

## **CHAPTER 2: ADMINISTRATION**

### Article

- I. IN GENERAL**
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- III. FEDERAL OLD-AGE AND SURVIVOR'S INSURANCE**
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## ARTICLE I: IN GENERAL

### Section

- 2-1 Fiscal year
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### § 2-1 FISCAL YEAR.

The fiscal year for the town shall run from October 1 of each year to September 30 of each succeeding year.

(Ord. 89, § 2, passed 8-6-1973)

*Charter reference:*

*Fiscal year, see Art. V, § 2*

### § 2-2 LOCAL PLANNING AGENCY.

Pursuant to the provisions of F.S. § 163.3174(2), the duly elected commissioners of the Town Commission of the Town of Hillsboro Beach, Florida, shall serve as the "Local Planning Agency" of the Town of Hillsboro Beach, Florida, in accordance with the procedures provided therein.

(Ord. 99, § 1, passed 12-6-1976)

*Editor's note:*

*Ord. 99, § 1, passed 12-6-1976, was not amendatory of the code; therefore, codification herein as § 2-2 was at the original editor's discretion.*

### §§ 2-3 — 2-15 RESERVED.



## ARTICLE II: FLORIDA RETIREMENT SYSTEM

### Section

- 2-16 Declaration of intent to participate
- 2-17 Excluded employees
- 2-18 Power of Mayor to execute agreements
- 2-19 Withholdings authorized; payment to state required
- 2-20 Appropriations for contributions and assessments required
- 2-21 Required records
- 2-22 Terms of system adopted
- 2-23 Town Clerk designated as custodian of funds; required records
- 2-24 — 2-33 Reserved

### § 2-16 DECLARATION OF INTENT TO PARTICIPATE.

It is hereby declared to be the policy and purpose of the town to extend, effective April 1, 1971, to the employees and officials thereof, not excluded by law or excepted herein, the benefits of the Florida retirement system as authorized by Chapter 70-112, Laws of Florida, and amendments thereto, to cover by such plan all services which constitute employment as defined in § 2 of Chapter 70-112, Laws of Florida, performed in the employ of the town by employees and officials thereof.  
(Ord. 82, § 1, passed 4-5-1971)

### § 2-17 EXCLUDED EMPLOYEES.

(A) There is hereby excluded from this article any authority to include in any agreement entered into under this article any service, position, employee or official now covered by or eligible to be covered by an existing retirement system sponsored by the town except Social Security only after holding a referendum, in which all employees and officials in the affected units have the right to participate.

(B) Only those employees and officials electing coverage under the Florida retirement system by affirmative vote in the referendum shall be eligible for coverage, and those not participating or electing not to be covered by the Florida retirement system shall remain in their present system and shall not be eligible for coverage.

(C) After the referendum is held, all future employees shall be compulsory members of the Florida retirement system.

(Ord. 82, § 2, passed 4-5-1971)

**Charter references:**

*General powers of the town, see Art. III, § 1*

*Special powers of the town, see Art. III, § 2*

**Cross-reference:**

*Board of Zoning Appeals, see Ch. 12, Div. 5, Art. XIV*

**§ 2-18 POWER OF MAYOR TO EXECUTE AGREEMENTS.**

(A) The Mayor (or other chief executive officer) is hereby authorized and directed to execute all necessary agreements and amendments thereto with the administrator of the Florida retirement system for the purpose of extending the benefits provided by the Florida retirement system to the employees and officials of this town as provided in this article.

(B) The agreement shall provide for the methods of administration of the plan by the town as are found by the administrator of the Florida retirement system to be necessary and proper, and shall be effective with respect to services in employment covered by the agreement performed on and after April 1, 1971.

(Ord. 82, § 3, passed 4-5-1971)

**§ 2-19 WITHHOLDINGS AUTHORIZED; PAYMENT TO STATE REQUIRED.**

Withholdings from salaries, wages or other compensation of employees and officials for the purpose provided in this article are hereby authorized to be made, and shall be made, in the amounts and at such times as may be required by applicable state laws or regulations, and shall be paid over to the administrator designated by the laws or regulations to receive such amounts.

(Ord. 82, § 4, passed 4-5-1971)

**§ 2-20 APPROPRIATIONS FOR CONTRIBUTIONS AND ASSESSMENTS REQUIRED.**

There shall be appropriated from available funds, derived from general funds and water revenue funds, such amounts, at such times as may be required to pay promptly the contributions and assessments required of the town as employer, by applicable state laws or regulations, which shall be paid over to the lawfully designated administrator of the Florida retirement system at the times and in the manner provided by law and regulation.

