

CHAPTER 2018-166

Committee Substitute for House Bill No. 395

An act relating to Martin County; creating the Town of Hobe Sound; providing a charter; providing legislative intent; providing for a council-manager form of government; providing boundaries; providing municipal powers; providing for a town 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 town employees; providing for filling of vacancies and forfeiture of office; providing for the appointment of a town manager and town attorney and the qualifications, removal, powers, and duties thereof; providing for the establishment of town departments, agencies, personnel, and boards; providing for an annual independent audit; providing that the state is not liable for financial shortfalls of the town; providing for nonpartisan elections and matters relating thereto; providing for town council districts; 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 severability; providing a town 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 authorized by general law; providing for the sharing of communications services tax revenues; providing for receipt and distribution of local option gas tax revenues; 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 Town of Hobe Sound.—

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

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

(a) It is in the best interests of the public health, safety, and welfare of the residents of the Hobe Sound area to form a separate municipality for the Hobe Sound 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 Hobe Sound 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 Hobe Sound area 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 town to maintain a financially secure and sustainable municipal government and to responsibly manage the town's debt obligations without causing the state to incur any liability.

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

(a) This act shall take effect upon approval by a majority vote of those qualified electors residing within the corporate limits of the proposed town as described in section 3 voting in a referendum election to be called by the Supervisor of Elections of Martin County to be held on August 28, 2018, 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 Town of Hobe Sound is created and established effective December 31, 2018.

Section 2. Powers of town; form of government.—

(1) POWERS OF THE TOWN.—The town shall have all available governmental, corporate, and proprietary powers of a municipality under the State Constitution and laws of the state as fully and completely as though such powers were specifically enumerated in this charter, and may exercise such powers, except when prohibited by law. Through the adoption of this charter, it is the intent of the electors of the town 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 town under this charter shall be construed liberally in favor of the town, 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 town shall have a council-manager form of government, with the council to consist of five town council ("council") members elected by the town at large from five districts. The council shall constitute the governing body of the town, with the duties and responsibilities hereinafter provided. The council shall appoint a town manager to be the chief administrative officer of the town who shall serve at the pleasure of the council.

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

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

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

THENCE ALONG THE WEST LINE OF SAID SECTION 32, TOWNSHIP 39 SOUTH, RANGE 42 EAST N00°13'30"W, A DISTANCE OF 2652.34 FEET; THENCE CONTINUING ALONG THE WEST LINE OF SAID SECTION 32 N00°13'52"W, A DISTANCE OF 2652.17 FEET TO THE NORTHWEST CORNER OF SAID SECTION 32, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 39 SOUTH, RANGE 42 EAST; THENCE ALONG THE WEST LINE OF SAID SECTION 29, TOWNSHIP 39 SOUTH, RANGE 42 EAST N00°00'43"E TO THE SOUTHWESTERLY PROLONGATION OF THE NORTHERLY LINE OF THE GARCIA-VELEZ PARCEL OF LAND RECORDED IN O.R. BOOK 1886, PAGE 1854, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE OF 4465.42 FEET;

THENCE ALONG SAID LINE OF PROLONGATION N67°59'54"E TO THE NORTHWESTERLY CORNER OF SAID GARCIA-VELEZ PARCEL RECORDED IN SAID O.R. BOOK 1886, PAGE 1854, A DISTANCE OF 2155.87 FEET; THENCE ALONG THE NORTHERLY LINE OF SAID GARCIA-VELEZ PARCEL N67°59'54"E, A DISTANCE OF 3563.78 FEET; THENCE N19°53'28"W, A DISTANCE OF 693.00 FEET; THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID GARCIA-VELEZ PARCEL N68°14'36"E TO THE NORTHWEST CORNER OF THE PLAT OF HOBE SOUND GOLF CLUB RECORDED IN PLAT BOOK 11, PAGE 21 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, SAID NORTHWEST CORNER ALSO BEING THE NORTHWEST CORNER OF THE AMENDED PLAT OF GOMEZ HOMES AND GROVES RECORDED IN PLAT BOOK 3, PAGE 3 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE OF 1907.47 FEET; THENCE ALONG THE NORTHERLY LINE OF SAID PLAT OF HOBE SOUND GOLF CLUB AND SAME BEING THE NORTHERLY LINE OF SAID AMENDED PLAT OF GOMEZ HOMES AND GROVES, N68°14'36"E TO THE NORTHEASTERLY CORNER OF SAID PLAT OF HOBE SOUND GOLF CLUB AND SAME BEING THE NORTHEASTERLY CORNER OF SAID AMENDED PLAT OF GOMEZ HOMES AND GROVES, A DISTANCE OF 2600.32 FEET TO

