

## CHAPTER 2017-195

### Committee Substitute for House Bill No. 259

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

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

Section 1. Corporate name; purpose of the charter; creation and establishment of the Village of Indiantown.—

(1) CORPORATE NAME.—The municipality hereby established shall be known as the Village of Indiantown (“village”).

(2) PURPOSE OF THE CHARTER.—This act, together with any future amendments thereto, may be known as the Charter of the Village of Indiantown (“charter”).

(a) It is in the best interests of the public health, safety, and welfare of the residents of the Indiantown area to form a separate municipality for the Indiantown area with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.

(b) It is intended that this charter and the incorporation of the Indian-town area will serve to preserve and protect the character, natural resources, and quality of life of the community.

(c) It is the intent of this charter and the incorporation of the village to secure the benefits of self-determination and affirm the values of representative democracy, citizen participation, strong community leadership, professional management, and regional cooperation.

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

### (3) CREATION AND ESTABLISHMENT OF THE VILLAGE OF INDIANTOWN.—

(a) This act shall take effect upon approval by a majority vote of those qualified electors residing within the corporate limits of the proposed village as described in section 3 voting in a referendum election to be called by the Board of County Commissioners of Martin County in conjunction with the Supervisor of Elections of Martin County to be held November 7, 2017, in accordance with the provisions of law relating to elections currently in force.

(b) For the purpose of compliance with s. 200.066, Florida Statutes, relating to assessment and collection of ad valorem taxes, the Village of Indiantown is created and established effective December 31, 2017.

#### Section 2. Powers of village; form of government.—

(1) POWERS OF THE VILLAGE.—The village shall have all available governmental, corporate, and proprietary powers of a municipality under the State Constitution and laws of this state as fully and completely as though such powers were specifically enumerated in this charter, and may exercise them, except where prohibited by law. Through the adoption of this charter, it is the intent of the electors of the village that the municipal government established in this section shall have the broadest exercise of home rule powers permitted under the State Constitution and laws of the state.

(2) CONSTRUCTION.—The powers of the village under this charter shall be construed liberally in favor of the village, and the specific mention of particular powers in the charter shall not be construed as limiting the general powers granted in this charter in any way.

(3) FORM OF GOVERNMENT.—The village shall be a council-manager form of government, with the council to consist of five village council ("council") members elected by the village at large. The council shall constitute the governing body of the village, with the duties and responsibilities hereinafter provided. The council shall appoint a village manager to

be the chief administrative officer of the village who shall serve at the pleasure of the council.

Section 3. Corporate boundaries.—The territorial boundaries of the Village of Indiantown upon the date of incorporation shall be as follows:

The eastern 1,053 feet of the South ½ of the South ½ of the Southeast ¼ Section 19, T 39 S, R 38 E; and

The South ½ of Section 20, T 39 5, R 38 E; and

The South ½ of Section 21, T 39 5, R 38 E, Lying South of State Road 710; and That part of Section 22, T 39 5, R 38 E, Lying South of State Road 710, and The South ½ of Section 25, T 39 S, R 38 E, Less the Western 1,320 feet; and The Southwest ¼ of Section 26, T 39, R 38 E; and

All of Section 27, T 39 S, R 38 E, Lying South of State Road 710; and

The Northern 3,685' of Section 28, T 39 S, R 38 E; and

The Northern 3,685' of Section 29, T 39 S, R 38 E; and

The upland portion of Northern 3,685' of the East ½ of Section 30, T 39 S, R 38 E; and All of Section 34, T 39 5, R 38 E, Less the Southwestern ½ of the Southwestern X; and That part of Section 35, T 39 S, R 38 E, Lying South of State Road 710; and

All of Section 36, T 39 5, R 38 E, Except that portion of the Western 14 that lies North of State Road 710; and

All of Sections 31, 32 and 33 of T 39 S, R 39 E; and

That portion of Section 1, T 39 S, R 38 E, Lying North of Farm Road; and

That Portion of Eastern 14 of Section 1, T 39 S, R 38 E, Lying South of Farm Road; and

The Eastern 3,000 feet of that Portion of Section 12, T 39 5, R 38 E, Lying North of the St. Lucie Canal ROW, Less the Western 3,152' of the Northern X of Section 12, T 39 S, R 38 E; and

Those Parts of Sections 4, 7, 8 and 9, T 40 S, R 39 E, Lying North of the St. Lucie Canal; and

All of Sections 5 and 6, T 40 5, R 39 E; and

That Portion of Section 8, T 40 S, R 39 E, Lying South of the St. Lucie Canal and North of State Road 710; and

That Portion of Section 9, T 40 5, R 39 E, Lying South of the St. Lucie Canal, North of State Road 710, and West of the State Road 76/State Road 710 Connector.

All Lying in Martin County, Florida, being approximately 9,397 .5 acres.