(Ord. 82, § 5, passed 4-5-1971)

**§ 2-21 REQUIRED RECORDS.**

The town shall keep such records and make such reports as may be required by applicable state laws or regulations, and shall adhere to all laws and regulations relating to the Florida retirement system. (Ord. 82, § 6, passed 4-5-1971)

**§ 2-22 TERMS OF SYSTEM ADOPTED.**

The town does hereby adopt the terms, conditions, requirements, reservations, benefits, privileges and other conditions thereunto appertaining of the Florida retirement system, for and on behalf of all officers and employees of its departments and agencies to be covered under the agreement. (Ord. 82, § 7, passed 4-5-1971)

**§ 2-23 TOWN CLERK DESIGNATED AS CUSTODIAN OF FUNDS; REQUIRED RECORDS.**

(A) The Clerk is hereby designated the custodian of all sums withheld from the compensation of officers and employees as authorized herein and of the appropriated funds for the employer's contributions as provided in this article.

(B) The Clerk is also hereby made the withholding and reporting agent and charged with the duty of maintaining records for the purposes of this article. (Ord. 82, § 8, passed 4-5-1971)

**§§ 2-24 — 2-33 RESERVED.**





## ARTICLE III: FEDERAL OLD-AGE AND SURVIVOR'S INSURANCE

### Section

- 2-34 Declaration of intent to participate
- 2-35 Excluded positions
- 2-36 Power of Mayor to execute agreements
- 2-37 Withholdings authorized; payment to state required
- 2-38 Appropriations for contributions and assessments required
- 2-39 Required records
- 2-40 Terms of system adopted
- 2-41 Town Clerk designated as custodian of funds; required records
- 2-42 — 2-51 Reserved

### **§ 2-34 DECLARATION OF INTENT TO PARTICIPATE.**

It is hereby declared to be the policy and purpose of the town to extend, effective as of July 1, 1957, to the employees and officials thereof, not excluded by law, nor excepted herein, the benefits of the system of old-age and survivors insurance as authorized by the Federal Social Security Act and amendments thereto, and by F.S. Ch. 650, as amended; and to cover by such plan all services which constitute employment as defined in F.S. § 650.02, performed in the employ of the town by employees and officials thereof.

(Ord. 47, § 1, passed 5-8-1957)

### **§ 2-35 EXCLUDED POSITIONS.**

There is hereby excluded from this article any authority to include in any agreement entered into under this article any service, position, employee or official now covered by or eligible to be covered by an existing retirement system.

(Ord. 47, § 2, passed 5-8-1957)

### **§ 2-36 POWER OF MAYOR TO EXECUTE AGREEMENTS.**

The Mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the state agency for the purpose of extending the benefits provided by the old-age and survivors insurance system to the employees and officials of the town as provided in this article, as are

found by the state agency to be necessary and proper, and such agreements shall be effective with respect to services in employment covered by the agreement performed on and after the first day of July 1, 1957. (Ord. 47, § 3, passed 5-8-1957)

#### **§ 2-37 WITHHOLDINGS AUTHORIZED; PAYMENT TO STATE REQUIRED.**

Withholdings from salaries, wages or other compensation of employees and officials for the purpose provided in this article are hereby authorized to be made, and shall be made, in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state agency designated by the laws or regulations to receive such amounts. (Ord. 47, § 4, passed 5-8-1957)

#### **§ 2-38 APPROPRIATIONS FOR CONTRIBUTIONS AND ASSESSMENTS REQUIRED.**

There shall be appropriated from available funds, derived from taxation and other town income, budgeted and set aside for this purpose, such amounts, at such times as may be required to pay promptly the contributions and assessments required of the town as employer by applicable state or federal laws or regulations, which shall be paid over to the lawfully designated state agency at the times and in the manner provided by law and regulation. (Ord. 47, § 5, passed 5-8-1957)

#### **§ 2-39 REQUIRED RECORDS.**

The town shall keep such records and make such reports as may be required by applicable state or federal laws or regulations, and shall adhere to the regulations of the state agency. (Ord. 47, § 6, passed 5-8-1957)

#### **§ 2-40 TERMS OF SYSTEM ADOPTED.**

The town does hereby adopt the terms, conditions, requirements, reservations, benefits, privileges, and other conditions there unto appertaining, of Title II of the Social Security Act as amended, for and on behalf of the officers and employees of its departments and agencies to be covered under the agreement. (Ord. 47, § 7, passed 5-8-1957)

**§ 2-41 TOWN CLERK DESIGNATED AS CUSTODIAN OF FUNDS; REQUIRED RECORDS.**

The Clerk is hereby designated the custodian of all sums withheld from the compensation of officers and employees and of the appropriated funds for the contribution of the town, and the Clerk is hereby made the withholding and reporting agent and charged with the duty of maintaining personnel records for the purposes of this article.

(Ord. 47, § 8, passed 5-8-1957)

**§§ 2-42 — 2-51 RESERVED.**



## ARTICLE IV: ZONING BOARD

*[RESERVED]*

***Editor's note:***

*The former Article IV, entitled "Zoning Board," §§ 2-52—2-59, was reserved for future use after the repeal of § 2-52 by Ord. 190, passed - -.*



## ARTICLE V: PURCHASING

### Section

- 2-60 Regular procedures
- 2-61 Emergency procedures
- 2-62 — 2-70 Reserved

### § 2-60 REGULAR PROCEDURES.

Whenever the town shall seek to acquire materials, supplies or contractual services, the following procedures shall apply.