A POINT ON THE WESTERLY LINE OF BESSEMER'S UNRECORDED SUBDIVISION OF THE GOMEZ GRANT LOTS A THROUGH N;

THENCE ALONG SAID WESTERLY LINE OF SAID BESSEMER'S UNRECORDED SUBDIVISION N21°38'29"W TO THE NORTHERLY LINE OF SAID LOT N OF SAID BESSEMER'S UNRECORDED SUBDIVISION, SAME BEING THE NORTHERLY LINE OF THE FIRST UNITED METHODIST CHURCH OF HOBE SOUND PARCEL RECORDED IN O.R. BOOK 585, PAGE 898 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE OF 4766.09 FEET; THENCE ALONG SAID NORTHERLY LINE N68°17'42"E TO A POINT ON THE CURVE OF THE CENTERLINE OF U.S. HIGHWAY ONE, BEING A 200 FOOT WIDE RIGHT OF WAY, A DISTANCE OF 1404.13 FEET, SAID CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5729.65 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 902.22 FEET, THROUGH A CENTRAL ANGLE OF 09°01'19", HAVING A CHORD BEARING OF N30°19'33"W AND A CHORD DISTANCE OF 901.29 FEET TO THE POINT OF TANGENT; THENCE CONTINUING ALONG THE CENTERLINE OF SAID U.S. HIGHWAY ONE N34°50'13"W, A DISTANCE OF 6166.70 FEET TO THE POINT OF CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5729.65 FEET; THENCE ALONG SAID CURVE TO THE INTERSECTION OF A LINE THAT IS PARALLEL WITH AND 20.00 SOUTHERLY OF THE NORTH RIGHT OF WAY LINE OF SE OSPREY STREET, AN ARC DISTANCE OF 460.30 FEET, THROUGH A CENTRAL ANGLE OF 04°36'11", HAVING A CHORD BEARING OF N37°08'18"W AND A CHORD DISTANCE OF 460.18 FEET; THENCE ALONG SAID PARALLEL LINE N68°23'27"E TO THE CENTERLINE OF SE GOMEZ AVENUE, BEING A 70 FOOT WIDE RIGHT OF WAY, A DISTANCE OF 3764.80 FEET; THENCE ALONG SAID CENTERLINE OF SE GOMEZ AVENUE N21°41'13"W TO THE SOUTHWESTERLY PROLONGATION OF THE NORTHERLY LINE OF THE PLAT OF THE SANCTUARY AS RECORDED IN PLAT BOOK 11, PAGE 86 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE OF 680.05 FEET; THENCE ALONG SAID NORTHERLY LINE OF SAID PLAT OF THE SANCTUARY N68°19'05"E TO A POINT IN THE INTRACOASTAL WATERWAY RECORDED IN PLAT BOOK 2, PAGES 1 THROUGH 9 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE OF 2916.38 FEET, SAID INTRACOASTAL WATERWAY ALSO KNOWN AS THE JENSEN BEACH TO JUPITER AQUATIC PRESERVE AND ALSO REFERRED TO AS THE INDIAN RIVER;

THENCE MEANDERING SOUTHERLY THROUGH SAID INTRACOASTAL WATERWAY THE FOLLOWING COURSES AND DISTANCES: S23°38'46"E, A DISTANCE OF 3025.21 FEET; THENCE S06°12'50"E, A DISTANCE OF 3454.77 FEET; THENCE S43°46'34"E,

A DISTANCE OF 2706.93 FEET; THENCE S15°47'16"E, A DISTANCE OF 3172.40 FEET; THENCE S23°40'43"E, A DISTANCE OF 4736.44 FEET; THENCE S15°04'03"E, A DISTANCE OF 779.24 FEET; THENCE S11°12'05"E, A DISTANCE OF 1473.28 FEET; THENCE S17°37'55"E, A DISTANCE OF 1948.52 FEET; THENCE S35°43'50"E TO THE EASTERLY PROLONGATION OF THE SOUTH LINE OF GOVERNMENT LOT 4, SECTION 26, TOWNSHIP 39 SOUTH, RANGE 42 EAST, A DISTANCE OF 4412.49 FEET;

THENCE ALONG SAID EASTERLY PROLONGATION OF THE SOUTH LINE OF GOVERNMENT LOT 4, SECTION 26, TOWNSHIP 39 SOUTH, RANGE 42 EAST S89°58'18"W TO THE APPROXIMATE SHORELINE OF THE INTRACOASTAL WATERWAY, ALSO BEING THE APPROXIMATE SHORELINE OF THE HOBE SOUND OR INDIAN RIVER, A DISTANCE OF 1176.59 FEET; THENCE ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 4, SECTION 26, TOWNSHIP 39 SOUTH, RANGE 42 EAST S89°58'18"W TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 4, SECTION 26, SAME BEING THE SOUTHEAST CORNER OF PAPAYA VILLAGE RECORDED IN PLAT BOOK 2, PAGE 74 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, A DISTANCE OF 1979.86 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE OF SECTION 26 AND THE CENTERLINE OF PAPAYA BLVD., AN UNOPEN AND UNPAVED 30 FOOT WIDE RIGHT OF WAY AS SHOWN ON SAID PLAT OF PAPAYA VILLAGE S89°56'15"W TO THE SOUTHWEST CORNER OF SAID SECTION 26, SAME BEING THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 39 SOUTH, RANGE 42 EAST, A DISTANCE OF 1324.65 FEET; THENCE ALONG SAID CENTERLINE AND THE SOUTH LINE OF SAID SECTION 27, TOWNSHIP 39 SOUTH, RANGE 42 EAST S89°56'15W TO THE SOUTH QUARTER CORNER OF SAID SECTION 27, SAME BEING THE END OF SAID CENTERLINE OF PAPAYA BLVD., A DISTANCE OF 2639.12 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID SECTION 27 AND THE SOUTH LINE OF THE FIRST ADDITION TO THE PAPAYA VILLAGE RECORDED IN PLAT BOOK 3, PAGE 60 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA S89°50'24"W TO THE SOUTHWEST CORNER OF SAID SECTION 27, SAME BEING THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 39 SOUTH, RANGE 42 EAST, AND SAME BEING THE SOUTHWEST CORNER OF SAID PLAT OF THE FIRST ADDITION TO THE PAPAYA VILLAGE, A DISTANCE OF 2639.28 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION 28, TOWNSHIP 39 SOUTH, RANGE 42 EAST AND ALONG THE SOUTH LINE OF EAGLE WOOD RECORDED IN PLAT BOOK 9, PAGE 26 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA S89°56'34"W TO THE EASTERLY RIGHT OF WAY OF FLORA AVE AS SHOWN ON SAID PLAT OF EAGLE WOOD, A DISTANCE OF 2262.89 FEET;

