

CHAPTER 2023-331

House Bill No. 945

An act relating to the Jupiter Inlet District, Palm Beach County; codifying, amending, reenacting, and repealing special acts relating to the district; providing purpose and construction; providing severability; repealing chs. 2000-412 and 2002-354, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to s. 189.019, Florida Statutes, this act constitutes the codification of all special acts relating to the Jupiter Inlet District, an independent special district in Palm Beach County, Florida. 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. Chapters 2000-412 and 2002-354, Laws of Florida, are amended, codified, reenacted, and repealed as herein provided.

Section 3. The charter of the Jupiter Inlet District, an independent special district in Palm Beach County, is re-created and reenacted to read:

ARTICLE I

NAME AND BOUNDARIES

Section 1. Name.—The name of the district, originally formed and created by chapter 8910, Laws of Florida, 1921, shall continue to be the “Jupiter Inlet District”.

Section 2. Boundaries.—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 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.

ARTICLE II

PURPOSE

The purpose of the district is for the benefit, health, safety, and welfare of the general public, marine life, near-shore environs and habitats, water quality, and the general environment of the Loxahatchee River and Jupiter Inlet. The authority and powers granted in this act are necessary to ensure safe navigation, environmental preservation, enhancement, and restoration and to maintain the Jupiter Inlet, including its seaward approaches, and also the Loxahatchee River, its tributaries, and adjacent waterways.

ARTICLE III

POWERS AND AUTHORITY

(a) The district shall have all of the following powers and authority:

(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. The district may levy ad valorem taxes on the taxable property of the district up to an annual maximum of 1.5 mills per dollar of taxable value.

(3) To issue bonds. 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 debt payments applicable to general obligation bonds. 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.

(4) To exercise the power of eminent domain. The district shall have the power of eminent domain over any real and personal property located within the district, to be exercised as provided by general law.

(5) To 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.

(6) To deepen, construct, reconfigure, and maintain channels and bottoms of the Loxahatchee River, Jupiter Inlet, including its seaward approaches, and any waterway, natural stream, or body of water found to be necessary or advisable by the board of commissioners.

(7) To construct and maintain canals, ditches, revetments, jetties, sediment basins, navigational channels, navigational aids, conduct dredging, and shoreline preservation and to carry out environmental protection, environmental enhancement, environmental restoration, and other works and improvements deemed necessary or advisable by the board of commissioners.

(8) To construct any bridge or roadway over or across levees, embankments, highways, or railroads or over any canal or waterway in the district, to fulfill the purposes of this act.

(9) To construct and maintain docks, wharves, buildings, or other improvements upon any of the properties that may be acquired by virtue of this act.

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

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

(12) To do and perform every action or thing that may be necessary to carry out the purposes of this act.

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

ARTICLE IV

COMMISSIONERS AND DUTIES

Section 1. Commissioners.—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 continue to serve until their terms expire.

Section 2. Elections.—Elections for commissioners shall be conducted as provided by general law for nonpartisan elections. The terms of office shall be staggered 4-year terms, which commence and terminate in the month of January, following the general election held in each even numbered year. All registered voters of the district shall be qualified electors of the district. District elections for commissioner shall be by numbered seat.

Section 3. Officers.—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.

Section 4. Vacancies.—Any vacancy occurring on the board of commissioners shall be filled by appointment by the Governor for the unexpired term of the commission seat on the board that he or she is filling.

Section 5. Quorum.—At any meeting of the board, three commissioners shall constitute a quorum for the transaction of business.

Section 6. Compensation.—The compensation of each commissioner shall be \$500 per month or any portion of a month in which the commissioner serves.

Section 7. Commission powers.—The board of commissioners shall have all powers of a body corporate, including, but not limited to, the power to sue and be sued as a corporation in said name in any court; to make contracts; to adopt and use a common seal and alter the same at its pleasure; to buy, hold, lease, sell, exchange, and convey such real estate and personal property as the board may deem proper to carry out the purposes of this charter; to employ an executive director, an engineer, an attorney, an accountant, and any and all such other consultants, agents, and employees as the board may deem necessary; and to borrow money and to issue negotiable promissory notes, bonds, revenue certificates, or other evidence of indebtedness therefor, in order to enable said governing body to carry out this charter.

Section 8. Authority.—The board of commissioners has the authority to do and perform every act or thing which may be necessary to carry out the purposes of this act.

ARTICLE V

REPORTING AND ADMINISTRATION

Section 1. Notice and recordkeeping.—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.

Section 2. District funding.—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, grants, or funding from local, state, and federal government, fees, and such other sources as the board of commissioners may determine.

Section 3. Planning.—The district’s planning requirements shall be as provided in chapter 189, Florida Statutes.

Section 4. Authority to borrow funds.—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 of commissioners 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 no 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.

Section 5. Tax exemptions.—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.

ARTICLE VI

PERMIT APPLICATIONS, NOTICE, AND COMMENT

Section 1. Definitions.—As used in this section:

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

(b) “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.

(c) “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.

Section 2. Notice of permit applications.—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 district notice and a copy of any application for a permit received by the department. The district has the authority to request and review said applications. Such notice and copy of any application shall be delivered to the district in writing or by electronic means sufficient to satisfy the notice requirement.

Section 3. Authority to provide comment.—The district has the authority to review and submit comment to the department for any application to carry out the purposes of this act. 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 district may submit, ascribing to them such weight as the department deems appropriate. However, nothing in this section shall be construed to require the department to grant or deny any permit based solely upon any submittal of comments or facts by the district to such permit application.

Section 4. Costs.—The district is authorized, from the general funds of the district, 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 district herein; but payment of any such charge shall not be a condition precedent to the furnishing to the district of any such material.

Section 5. Notice by applicant.—The department’s notice and copy of any permit application may be satisfied directly from the applicant, providing that such notice and copy of the permit application shall be delivered to the district in person or by certified mail with a return receipt requested. Upon receipt of the notice and copy of the permit by the applicant, the district shall notify the department.

ARTICLE VII

AUDIT

At least once each year, the commissioners shall employ a certified public accountant for the purpose of auditing the books of the Jupiter Inlet District. Such audit shall be made public.

Section 4. Public purpose.—It is hereby determined and declared that each and all of the powers conferred by the charter of the Jupiter Inlet District and the exercise thereof are proper public and proprietary purposes.

Section 5. Liberal construction.—The charter of the Jupiter Inlet District, being necessary for the welfare of the inhabitants of the state, shall be liberally construed to effect the purposes thereof.

Section 6. Current commissioner terms.—As of the effective date of this act, the term of each member currently serving as a commissioner of the Jupiter Inlet District shall continue without interruption or alteration until the end of such term.

Section 7. Severability.—The provisions of this charter are severable and it is the intention to confer the whole or any part of the powers provided herein. If any of the provisions of this charter shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall have no effect to impair any of the remaining provisions.

Section 8. Chapters 2000-412 and 2002-354, Laws of Florida, are repealed.

Section 9. This act shall take effect upon becoming a law.

Approved by the Governor June 22, 2023.

Filed in Office Secretary of State June 22, 2023.