(A) For acquisitions of materials, supplies or contractual services with a cost of \$1,500 or less, the purchase may be made by department heads without seeking competitive bids nor obtaining Commission approval.

(B) For acquisitions of materials, supplies or contractual services with a cost of over \$1,500 but not in excess of \$3,500, the purchase may be made by department heads without seeking competitive bids but Commission approval must first be obtained. Prior to seeking Commission approval the department head must obtain 3 competitive figures for comparison.

(C) For acquisitions of materials, supplies or contractual services with a cost greater than \$3,500, the purchase shall not be made without seeking competitive bids, which bid shall be approved by the Commission.

(D) In instances where the town has a particular need to be met with only 1 source of supply, the Town Commission may waive the bidding requirements.  
(Ord. 168, § 3, passed 5-4-1992; Am. Ord. 222, passed 9-12-2006)

### § 2-61 EMERGENCY PROCEDURES.

In the event of an emergency, department heads may make acquisitions of materials, supplies or contractual services, to the extent necessary to abate the emergency, without Town Commission approval. However, a full and complete description of the emergency conditions shall be filed with the Town Commission.

(Ord. 168, § 4, passed 5-4-1992; Ord. 201, § 1, passed 6-5-2001; Am. Ord. 222, passed 9-12-2006)

**§§ 2-62 — 2-70 RESERVED.**



## ARTICLE VI: CODE ENFORCEMENT SPECIAL MASTER

### Section

2-71	Code Enforcement Special Master
2-72	Intent
2-73	Jurisdiction
2-74	Definitions
2-75	Establishing a Special Master
2-76	Code Prosecutor duties
2-77	Code officers and duties
2-78	Conducting hearings
2-79	Construction of violations
2-80	Establishing a fine and lien
2-81	Code enforcement procedures of the Special Master
2-82	Supplementary provisions
2-83	Cost recovery
2-84 — 2-94	Reserved

### § 2-71 CODE ENFORCEMENT SPECIAL MASTER.

(A) The town, by this article, hereby adopts an alternative code enforcement system which shall provide for a Special Master with the authority to hold hearings and assess fines and enforcement costs against violators of all town codes.

(B) The town hereby adopts F.S. Ch. 162 in its entirety as may be amended from time to time.

### § 2-72 INTENT.

It is the intent of this article to promote, protect and improve the health, safety and welfare of the citizens of the town, by authorizing the creation of the position of Special Master for code enforcement proceedings with the authority to impose administrative fines and other non-criminal penalties, to provide an equitable, expeditious, effective and inexpensive method of enforcing and codes and ordinances in force in the town where a pending or repeat violation exists.

**§ 2-73 JURISDICTION.**

The jurisdiction of the Special Master appointed by the Town Commission to hear cases brought by code officers shall include violations of any town ordinances or the town code, and any county code or state statute incorporated into the town code by reference or by operation of law, occurring within the Town of Hillsboro Beach. The Special Master shall also have the authority to notify and order the Town Administration to make reasonable repairs necessary to bring properties in compliance, charging the violator with the reasonable cost of repairs, or where it is determined that a violation presents a serious threat to the public health, safety or welfare, or the violation is irreparable or irreversible in nature.

**§ 2-74 DEFINITIONS.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHAPTER 162.** F.S. Ch. 162, as currently enacted and as may be amended from time to time.

**CLERK.** The town employee with responsibility for coordinating hearings of the Special Master.

**CODE.** The Hillsboro Beach Town Code and all codes and state statutes incorporated into the Hillsboro Beach town code by reference or by operation of law, occurring within the Town of Hillsboro Beach.

**CODE OFFICER.** An employee or other agent of the town designated by law, ordinance or interlocal agreement, whose duties are to ensure compliance in and for town codes or ordinances and to present code violations to the Special Master.

**NOTICES.** Provided as set forth in F.S. Ch. 162, as currently enacted or as may be amended from time to time.

**OWNER.** The person or persons reflected as the property owner in the most recently certified real property ad valorem tax rolls of Broward County, or other official documentation contained within the public records of the Town of Hillsboro Beach, Broward County or the State of Florida. Additionally, in the case of multiple or joint ownership, notice to 1 owner shall be considered notice to all multiple or joint owners.

**PERSON.** Individuals, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

**REPEAT VIOLATION.** A violation of a provision of a code or ordinance by a person whom the county court or Special Master has previously found to have violated the same provision within 5 years prior to the violation.

**SPECIAL MASTER.** Any Special Master appointed by the Town Commission to hear code enforcement violation cases.

**TOWN.** The Town of Hillsboro Beach, Florida.

**TOWN ATTORNEY.** The Town Attorney of the Town of Hillsboro Beach, Florida.

**TOWN COMMISSION.** The legislative body of the town.

**VIOLATOR.** The person or persons responsible for the ordinance or code violation which, in the appropriate circumstances, shall be the perpetrator of the violation, the owner of the real property or personal property or the person legally responsible for the property upon which the violation occurred, or any or all of the foregoing, or as otherwise provided in the specific code section violated.

**§ 2-75 ESTABLISHING A SPECIAL MASTER.**

(A) The qualifications and appointment of the Special Master shall be as follows:

(1) The Special Master shall be appointed by the Town Commission and shall serve with compensation as established by the Town Commission upon appointment. The Town Commission may appoint 1 or more Special Masters. The Special Master shall serve at the pleasure of the Town Commission;

(2) The Special Master must be both an attorney and a member of the Florida Bar for a minimum of 5 years; and

(3) The Special Master will be bound by the Code of Judicial Conduct as currently prescribed or as amended from time to time.

(B) The provisions of F.S. Ch. 162 are hereby adopted. The Special Master may adopt additional rules and regulations as are consistent with the provisions of F.S. Ch. 162, which the Special Master finds necessary to carry out the provisions of the article, subject to the approval of the Town Commission.

**§ 2-76 CODE PROSECUTOR DUTIES.**

(A) The Town Attorney shall represent the interests of the town and act as code prosecutor when the violator is represented by counsel, as deemed necessary.

(B) The code prosecutor, or designee, shall, in each violation, have professional discretion, including but limited to the right to negotiate a plea with the violator, and present that plea to the Special

Master for approval, to recommend the disposition of a case to the Special Master and to decline to prosecute a case, similar to the discretion exercised by the Town Attorney for criminal municipal violations.

#### **§ 2-77 CODE OFFICERS AND DUTIES.**

(A) The code officers have the primary duty to enforce the various codes and ordinances and initiate enforcement proceedings before the Special Master. The Special Master shall not have the power to initiate the enforcement proceedings.

(B) If the violation of a code or ordinance is found, the code officer shall give written notification to the alleged violator of the violation in accordance with F.S. Ch. 162, and give the alleged violator a reasonable time, in light of the nature of the violation, to correct the violation. Should the violation continue beyond the time specified for correction, or if the violation is a repeat violation, the code officer shall ask the Clerk to set a hearing and to notify the alleged violator of the hearing.

#### **§ 2-78 CONDUCTING HEARINGS.**

(A) The Clerk shall set a time and date for the hearing and notify the alleged violator and the code officer. The violator shall be given at least 7 working days written notification of the hearing. The conduct of the hearing shall be consistent with F.S. Ch. 162.

(B) Hearsay evidence may be accepted for the purpose of supplementing or explaining any direct evidence, but hearsay evidence shall not, in and of itself, be considered sufficient to support a finding or decision unless the evidence would be admissible over objections in a civil action.

(C) The alleged violator shall have the right to be represented by an attorney; however, the alleged violator or his or her attorney shall provide the Town Attorney with written notice that an attorney is representing the alleged violator's interest at least 5 working days prior to the scheduled date of the hearing.

(D) All testimony before the Special Master shall be under oath and shall be recorded. The alleged violator or the town may cause the proceedings to be recorded by a certified court reporter or other certified recording instrument; however, the town shall be under no obligation to provide a certified court reporter or other certified recoding instrument, but rather, the town may use a recoding device of its choice to satisfy its obligation to record the meeting.

(E) The burden of proof shall be with the code officer to show by the greater weight of evidence that a code violation exists and that the alleged violator committed or was responsible for maintaining the violation.

(F) If written notice, or notice as contained in F.S. Ch. 162, has been provided to an alleged violator of the hearing, a hearing may be conducted and an order rendered in the absence of the violator.

(G) The Special Master may, in his or her discretion, postpone or continue a hearing.

(H) All determinations of the Special Master shall be based upon competent substantial evidence.

**§ 2-79 CONSTRUCTION OF VIOLATIONS.**

Each and every act, action or thing done in violation of the provisions of this code or an ordinance of the town shall be construed, deemed and taken as a separate and distinct violation of the provisions of this code; and in every event that a violation of this code or any of the provisions thereof shall continue, each day of such continuance shall be deemed, construed and taken as a separate and distinct violation of the provisions of this code that such condition so allowed to continue shall violate.

**§ 2-80 ESTABLISHING A FINE AND LIEN.**

(A) The establishment of a fine and lien shall be consistent with and pursuant to the provisions of F.S. Ch. 162.

(B) (1) Fines levied by the Special Master shall not exceed \$250 per day per violation of the first violation, \$500 per day per violation for a repeat violation, and up to \$5,000 per violation if the Special Master finds the violation to be irreparable or irreversible in nature. In determining what fine to levy, the Special Master shall consider the following:

- (a) The gravity of the violation;
- (b) Any action taken by the violator to correct the violation; and
- (c) Any previous violations committed by the violator.