Section 4. Village council.—

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

(2) COMPOSITION; ELIGIBILITY; TERMS.—

(a) Composition.—There shall be a village council composed of five council members. Each council member shall be elected by the voters of the village at large.

(b) Eligibility.—

1. Each candidate for village council shall be a qualified elector of the village.

2. Each candidate for council shall have been a resident of the village for at least 1 year before qualifying for office.

3. Each council member must reside in the village for the duration of his or her term.

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

(c) Seats.—The village council shall be divided into five separate council seats to be designated as seats 1, 2, 3, 4, and 5, to be voted on a villagewide basis, with each qualified elector entitled to vote for one candidate for one seat.

(3) MAYOR; VICE MAYOR.—

(a) Mayor.—At the first regularly scheduled meeting after the village's first election and each regular election thereafter and after receiving the certified results of the election, the council, by a majority vote, shall select from its membership a mayor. Each year in which a regular election is not scheduled, the council, by the second regular meeting after September 1, shall by majority vote select from its membership a mayor. The mayor shall serve as chairperson during the meetings of the council and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The mayor shall also serve as the ceremonial head of the village.

(b) Vice mayor.—A vice mayor shall be selected in the same manner as the mayor as provided in paragraph (a). The vice mayor shall serve as mayor during the absence or disability of the mayor and, if a vacancy of the mayor occurs, shall become interim mayor until a mayor is selected as described in paragraph (a).

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

(5) COUNCIL MEETINGS.—

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

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

(6) PROHIBITIONS.—

(a) Neither the council, nor any individual member of the council, shall in any manner attempt to dictate the employment or removal of any employee other than the village manager and village attorney. The council is free to make inquiries of village employees, but no individual member of the council shall give orders to any officer or employee of the village. Recommendations for improvements in village government operations shall come through the village manager, but each member of the council shall be free to discuss or recommend improvements to the village manager,

and the council is free to direct the village manager to implement specific recommendations for improvement in village government operations.

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

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

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

(b) Forfeiture of office.—

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

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

b. Violates any express prohibition of this charter;

c. Is convicted of a felony or criminal misdemeanor, which felony or misdemeanor involves the office of village council;

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

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

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

2. The council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a council member's office, including whether good cause for absence has been or may be established. The council shall have the power to set additional written standards of conduct for its members beyond those specified in this charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths, and require the production of evidence.

(c) Filling of vacancies.—

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

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

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

Section 5. Administration.—

(1) VILLAGE MANAGER.—

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

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

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

(d) The village manager or firm shall:

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

2. Direct and supervise the administration of all departments of the village except the office of the village attorney.

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

Section 6. Departments; personnel; planning.—

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

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

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

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

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

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

Section 7. Financial management.—

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

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



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

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

(5) APPROPRIATIONS.—

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

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

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

(6) BONDS; INDEBTEDNESS.—

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

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

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

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

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

Section 8. Nominations and elections.—

(1) NONPARTISAN ELECTIONS; ELECTORS; QUALIFYING.—

(a) Nonpartisan elections.—All elections shall be conducted on a non-partisan basis without designation of political party affiliation.

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

(c) Qualifying.—

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

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

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

(2) ELECTIONS.—

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

(b) At large elections.—

1. The first regular election of council members shall be held March 13, 2018, and thereafter will be 10 weeks before the date of the general election on each even-numbered year, unless this date is required to be changed to a date concurrent with any countywide or statewide election.

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

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

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

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

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

Section 9. Initiative and referendum.—The powers of initiative and referendum are reserved to the qualified registered voters of the village. The election laws of the state shall govern the exercise of the powers of initiative and referendum under this charter.

Section 10. General provisions.—

(1) CODE OF ETHICS.—It is essential to the proper conduct and operation of the village that the officers and employees of the village be independent and impartial and for their offices not to be used for private gain other than the remuneration provided by law or by ordinances. It is declared to be the policy of the village that its officers and employees are agents of the people and hold their positions for the benefit of the public. Therefore, all village officers and employees shall adhere to the standards of conduct as provided in part III of chapter 112, Florida Statutes.

(2) AMENDMENTS TO CHARTER.—This charter may be amended in accordance with the provisions for charter amendments as specified in the

Municipal Home Rules Powers Act, chapter 166, Florida Statutes, or as otherwise may be provided by general law.

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

Section 11. Referendum election; transition.—

(1) REFERENDUM ELECTION.—The referendum election called for by this action shall be held on November 7, 2017, at which time the following question shall be placed upon the ballot:

Shall the Village of Indiantown be created and its charter adopted?

YES.....

NO.....

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

(2) INITIAL ELECTION OF COUNCIL.—

(a) After the adoption of this charter, the Board of County Commissioners of Martin County shall call an election to be held March 13, 2018, for the election of five village council members. The election shall be conducted by the Supervisor of Elections of Martin County in accordance with the Florida Election Code, and the cost of such election shall be funded by the Board of County Commissioners of Martin County.

