

GREATER BOCA RATON BEACH & PARK DISTRICT

CHAPTER 2003-313

LAWS OF FLORIDA

CHAPTER 2003-313

House Bill No. 297

An act relating to the Greater Boca Raton Beach and Park District, Palm Beach County, an independent special district of the state; codifying, amending, and reenacting special laws relating to the district; providing legislative intent; repealing chapters 74-423, 75-330, 76-323, 82-350, 85-481, and 97-330, Laws of Florida, relating to the district; providing for liberal construction; providing for 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 Greater Boca Raton Beach and Park 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 authority granted to the district by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all district authority, including the authority to annually assess and levy against the taxable property in the district a tax not to exceed 2 mills on the dollar of assessed valuation.

Section 2. Chapters 74-423, 75-330, 76-323, 82-350, 85-481, and 97-330, Laws of Florida, relating to the Greater Boca Raton Beach and Park District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Greater Boca Raton Beach and Park District is re-created, and the charter for the district is re-created and reenacted to read:

Section 1. Independent special district.—The Greater Boca Raton Beach and Park District for the purposes of this act is created into an independent special district of the State of Florida. Which said district shall embrace and include the following described property lying in Township 46 and 47 South, Ranges 42 and 43 East, Palm Beach County, Florida:

Begin at the intersection of the Mean High Water Line of the Atlantic Ocean and the Broward County - Palm Beach County Line; thence run Westerly along said Broward County - Palm Beach County Line to a point of intersection with the Easterly Right-of-Way Line of the Florida State Turnpike, according to the Right-of-Way maps as recorded in the Public Records of Palm Beach County, Florida; thence run Northerly along the Eastern Right-of-Way Line of said Turnpike through Section 33, 28, 21, 16, 9 and 4 to a point on the Township line between Townships 46 and 47 South, said point located where the Township line intersects the Easterly Right-of-Way of Florida State Turnpike; thence run Easterly along said Township line to a point of intersection with the Westerly corporate limit boundary of the City of Boca Raton which lies in Section 31, Township 46 South, