

1 TOWN OF JUNO BEACH, FLORIDA

2  
3 ORDINANCE NO. 777

4  
5 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO  
6 BEACH, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT  
7 TO ARTICLE III, "LEGISLATIVE," SECTION 1, "FORM OF  
8 GOVERNMENT; TOWN COUNCIL; POWER AND COMPOSITION;  
9 QUALIFICATION; RESIDENCY," AND SECTION 6, "VACANCIES;  
10 FORFEITURE OF OFFICE; FILLING OF VACANCIES," OF THE TOWN  
11 CHARTER TO CLARIFY THE CANDIDACY RESIDENCY  
12 REQUIREMENT, IMPOSE NEW REQUIREMENTS RELATING TO  
13 FELONIES AND CRIMES OF FRAUD OF DISHONESTY, AND PROVIDE  
14 FOR THE REMOVAL OF THE MAYOR OR A COUNCILMEMBER WHEN  
15 HE OR SHE NO LONGER MEETS ALL CANDIDACY REQUIREMENTS;  
16 PROVIDING FOR THE FORM OF THE QUESTION; PROVIDING FOR A  
17 BALLOT TITLE AND EXPLANATORY LANGUAGE; PROVIDING FOR  
18 ADVERTISING; PROVIDING FOR CODIFICATION, SEVERABILITY,  
19 CONFLICTS AND AN EFFECTIVE DATE; PROVIDING FOR A  
20 REPEALER; AND FOR OTHER PURPOSES.

21  
22 WHEREAS, in accordance with Article VII, Section 3 of the Town Charter, the  
23 Town's Charter Review Committee ("Committee") reviewed the provisions of the Charter  
24 and recommended certain amendments; and

25  
26 WHEREAS, the Committee recommended revising Article III, Section 6 of the  
27 Charter to allow for removal of the Mayor and Councilmembers if they are convicted of or  
28 plead nolo contendere to certain crimes, and the Town Council wishes to incorporate  
29 such requirements in the candidate qualifying section, clarify the requirements for  
30 residency, and provide for the removal of the Mayor or a Councilmember for failure to  
31 maintain the candidacy requirements; and

32  
33 WHEREAS, the Town Council determines that it is in the best interests of the  
34 residents of the Town of Juno Beach to submit the proposed Town Charter amendment  
35 to referendum vote.

36  
37 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
38 TOWN OF JUNO BEACH, FLORIDA as follows:

39  
40 **Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and  
41 correct and are incorporated herein.

42  
43 **Section 2.** The Town Council hereby amends Article III, "Legislative," Section 1,  
44 "Form of government; town council; power and composition; qualification; residency," and  
45 Section 6, "Vacancies; forfeiture of office; filling of vacancies," of the Town Charter to read  
46 as follows (additional language is underlined):

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**ARTICLE III. LEGISLATIVE**

\* \* \*

**Sec. 1. Form of government; town council; power and composition; qualification; residency.**

- (b) Only electors of the town who have been continuous residents for at least one (1) year immediately preceding the date of filing of their notice of candidacy shall be eligible to hold the office of mayor or councilmember. All candidates for mayor or councilmember shall submit an affidavit prior to qualification for office demonstrating that they meet the residency requirement. As used in this section and for the purpose of completing the affidavit, "residency" shall require: (1) a place of abode within the town where the prospective candidate actually lives; and (2) the present intent of making that place of abode the person's permanent home. Additionally, the affidavit shall state that the candidate is registered to vote at the candidate's place of abode at the time of qualification. No elector shall qualify for the office of mayor or councilmember if he or she has been convicted or pled nolo contendere to any felony or has been convicted or pled nolo contendere to any crime of fraud or dishonesty including, by way of example, larceny, theft, burglary, forgery, perjury, or embezzlement.

\* \* \*

**Sec. 6. Vacancies; forfeiture of office; filling of vacancies.**

- (a) *Vacancies.* The office of mayor or of a councilmember shall become vacant upon death, resignation, or removal from office in any manner authorized by law of such mayor or councilmember or if such mayor or councilmember ceases to be an elector of the town or ceases to meet the requirements for candidacy set forth in section 1(b) of this article as determined by the remaining members of the council.

**Section 3.** The amendment to the Town Charter set forth in Section 2 above shall not take effect unless and until it is submitted to the electors of the Town of Juno Beach. The amendment shall be submitted at the Town's general election to be held on Tuesday, March 19, 2024.

**Section 4.** The title of the ballot and explanatory statement setting forth the substance of the amendment to the Town Charter shall appear on the ballot and shall read as follows:

1                   **AN AMENDMENT TO ARTICLE III OF THE TOWN CHARTER**  
2                   **RELATING TO CANDIDATE QUALIFYING AND REMOVAL FROM OFFICE**  
3

4                   THIS AMENDMENT REVISES SECTION 1 AND SECTION 6 OF ARTICLE  
5                   III OF THE TOWN CHARTER TO CLARIFY THE CANDIDATE  
6                   RESIDENCY REQUIREMENT TO ENSURE THE CANDIDATE LIVES IN  
7                   THE TOWN AND INTENDS TO REMAIN A RESIDENT, PROHIBIT A  
8                   CANDIDATE WHO HAS BEEN CONVICTED OF OR PLEAD NOLO  
9                   CONTENDERE TO A FELONY OR CRIME OF DISHONESTY FROM  
10                  QUALIFYING FOR OFFICE, AND PROVIDE FOR REMOVAL OF THE  
11                  MAYOR OR A COUNCILMEMBER WHO CEASES TO MEET THE  
12                  CANDIDACY REQUIREMENTS.

13  
14                  SHALL THE ABOVE-DESCRIBED AMENDMENT BE ADOPTED?

15  
16                               YES\_\_\_\_\_                               NO\_\_\_\_\_

17  
18                  **Section 5.**    The Town Clerk is hereby authorized and directed to advertise the  
19                  referendum election contemplated herein in accordance with Section 100.342, Florida  
20                  Statutes, and Section 8-6 of the Town Code of Ordinances.

21  
22                  **Section 6.**    The provisions of this Ordinance shall become and be made part of  
23                  the Charter of the Town of Juno Beach, Florida.

24  
25                  **Section 7.**    If any section, paragraph, sentence, clause, phrase, or word of this  
26                  Ordinance is for any reason held by a court of competent jurisdiction to be  
27                  unconstitutional, inoperative, or void, such holding shall not affect the remainder of the  
28                  Ordinance.

29  
30                  **Section 8.**    All ordinances or parts of ordinances of the Town of Juno Beach,  
31                  Florida, which are in conflict with this Ordinance, are hereby repealed to the extent of  
32                  such conflict.

33  
34                  **Section 9.**    This Ordinance shall become effective upon approval of a majority  
35                  of the electors casting their votes at the March 19, 2024 election. If not approved by a  
36                  majority of the voters voting in the election, this Ordinance shall be automatically  
37                  repealed.

38  
39  
40                               *[Remainder of page blank – signatures on next page]*