(2) In addition to those fines, the Special Master may impose additional fines to cover all costs incurred by the Town of Hillsboro Beach in enforcing its codes and all costs and repairs where it is deemed that a violation presents a serious threat to the public health, safety and welfare, or where the violation is irreparable or irreversible.

(C) A certified copy of an order imposing a fine or costs of repairs may be recorded in the public records and thereafter shall constitute a lien against the land upon which the violation exists, or if the violator does not own the land, upon any other real or personal property owned by the violator. It may be enforced in the same manner as a court judgment by the Sheriffs of the state, including levy against the personal property, but shall not be deemed otherwise to be a judgment of a court except for enforcement purposes. As authorized by law, the town may foreclose on duly recorded liens that have remained unpaid. Property subject to a lien established by a Special Master may be foreclosed by the town in a manner provided by state law for the foreclosure of mortgages on real property, or in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions of F.S. Ch. 173, as currently enacted or as amended from time to time, or payment enforced otherwise as

authorized by law. Upon an action for foreclosure, the town shall receive all costs, including reasonable attorneys' fees, necessary to institute and prosecute same.

(D) Upon full payment of any lien, the Special Master or Town Attorney shall be authorized to execute and deliver a full satisfaction of the lien to the violator, or his or her representative, for his or her recording.

#### **§ 2-81 CODE ENFORCEMENT PROCEDURES OF THE SPECIAL MASTER.**

The Town Commission may adopt by resolution such procedures as are deemed necessary and appropriate for the Special Master to carry out his or her function as set forth in this article.

#### **§ 2-82 SUPPLEMENTARY PROVISIONS.**

The provision and procedures contained in this article shall be in addition and supplemental to any other remedies now existing or subsequently provided for by law, regarding violations or municipal ordinances.

(Ord. 201, § 2, passed 6-5-2001)

#### **§ 2-83 COST RECOVERY.**

Upon a finding for the town by the Special Master, the violator shall be assessed such costs as were incurred by the town in providing for the hearing. These costs shall constitute a lien against the land upon which the violation exists, or upon any other real or personal property owned by the violator. Recovery of the costs shall be in a manner the same as provided for fines as delineated in § 2-80 above.

(Ord. 216, passed 2-3-2004)

#### **§§ 2-84 — 2-94 RESERVED.**

## ARTICLE VII: ADVISORY BOARDS AND COMMITTEES

### Section

- 2-95 Creation of advisory boards and committees
- 2-96 Terms of office
- 2-97 Appointment process
- 2-98 Advisory only
- 2-99 Meetings, dates, procedures, records, quorum and compensation
- 2-100 Annual report
- 2-101 — 2-114 Reserved

### § 2-95 CREATION OF ADVISORY BOARDS AND COMMITTEES.

(A) There is created the following advisory boards and committees of the Town Commission.

(1) *Financial and Audit Committee.*

(a) *Qualifications.* Each member of the Financial and Audit Committee shall be a citizen or resident of the town who owns, rents or is otherwise a registered voter of the town. Whenever possible, the Town Commission shall appoint individuals with a financial or investment background to sit on the committee, including, but not limited to certified public accountants, financial planners and bankers, among other professionals.

(b) *Duties.* The Financial and Audit Committee's duties may include, but not be limited to the following:

1. Review and evaluate the format of financial reports of the town and make recommendations that will enhance the town's effectiveness of financial reporting;
2. Participate in the selection of independent auditing firms consistent with F.S. § 218.391, as may be amended from time to time, determine areas to be emphasized in the external audits, review proposals by competing firms, and prepare appropriate recommendations for the Town Commission to consider;
3. Monitor corrective action agreed to be taken on internal and external audit recommendations; and advise the Town Commission of any deviations, the reasons therefor, and the possible consequences;

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4. Review the town's investments with respect to its investment objectives or investment policies or as may otherwise be required pursuant to F.S. Ch. 218, as may be amended from time to time;

5. Keep abreast of investment trends, receive input of administrative officers regarding investment concepts for the town and make recommendations thereon to the town; and

6. Review town policies and procedures affecting financial and audit functions, and make recommendations to the town as deemed appropriate.

### (2) *Communication Committee.*

(a) *Qualifications.* Each member of the Communications Committee shall be a citizen or resident of the town who owns, rents or is otherwise a registered voter of the town.

(b) *Duties.* The Communications Committee shall facilitate the dissemination of factual data and information relating to town affairs, administration and government; to make recommendations to the town for the implementation of such programs; to facilitate programs which might include, among other things, the regular distribution of a newsletter or periodical deemed advisable and appropriate. The administrative staff of the town shall assist in carrying out the Committee's programs and objectives to the extent such resources are available. The Committee shall make recommendations to the Town Commission as to such ordinances or resolutions as shall be deemed necessary or advisable.

