

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

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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.

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

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

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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):

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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 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**
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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 HAS A
7 PLACE OF ABODE IN THE TOWN WHERE THE CANDIDATE ACTUALLY
8 LIVES, PROHIBIT A CANDIDATE WHO HAS BEEN CONVICTED OF OR
9 PLEAD NOLO CONTENDERE TO A FELONY OR CRIME OF
10 DISHONESTY FROM QUALIFYING FOR OFFICE, AND PROVIDE FOR
11 REMOVAL OF THE MAYOR OR A COUNCILMEMBER WHO CEASES TO
12 MEET THE CANDIDACY REQUIREMENTS.

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14 SHALL THE ABOVE-DESCRIBED AMENDMENT BE ADOPTED?

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16 YES_____ NO_____

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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.

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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.

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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.

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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.

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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.

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

