

## House Bill No. 1141

An act relating to Jupiter Inlet District, Palm Beach County; providing legislative intent; codifying the district's charter, chapter 8910 (1921), Laws of Florida, as amended; ratifying, restating, and approving district formation; providing that the district is an independent special taxing district; providing district status and boundaries; providing for applicability of chapter 189, Florida Statutes, and other general laws; providing additional powers, including the power of eminent domain and the power to issue bonds; providing for tax exempt status of district bonds and property; providing for notice of applications for environmental permits to conduct activities in or on the waters of the state within the district; providing for liberal construction; repealing chapters 8910 (1921), 10727 (1925), 13674 (1929), 16057 (1933), 22787 (1945), 22868 (1945), 24154 (1947), 71-818, 74-567, 75-474, 78-580, 79-531, 79-532, 79-533, 80-573, 81-458, 83-492, 85-482, and 87-522, Laws of Florida; providing severability; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Jupiter Inlet District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative enactments and any additional authority granted by this act.

Section 2. Chapter 8910, Laws of Florida, 1921, chapter 10727, Laws of Florida, 1925, chapter 13674, Laws of Florida, 1929, chapter 16057, Laws of Florida, 1933, chapter 22787, Laws of Florida, 1945, chapter 22868, Laws of Florida, 1945, chapter 24154, Laws of Florida, 1947, and chapters 71-818, 74-567, 75-474, 78-580, 79-531, 79-532, 79-533, 80-573, 81-458, 83-492, 85-482, and 87-522, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Jupiter Inlet District is re-created, and the charter for such district is re-created and reenacted to read:

Section 1. District formation ratified, restated, and approved.—The Jupiter Inlet District was created by chapter 8910, Laws of Florida, 1921, and such creation is hereby ratified, confirmed, and approved.

Section 2. Status and boundaries of district.—The Jupiter Inlet District is hereby declared to be an independent special district and a public corporation of the State of Florida, and the lands lying within the area described as follows in Palm Beach County, Florida, shall constitute the Jupiter Inlet District:

Commencing at the point where the South line of Township 41 South intersects the shore of the Atlantic Ocean, and thence Westward following said Township line to the point where said Township line intersects

the North right of way line of State Road 710; thence in a Northerly direction along the North right of way line of State Road 710 in Township 41 South, Range 41 East through Sections 35, 34, 27, 28, 29, 20, 19 and 18 in said Township and Range, to the point where said North right of way line of State Road 710 intersects the West line of Section 18 in said Township and Range; thence North along the West line of Range 41 East to the Northwest corner of Section 31, Township 40 South, Range 41 East; thence East along the North line of Sections 31, 32, 33, 34, 35 and 36 of Township 40 South, Range 41 East, and along the North line of Sections 31, 32 and 33 of Township 40 South, Range 42 East to the Northeast corner of Section 33, Township 40 South, Range 42 East; thence North along the West line of Section 27, Township 40 South, Range 42 East to the Northwest corner of said Section 27 in said Township and Range; thence East along the North line of Sections 27, 26 and 25 of Township 40 South, Range 42 East, and along the North line of Section 30, Township 40 South, Range 43 East, to the Eastern terminus thereof, where said line intersects the shore of the Atlantic Ocean; thence Southerly, meandering the shore of the Atlantic Ocean, to the point of beginning.

Section 3. Minimum charter requirements.—

(a) The district was organized and exists for the purposes of deepening and maintaining the Loxahatchee River and deepening and maintaining the Jupiter Inlet for the preservation of the public health, for the public good, and for the use of the public.

(b) The district shall have all of the following powers and duties:

(1) To exercise any power of a Florida corporation, including the power to enter into contracts.

(2) To levy ad valorem taxes on taxable property within the district, to be collected as provided by general law.

(3) To issue bonds.

(4) To exercise the power of eminent domain.

(5) To carry out the purposes of this act.

(c) The district was created by special act of the Legislature.

(d) The charter of the district may be amended only by special act of the Legislature.