(c) *Other.* The Communication Committee shall work with the Town Commission and town staff to educate new citizens and residents concerning the working of government and how to familiarize themselves with the new community. Upon approval by the town, the Committee may implement programs to:

1. Invite residents to attend Town Commission meetings;
2. Conduct tours of Town Hall;
3. Broadcast meetings of the Town Commission;
4. Develop and enhance the town's website;
5. Coordinate question-and-answer periods regarding such items as tax, recreation and functions of different portions of town government; and
6. Perform such other tasks as the Town Commission may assign to the Committee.

### (3) *Preservation and Beautification Committee.*

(a) *Qualifications.* Each member of the Preservation and Beautification Committee shall be a citizen or resident of the town who owns, rents or is otherwise a registered voter of the town.



(b) *Duties.* The Preservation and Beautification Committee's duties may include, but not be limited to, the following:

1. To collect, arrange, record, preserve and maintain in the town's archives historical artifacts, materials and data, including, but not restricted to, books, pamphlets, maps, charts, manuscripts, family histories and genealogy, U.S. census records, papers, photographs, pictorial sketches, paintings and other objects and materials illustrative of and relating to the history and archaeology of the Town of Hillsboro Beach;
2. Make studies relating to the preservation and conservation of the town's natural resources and environment. Nothing in this Committee's duties shall supersede the duties and responsibilities of the town's Beach Erosion Committee;
3. Recommend the acquisition, restoration, protection and preservation of properties, sites, locations and places relative and pertinent to the history of the town or the environmental integrity of the town;
4. The Committee may, with the approval of the Town Commission, co-sponsor, promote, assist and jointly conduct site surveys, expositions, commemorations and celebrations, in conjunction and in cooperation with local, state and national societies, organizations and governmental agencies to promote the history and environmental character of the town;
5. The Committee may publish and distribute books, pamphlets, newsletters and other publications, concerning national, state, county and local history, archaeology, historical genealogy, government institutions and societies, and concerning the programs, work, duties and operation of the Committee;
6. The Committee may promote and assist in the creation, program and work of local historical, archaeological, genealogical or environmental societies;
7. The Committee may establish categories of awards to recognize those persons or organizations within the town which have contributed to the beautification and environmental preservation of the town. The committee may, from time to time, make such awards to deserving citizens, residents or organizations;
8. The Committee may hear complaints from citizens or residents on problems related to beautification or environmental conservation within the town; and
9. The Committee may make recommendations to the town on any issues related to the beautification of streets, highways and public areas within the town and the conservation of the town's natural resources.

(4) *Charter Review Committee.*

(a) *Qualifications.* Each member of the Charter Review Committee shall be a qualified elector of the town and shall have resided within the town for a period of not less than 180 days prior to his or her appointment.

(b) *Duties.* The Charter Review Committee shall review and make a continuous study of the town charter for the Town of Hillsboro Beach. The recommendations of the Charter Review Committee to alter, change, amend or revise the charter of the town, shall be submitted periodically to the Town Commission for review.

(5) *Utilities and Public Services Committee.*

(a) *Qualifications.* Each member of the Utilities and Public Services Committee shall be a citizen or resident of the town who owns, rents or is otherwise a registered voter of the town.

(b) *Duties.* The Utilities and Public Services Committee shall be responsible for making recommendations to the Town Commission for establishing standards, planning schedules and operating procedures for extending, maintaining, repairing and operating water production, distribution and sewer collection facilities. The Committee shall also make recommendations and advise the Town Commission on matters related to waste disposal as well as other utility and public services concerns.

(B) Each advisory board or committee shall be comprised of 5 members and 2 alternates to be appointed by the Town Commission.

(C) The appointment of the members of the Beach Erosion Committee as provided for in the Town Charter shall be accomplished in accordance with the appointment process set forth in this article. (Ord. 223-07, passed 3-6-2007)

**§ 2-96 TERMS OF OFFICE.**

(A) It is the express intent and purpose of this section to create a term of office for the town's advisory board and committee members which will run from the first Tuesday in March of each year of appointment until the first Tuesday in March of the year the appointment expires. Each Board shall hold an organization meeting pursuant to § 2-99 below as soon as practicable after the appointment of the Board. It is further the express intent of this section to make uniform the dates of appointment and expiration of the appointment for such positions.

(B) It is the intent of the Town Commission pursuant to this section, to impose a term of office for appointed members to any town advisory board or body, not otherwise regulated by Florida Statutes or the Town Charter, to a 1-year term of office.

(C) An attendance requirement shall be imposed on all members of town advisory boards and committees not otherwise governed by Florida Statutes or the Town Charter. By virtue of this section,

the Town Commission may remove any member of a town advisory board or committee who fails to meet the following attendance requirements:

(1) For all non-quasi judicial advisory boards, a board member may be removed if the board member has 3 unexcused absences during any 1 term of office; and

(2) For all quasi judicial advisory boards, a board member may be removed if the board member has 4 unexcused absences during any 1 term of office.

