 town and the Board of County Commissioners of Martin County,
833 special districts, municipalities, or private enterprises until
834 such time as the council establishes such independent services.
835 However, existing solid waste contracts shall be honored as
836 required by s. 165.061(1)(f), Florida Statutes, and s. 10,
837 Article I of the State Constitution. Facilities for housing the
838 newly formed municipal operations may be rented or leased until
839 the town selects more permanent facilities.

840 (12) MARTIN COUNTY MUNICIPAL SERVICE TAXING UNITS;
841 CONTINUATION.—Notwithstanding the incorporation of the Town of

842 Hobe Sound, that portion of the Martin County Fire and Rescue
843 Municipal Service Taxing Unit, Parks and Recreation Municipal
844 Service Taxing Unit, Stormwater Municipal Service Taxing Unit,
845 and Roads Municipal Service Taxing Unit and special taxing
846 districts created by the Board of County Commissioners of Martin
847 County that lie within the boundaries of the Town of Hobe Sound
848 are authorized to continue in existence until the town adopts an
849 ordinance, resolution, or interlocal agreement to the contrary.

850 (13) LAW ENFORCEMENT.—Law enforcement services shall be
851 provided by the Martin County Sheriff's Office until the town
852 adopts an ordinance or resolution or enters into an interlocal
853 agreement to the contrary.

854 (14) MARTIN COUNTY COMMUNITY REDEVELOPMENT AGENCY DISTRICT
855 (HOBE SOUND).—A portion of the Martin County Community
856 Redevelopment Agency District is located within the incorporated
857 limits of the Town of Hobe Sound. After incorporation, Martin
858 County and the town shall adopt ordinances and enter into
859 interlocal agreements to address the funding and taxation issues
860 associated with having a portion of the Martin County Community
861 Redevelopment Agency District encroach over the boundaries of
862 the town.

863 (15) ELIMINATION OF TRANSITIONAL ELEMENTS FROM THIS
864 CHARTER.—Upon completion of the transitional phase provided in
865 this charter, the sections of the charter relating to transition
866 may be eliminated from this charter.

867 Section 12. This act shall take effect only upon its
868 approval by a majority vote of those qualified electors residing
869 within the corporate limits of the proposed Town of Hobe Sound
870 as described in section 3 voting in a referendum to be held on
871 August 28, 2018, except that this section and subsection (1) of
872 section 11 shall take effect upon becoming a law.