(e) The governing body of the district shall be a board consisting of five commissioners who shall be qualified electors residing within the district. The present commissioners shall serve until the general election at which the current 4-year term of each commissioner expires, or until their successors are elected and qualified. The terms of the present commissioners shall continue to expire every 2 years so that three commissioners' terms expire in one election year and the other two expire 2 years later. Commissioners shall be elected for a term of 4 years.

(f) The compensation of each commissioner shall be \$120 per month or any portion of a month in which the commissioner serves. The commissioners shall also be allowed per diem, traveling expenses, mileage, subsistence, and other expenses at the same rate as that allowed public officers, employees, and authorized persons under section 112.061, Florida Statutes, or successor legislation, as it may from time to time be amended, or as otherwise provided by general law.

(g) The administrative duties of the board of commissioners shall include the planning, financing, and coordination of the works of the district, including budgeting, obtaining sources of financing, as well as carrying out the constructing, repairing, restoring, and maintaining of the works of the district.

(h) Requirements for reporting, financial disclosure, meeting notices, and public records maintenance shall be as set forth in chapters 112, 189, 218, and 286, Florida Statutes, as they may be amended, and by other applicable general law.

(i) The district may issue bonds, including general obligation bonds, revenue bonds, bond anticipation notes, and limited revenue bonds, in the same manner as provided by general law for the issuance of bonds by counties, but no general obligation bonds may be issued until approved by referendum of the qualified electors of the district. The district must levy sufficient ad valorem taxes each year to provide for all interest and sinking fund payments applicable to general obligation bonds.

(j) District elections or referenda shall be conducted as provided by general law for nonpartisan elections. All registered voters of the district shall be qualified electors of the district. District elections for commissioner shall be by numbered seat.

(k) The functions and operations of the district shall be financed by ad valorem tax revenue levied upon the taxable property within the district, and such other revenue as may be received by the district from investments, funding from local, state, and federal government, and such other sources as the board of commissioners may determine.

(l) The district is authorized to levy ad valorem taxes on the taxable property of the district up to an annual maximum of 3 mills per dollar of taxable value.

(m) The district's planning requirements shall be as provided in chapter 189, Florida Statutes.

(n) The geographic boundaries of the district are as set forth in section 2 of this charter.

#### Section 4. Additional provisions.—

(a) The district is authorized to borrow money for periods of time not exceeding 1 year, at an interest rate not exceeding the maximum rate permitted by law, as the Board may deem advisable; provided, however, that

the aggregate amount of the principal of all monies so borrowed upon the note or notes of the district shall not at any one time exceed the total amount of ad valorem tax receipts collected by the district applicable to its fiscal year last ended at the time of issuance of any such note. No limitation on interest rate, term, or principal amount shall apply to any indebtedness, so long as the loan is secured by the pledge of a certificate of deposit or other evidence of deposit of moneys of the district having a fixed maturity date and providing for interest penalty or loss of interest for early withdrawal, the term of the loan is not longer than the fixed maturity date of the asset pledged, and the amount of the loan plus interest does not exceed the value of the pledged asset at maturity.

(b) Before taking office, each commissioner shall give a surety bond, with a surety company authorized to do business in the State of Florida, in a sum fixed by the commission, not less than \$2,500. Commissioners shall elect a chair, a vice chair, a secretary, and a treasurer. The offices of secretary and treasurer may both be held by the same person. All district officers must be commissioners. The affirmative vote of three commissioners shall be required to pass any measure.

(c) The district shall appoint a district engineer, who shall be an engineer licensed to practice in the State of Florida.

(d) The district is further authorized and empowered to:

(1) Clean out, straighten, widen, change the course or flow of, or deepen any other watercourse, natural stream, or body of water found to be necessary by the board of commissioners in order to facilitate the maintenance of the inlet or waterway between the mouth of the Loxahatchee River and the Atlantic Ocean or that may be found necessary to maintain a sufficient depth of water in the Loxahatchee River.

(2) Construct and maintain canals, ditches, revetments, jetties, and other works and improvements deemed to be necessary in the construction, preservation, or maintenance of the work of the district.

(3) Construct any bridge or roadway over or across levees, embankments, highways, or railroads or over any canal or waterway in the district.