THENCE ON A LINE ALONG THE APPROXIMATE EASTERLY RIGHT OF WAY OF FLORA AVENUE S21°43'27"W, A DISTANCE OF 977.73 FEET; THENCE CONTINUING ALONG THE APPROXIMATE EAST RIGHT OF WAY LINE OF FLORA AVENUE S00°24'08"E TO THE SOUTH LINE OF THE NORTH ONE-QUARTER (N ¼) OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SECTION 33, TOWNSHIP 39 SOUTH, RANGE 42 EAST, A DISTANCE OF 743.38 FEET; THENCE ALONG SAID SOUTH LINE N89°58'36"E TO THE EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 33, A DISTANCE OF 1292.82 FEET; THENCE ALONG SAID EAST LINE S00°00'56"E TO THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 33, A DISTANCE OF 991.23 FEET; THENCE ALONG SAID SOUTH LINE S89°59'15"W TO A LINE 40.00 FEET OF THE EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF SAID SECTION 33 AND PARALLEL WITH SAID EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 33, A DISTANCE OF 1284.95 FEET; THENCE ALONG SAID PARALLEL LINE S00°04'55"E TO THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 2642.32 FEET; THENCE ALONG SAID SOUTH LINE OF SECTION 33, TOWNSHIP 39 SOUTH, RANGE 42 EAST N89°55'42"W TO THE SOUTHWEST CORNER OF SAID SECTION 33, SAME BEING THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 39 SOUTH, RANGE 42 EAST, A DISTANCE OF 2709.76 FEET; THENCE ALONG THE SOUTH LINE OF SAID SECTION 32, TOWNSHIP 39 SOUTH, RANGE 42 EAST S89°58'25"W TO THE SOUTH QUARTER CORNER OF SAID SECTION 32, A DISTANCE OF 2644.31 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID SECTION 32 S89°58'19"W TO THE SOUTHWEST CORNER OF SAID SECTION 32 AND TO THE POINT OF BEGINNING, A DISTANCE OF 2643.99 FEET.

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

Section 4. Town council.—

(1) GENERAL POWERS AND DUTIES.—All powers of the town shall be vested in the 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 town by law.

(2) COMPOSITION; ELIGIBILITY; TERMS.—

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

(b) Eligibility.—

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

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

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

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

(3) MAYOR; VICE MAYOR.—

(a) Mayor.—At the first regularly scheduled meeting after the town’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 town.

(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 provided 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 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 town manager and town attorney. The council is free to make inquiries of town employees, but no individual member of the council shall give orders to any officer or employee of the town. Recommendations for improvements in town government operations shall come through the town manager, but each member of the council shall be free to discuss or recommend improvements to the town manager, and the council is free to direct the town manager to implement specific recommendations for improvements in town government operations.

(b) No present or former elected town official shall hold any compensated appointive office or employment with the town 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 district, 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 that involves the office of town 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 there are more than 6 months remaining in the unexpired term and a majority of the remaining council members cannot reach a decision within 60 days after the 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) TOWN MANAGER.—

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

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

(c) During the absence or disability of the town manager, the council may by resolution designate a properly qualified person to temporarily execute

the functions of the town manager. The person thus designated shall have the same powers and duties as the town manager and may be removed by the council at any time upon a majority vote of the council.

(d) The town manager or firm shall:

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

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

(2) TOWN ATTORNEY.—There shall be a town 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 town administrators, departments, and agencies. The council may remove the town 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 town. 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 town'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 town shall:

(a) Designate an employee, agency, or agencies to execute the planning functions with such decisionmaking 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 town commences corporate existence, shall serve as the initial comprehensive plan of the town until the town 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 town shall begin on the first day of October and end on the last day of September of each year.

(2) EXPENDITURE OF TOWN FUNDS.—No town funds shall be expended except pursuant to 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 annually adopt a budget in accordance with applicable general law after a minimum of two public hearings on the proposed budget. A resolution adopting the 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 town manager that the revenues available will be insufficient to meet the amount appropriated, the town 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 town 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 town 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 town 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 town as authorized by law.

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

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

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 town, who has qualified as an elector of this state, and who registers as prescribed by law shall be an elector of the town.

(c) Qualifying.—

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

2. Any elector of the town who wishes to become a candidate for the council shall qualify with the Supervisor of Elections of Martin County for the initial election; thereafter, candidates shall qualify with the official designated by resolution or general law by providing proof of voter registration, current address, and at least 1-year’s residency in the district in which they are seeking office.

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

(2) ELECTIONS.—

(a) Adoption of Florida Election Code.—All elections required under any 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 on March 12, 2019, and thereafter will be 10 weeks before the date of the general election in each even-numbered year, unless this date is required to be changed to a date concurrent with any countywide or statewide election.