(Ord. 223-07, passed 3-6-2007)

**§ 2-97 APPOINTMENT PROCESS.**

The Town Commission shall follow the following process for the appointment of regular members and alternate members to all town advisory boards and committees:

(A) The Town Commission shall request that individuals who meet the qualification requirements for a specific advisory board and/or committee submit an application for appointment to a specific advisory board. The Town Clerk shall provide notice of the Town Commission's request for applications for appointment to the town's advisory boards and committees through notices posted at Town Hall, in local newspapers of general circulation and such other means as may be available. The form of the application shall be approved by the Town Commission by resolution, and be kept on file in the Town Clerk's office.

(B) Once all applications are submitted, the Town Clerk shall provide copies of all of the applications for each prospective member to the Mayor and Commissioners for their review.

(C) Following a review of the applications, the Mayor and each Commissioner shall forward to the Town Clerk a list of their nominees to fill the membership positions on the respective advisory boards and committees. The Mayor and the Commissioners' lists shall include only individuals who meet the qualification requirements for the specific advisory board and/or committee. In conformance with F.S. § 286.011 (the "Sunshine Law"), as may be amended from time to time, the Mayor and Commissioners shall provide a copy of their list of nominees to the other Commissioners and the Mayor only as a means to advise the other Commission members of their recommendations. The Mayor and Commissioners may not discuss the contents of their respective lists of nominees outside of a duly noticed Town Commission meeting.

(D) The Town Clerk shall review the list of prospective members submitted by the Mayor and each Commissioner, and develop a list of proposed members for each respective advisory board and committee. In the event the Mayor and Commissioner nominate the same individual for the same board or committee, the Commissioner's nomination shall take precedence, and the Town Clerk shall move to the next individual on the Mayor's list. Once the list of regular members and alternate members is prepared, the Town Clerk shall include the lists on the Town Commission agenda for the first Town Commission meeting following the Commission's organizational meeting.

(E) The list of nominated members (the "list") for each respective advisory board and committee shall be approved by a majority vote of the Town Commission at the first Town Commission meeting following the Commission's organizational meeting. In the event the Mayor or a Commissioner has an objection to any specific individual, the Mayor or Commissioner shall move to remove that individual from the list. In order to remove an individual from the list, the motion must be approved by an affirmative vote by a majority of the members of the Town Commission. If an individual is removed from the list, the Commissioner who nominated that individual may then nominate another person to the respective advisory board or committee. The Commission will then consider the list of proposed members until the list is approved by a majority vote of the Town Commission.

(F) Following the first advertisements and application submittals, in the event that no pool of qualified individuals is available to be members of a specific advisory board and/or committee, the commissioner shall notify the Town Clerk of the need to re-advertise for the specific position(s). The Town Clerk shall then re-advertise for that specific advisory board and/or committee member position(s).

(G) Alternates shall be appointed to each advisory board or committee, by the Town Commission by majority vote. If the regular member of any town advisory board or committee vacates his or her position, an alternate member of the respective advisory board or committee shall be appointed to be a regular member of the respective advisory board or committee by majority vote of the Town Commission, and shall serve the unexpired portion of the term of the regular member who vacated their position. At the time the alternate member is appointed, the Town Commission shall also appoint a qualified individual by majority vote to the respective alternate position.

(H) The Town Commission shall use its best efforts to appoint individuals with financial experience to the Financial and Auditing Committee. This financial, economic and/or legal experience shall include, but not be limited to certified public accountants, chief financial officers, financial advisors, as well as individuals with banking experience.

(Ord. 223-07, passed 3-6-2007)

## **§ 2-98 ADVISORY ONLY.**

The actions, decisions and recommendations of the town advisory boards and committees shall not be final or binding on the Town Commission, but shall be advisory only.

(Ord. 223-07, passed 3-6-2007)

## **§ 2-99 MEETINGS, DATES, PROCEDURES, RECORDS, QUORUM AND COMPENSATION.**

(A) An organizational meeting of each advisory board or committee shall be held as the first meeting of each term or as soon thereafter as practicable, for the purpose of electing officers for the ensuing term. A Chair and Vice Chair shall be elected for terms of 1 year by the board or committee from its voting membership.

(B) Each advisory board or committee shall meet when and if necessary at the call of the Chair or when requested in writing by 3 members of the board.

(C) Each advisory board or committee may propose reasonable rules of procedure to govern the conduct of its business subject to the approval of the Town Commission. All meetings, records and files of the advisory board or committee shall be open and available to the public, consistent with F.S. Ch. 119 (the Public Records Law) and F.S. Ch. 286 (the Sunshine Law).

(D) Three voting members in attendance shall constitute a quorum of the advisory board or committee.

(E) The Town Clerk or his or her designee shall act as secretary to the advisory board or committee and be responsible for providing the items necessary for conducting meetings, as requested by the Chair, and for recording and preparation of meeting minutes. The Town Attorney or his or her designee shall act as attorney for the advisory board or committee as may be needed.