(4) Acquire, by purchase, condemnation, gift, or otherwise, such lands, easements, riparian rights, and railway rights-of-way as the board of commissioners deems necessary for the purposes of the district.

(5) Construct and maintain docks, wharves, buildings, or other improvements upon any of the properties which may be acquired by virtue of this act.

(6) Charge and collect fees for the use of any wharves, docks, buildings, or other structures or improvements owned by the district.

(7) Use, hold, occupy, control, develop, lease, or make any other disposition of any property which may be acquired for and on behalf of the district under the provisions of this act.

(8) Do and perform every act or thing which may be necessary to carry out the purposes of this act.

(e) The district shall have the power of eminent domain over any real and personal property, whether or not located within the district, to be exercised as provided by general law.

(f) Notwithstanding any other provision of law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, executors, administrators, trustees, guardians, and other fiduciaries, and for any board, body, agency, or instrumentality of the State of Florida or of any county, municipality, or other political subdivision of the state, and shall be and constitute securities which may be deposited by banks or trust companies as security for deposits of state, county, municipal, and other public funds.

(g) All moneys, properties, or other assets of the district shall be exempt from all taxation by the State of Florida or by any county, municipality, or other political subdivision thereof. Bonds issued pursuant to this section shall, together with the income therefrom, be exempt from all taxation by the State of Florida or by any county, municipality, or other political subdivision thereof.

Section 5. Permit applications, notice, and comment.—

(a) As used in this section:

(1) “Board” means the Board of Commissioners of the Jupiter Inlet District.

(2) “Department” means the Department of Environmental Protection and any of its divisions, including any division responsible for permitting, as presently constituted or as may be hereafter reorganized, renamed, or restructured, and any of its successors.

(3) “Permit” means any permit, license, certificate, or exemption presently or hereafter required for any activity under the jurisdiction of the department and in or upon the waters of the state located within the Jupiter Inlet District.

(b)(1) At the earliest practicable time, but in any event prior to consideration by the department of any application for a permit as defined herein, the department shall provide to the board written notice of any application for a permit received by the department.

(2) Such written notice shall be sufficient if a photocopy of any such application for a permit, as received by the department, is mailed to the board by ordinary mail at such address as the board may designate.

(c) The department shall consider and take into account in its decision to grant or deny any permit, such facts, opinions, comments, recommendations, or suggestions as the board may furnish, ascribing to them such weight as the department deems appropriate under the facts and circumstances of any given permit application.

(d) Nothing in this section shall be construed to require the department to grant or deny any permit based solely upon any response of the board to such permit application.

(e) The department may require payment by the board from the general funds of the district, and the board is authorized to pay the department such reasonable charge as the department shall fix, to reimburse the department for the cost of copying and mailing of any material required to be furnished to the board herein; but, payment of any such charge shall not be a condition precedent to the furnishing to the board of any such material.

(f) The notice of permit application required in paragraph (b)(1) may be made to the board by the permit applicant as set forth in paragraph (b)(2), except that if such notice is furnished by the applicant, it shall be given by certified mail with a return receipt requested, with notice to the department thereof to prevent duplication of effort.

Section 6. Liberal construction.—It is intended that the provisions of this act be liberally construed to accomplish the purposes of this act.

Section 4. Chapter 8910, Laws of Florida, 1921, chapter 10727, Laws of Florida, 1925, chapter 13674, Laws of Florida, 1929, chapter 16057, Laws of Florida, 1933, chapter 22787, Laws of Florida, 1945, chapter 22868, Laws of Florida, 1945, chapter 24154, Laws of Florida, 1947, and chapters 71-818, 74-567, 75-474, 78-580, 79-531, 79-532, 79-533, 80-573, 81-458, 83-492, 85-482, and 87-522, Laws of Florida, are repealed 10 days after the effective date of this act.

Section 5. If any provision of this act, or any provision of the district's charter contained herein, is held to be unconstitutional, such holding shall not affect the validity of the remaining provisions of the charter or other provisions of this act.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor May 25, 2000.

Filed in Office Secretary of State May 25, 2000.