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

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

(3) COUNCIL DISTRICTS; REDISTRICTING.—

(a) There shall be five council districts. The districts shall be as roughly equal in permanent population as practicable according to the population figures available from the most recent Martin County population estimate determined by the decennial United States Census. Legal descriptions for the council districts located within the boundary of the Town of Hobe Sound are as follows:

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

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

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

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

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

(b) The district boundaries shall be reapportioned based upon the official state and federal census. The council shall adopt an ordinance containing the reapportionment within 6 months after the date of official publication of the most recent official state and federal census, beginning with the 2020 census. District boundaries shall be reapportioned to create districts of nearly equal population. Districts shall be arranged in a logical and compact geographic pattern and shall promote fair representation. Service boundaries of public facilities may be considered. The district boundaries may be reapportioned on a more frequent basis in the event that annexation or development impacts the ability to provide for fair representation, as determined by the council.

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

Section 9. Initiative and referendum.—The powers of initiative and referendum are reserved to the qualified registered voters of the town. 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 town that the officers and employees of the town be independent and impartial and for their offices not to be used for private gain other than the remuneration provided by law or ordinance. It is declared to be the policy of the town that its officers and employees are agents of the people and hold their positions for the benefit of the public.

(2) AMENDMENTS TO CHARTER.—This charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rule Powers Act, chapter 166, Florida Statutes, or as otherwise 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 act shall be held on August 28, 2018, at which time the following question shall be placed upon the ballot:

Shall the Town of Hobe Sound 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 Supervisor of Elections of Martin County shall call an election to be held on March 12, 2019, for the election of five 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 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 council members from districts 1, 3, and 5 shall be elected to an initial term expiring upon certification of the election results of the August 2022 election. The council members from districts 2 and 4 shall be elected to an initial term expiring upon certification of the election results of 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 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 council provided in paragraph (c).

(c) First council meeting.— On March 20, 2019, provided the results of the election of the council under this charter have been certified, the newly elected members of the council shall meet at a location to be determined. In the event the results have not been certified by March 20, 2019, 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 town manager, provide for necessary town offices and facilities, and do such other things as it deems necessary and appropriate for the town.

(4) FIRST YEAR EXPENSES.—The council, in order to provide moneys for the expenses and support of the town, 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 a town ordinance, rule, or regulation shall not be effective to the extent of such conflict. Any existing Martin County ordinances, rules, and regulations, as of April 1, 2019, shall not be altered, changed, rescinded, or added to, nor shall any variance be granted without the approval of the council if such action would affect the town.

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

(6) TRANSITIONAL COMPREHENSIVE PLAN.—Until such time as the town adopts a comprehensive plan, the Martin County Comprehensive Plan, as it exists on the day that the town commences corporate existence, shall remain in effect as the town'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 town 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 town adopts ordinances, the following shall apply:

(a) The comprehensive land use plan and land use development regulations of Martin County, as the same exist on the date that the town commenced corporate existence, shall remain in effect as the town'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 the 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 town'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 town's transitional comprehensive land use plan or land use development regulations or otherwise take effect within the town's municipal boundaries.

(8) STATE-SHARED REVENUES.—The town shall be entitled to participate in all revenue sharing programs of the state effective April 1, 2019. 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 town fiscal year 2019-2020. Initial revised population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. If the bureau is unable to provide an appropriate population estimate, the Martin County Office of Community Development shall provide the estimate.

(9) LOCAL REVENUE SOURCES.—The town 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 town boundaries during the period commencing with the date of incorporation through December 31, 2019. Revenues from the tax shall be shared by Martin County with the town in proportion to the projected town population estimate of the Martin County Comprehensive Planning Division compared with the unincorporated population of Martin County before the incorporation of the town.

(10) LOCAL OPTION GAS TAX REVENUES.—Notwithstanding the requirements of s. 336.025, Florida Statutes, the town shall be entitled to receive local option gas tax revenue beginning on October 1, 2019. These revenues shall be distributed in accordance with general law or by an 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, town manager or management firm, town attorney, and solid waste collection may be supplied by a contract between the town and the Board of County Commissioners of Martin County, special districts, municipalities, or private enterprises 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 town selects more permanent facilities.

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

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

(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. 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 Town of Hobe Sound as described in section 3 voting in a referendum to be held on August 28, 2018, except that this section and subsection (1) of section 11 shall take effect upon becoming a law.

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.