(F) The members of each advisory board or committee of the town shall serve without compensation for the performance of their duties.

(Ord. 223-07, passed 3-6-2007)

**§ 2-100 ANNUAL REPORT.**

On or before May 1 of each year, the respective advisory board or committee shall forward to the Town Commission a summary of the advisory board's or committee's accomplishments during the prior year, along with any recommendations or suggestions to the Town Commission regarding any improvements to town operations, ordinances or policies relevant to their board or committee, they see fit to transmit based on their work and observations over that year.

(Ord. 223-07, passed 3-6-2007)

**§§ 2-101 — 2-114 RESERVED.**



## ARTICLE VIII: SENIOR HOMESTEAD EXEMPTION

### Section

2-115 Additional homestead exemption for persons 65 and older

### § 2-115 ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 AND OLDER.

As provided in F.S. § 196.075, as amended from time to time, provides the requirements for additional homestead exemptions for persons 65 years of age and older.

(A) *Definitions.* For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**HOUSEHOLD.** A person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding or renting a portion of a dwelling, as defined in F.S. § 196.075(1), as amended from time to time.

**HOUSEHOLD INCOME.** The adjusted gross income, as defined in § 62 of the United States Internal Revenue Code, of all members of the household, as defined in F.S. § 196.075(1), as amended from time to time.

(B) *General.*

(1) Pursuant to, and in accordance with F.S. § 196.075, the additional homestead exemption as set forth in this section shall apply only to taxes levied by the town, including, if any, dependent special districts and municipal service taxing units.

(2) Amount of additional homestead exemption. Any person who meets the requirements set forth in subsection (C) below, shall be eligible for an additional homestead exemption in an amount up to \$50,000. The additional homestead exemption granted hereunder shall not exceed \$50,000 in accordance with F.S. § 196.075.

(C) *Requirements to obtain additional homestead exemption.* Any person who has attained the age of 65 years will be entitled to an additional homestead exemption if:

- (1) The person has legal or equitable title to real estate;
- (2) The person maintains thereon the permanent residence of the owner;

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(3) The person's household income does not exceed \$20,000;

(4) The taxpayer claiming the exemption submits annually to the Broward County Property Appraiser, not later than March 1, a sworn statement of household income on a form prescribed by the Florida Department of Revenue;

(5) In accordance with rules of the Florida Department of Revenue, the filing of the statement is supported by copies of any federal income tax returns for the prior year, any wage and earnings statements (W-2 forms), and any other documents which the Florida Department of Revenue, finds necessary, for each member of the household, is submitted by June 1. The taxpayer's statement shall attest to the accuracy of the copies; and

(6) Property appraiser approval. The property appraiser may not grant the exemption without the required documentation.

(D) *Household income.* For purposes of (C)(3) above, having commenced in January 1, 2001, the \$20,000 household income limitation shall be adjusted annually, on January 1, by the percentage change in the average cost-of-living in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer-price-index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(E) *Title.* If title is held jointly with the right of survivorship, the person residing on the property and otherwise qualifying may receive the entire amount of the additional homestead exemption.  
(Ord. 230, passed 9-4-2007)



## ARTICLE IX: REGISTRATION OF LOBBYIST

### Section

#### 2-116 Registration of lobbyist

### § 2-116 REGISTRATION OF LOBBYIST.

(A) *Definitions.* For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**LOBBYIST.** Any person or persons employed or retained, paid by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any Commission member; any action, decision, recommendation of the Mayor or any Town Commission member; or any action, decision or recommendation of any town personnel during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the Town Commission, or a town board. The term specifically includes the principal as well as any employee engaged in lobbying activities.

(B) Prior to engaging in each specific lobbying activity, a lobbyist, as defined herein, shall sign a registration form maintained by the Town Clerk and file with the Town Clerk or the designee of the Town Clerk, the registration form which shall require the following information:

(1) The name, address, a telephone number and email address of the lobbyist. The address must be physical address (e.g. not a post office box) where the lobbyist either resides or customarily does business.

(2) The nature and extent of any involvement, activity or assistance, whether paid or voluntary, by any lobbyist, or any member of the lobbyist's immediate family, with current or the most recent campaign of any current elect town official, or current candidate.

(3) Name, address, and phone number of the lobbyist's principal(s), if known at the time of registration. The address must be a physical address (e.g. not a post office box) where the principal either resides or customarily does business.

(4) The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.

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(C) There shall be no fee charged by the town to any lobbyist or lobbyist's principal for registration or lobbying pursuant to this article.

(D) The lobbyist registration forms shall be maintained in the Town Clerk's office. The registration form must be signed by the lobbyist and required of each lobbyist for each separate lobby activity undertaken by a lobbyist.

(E) Notwithstanding any provision to the contrary in this article, no lobbyist shall be required to register when attending any public hearing or public meeting of the town or a town board in the Town of Hillsboro Beach, Florida.

(Ord. 260, passed 1-10-2012)