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

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

(d) The three council members receiving the highest number of votes shall each be elected to an initial term expiring upon certification of the election results for the August 2022 election. The two remaining council members shall each be elected to an initial term expiring upon certification

of the election results for the August 2020 election. Thereafter, all terms shall be for a period of 4 years.

(3) SCHEDULE.—

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

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

(c) First council meeting.—On March 21, 2018, provided the results of the election of the village council under this charter have been certified, the newly elected members of the village council shall meet at a location to be determined. In the event the results have not been certified by March 21, 2018, the newly elected members shall meet on the following Tuesday. The initial council shall have the authority and power to enter into contracts, arrange for the hiring of legal counsel, begin recruiting applicants for village manager, provide for necessary village offices and facilities, and do such other things as it deems necessary and appropriate for the village.

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

(5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.—

(a) All applicable county ordinances currently in place at the time of passage of the referendum, unless specifically referenced in this charter, shall remain in place until and unless rescinded by action of the council, except that a county ordinance, rule, or regulation that is in conflict with an ordinance, rule, or regulation of the village shall not be effective to the extent of such conflict. Any existing Martin County ordinances, rules, and regulations, as of April 1, 2018, shall not be altered, changed, rescinded, or added to, nor shall any variance be granted, if such action would affect the village without the approval of the council.

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

(6) TRANSITIONAL COMPREHENSIVE PLAN.— Until such time as the village adopts a comprehensive plan, the Martin County Comprehensive Plan, as it exists on the day that the village commences corporate existence, shall remain in effect as the village's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be

vested in the council, which shall be deemed the local planning agency until the council establishes a separate local planning agency.

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

(a) The comprehensive land use plan and land use development regulations of Martin County, as the same exists on the date that the village commenced corporate existence, shall remain in effect as the village's transitional land use development regulations and comprehensive land use plan.

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

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

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

(8) STATE-SHARED REVENUES.—The village shall be entitled to participate in all revenue sharing programs of the state effective April 1, 2018. The provisions of s. 218.23(1), Florida Statutes, shall be waived for the purpose of conducting audits and financial reporting through the end of the village fiscal year 2018-2019. For purposes of complying with s. 218.23(1), Florida Statutes, relating to ad valorem taxation, the millage levied by special districts may be used for an indefinite period of time. Initial revised population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population estimate, the Martin County Department of Community Development shall provide the estimate.

(9) LOCAL REVENUE SOURCES.— The village shall be entitled to receive all local revenue sources available pursuant to general law,

including, but not limited to, the local communications services tax imposed under s. 202.19, Florida Statutes. The local communications services tax rate imposed by Martin County will continue within the village boundaries during the period commencing with the date of incorporation through January 1, 2019. Revenues from the tax shall be shared by Martin County with the village in proportion to the projected village population estimate of the Martin County Planning Division compared with the unincorporated population of Martin County before the incorporation of the village.

(10) LOCAL OPTION GAS TAX REVENUES.—Notwithstanding the requirements of s. 336.025, Florida Statutes, the village shall be entitled to receive local option gas tax revenue beginning on October 1, 2018. These revenues shall be distributed in accordance with general law or by any interlocal agreement negotiated with the Board of County Commissioners of Martin County.

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

(12) MARTIN COUNTY MUNICIPAL SERVICE TAXING UNITS; CONTINUATION.—Notwithstanding the incorporation of the Village of Indiantown, that portion of the Martin County Fire and Rescue MSTU, Parks and Recreation Municipal Service Taxing Unit, Stormwater Municipal Service Taxing Unit, and Roads Municipal Service Taxing Unit, special taxing districts created by the Board of County Commissioners of Martin County that lie within the boundaries of the Village of Indiantown, are authorized to continue in existence until the village adopts an ordinance, resolution, or interlocal agreement to the contrary.

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

(14) MARTIN COUNTY COMMUNITY REDEVELOPMENT AGENCY DISTRICT (INDIANTOWN).—A portion of the Martin County Community Redevelopment Agency District is located within the incorporated limits of the Village of Indiantown. After incorporation, Martin County and the village shall adopt ordinances and enter into interlocal agreements to

address the funding and taxation issues associated with having a portion of the Martin County CRA District encroach over the boundaries of the village.

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

Section 12. Waiver.—The thresholds established by s. 165.061, Florida Statutes, for incorporation have been met with the following exception: a waiver is granted to the provisions of s. 165.061(1)(c), Florida Statutes, relating to the requirement for a minimum average population density of 1.5 persons per acre, to protect the character, natural resources, and quality of life of the village.

Section 13. This act shall take effect only upon its approval by a majority vote of those qualified electors residing within the corporate limits of the proposed Village of Indiantown, as described in section 3, voting in a referendum conducted in accordance with the provisions of law relating to elections currently in force, except that this section and subsection (1) of section 11 shall take effect upon becoming a law.

Approved by the Governor June 6, 2017.

Filed in Office Secretary of State June 6, 2017.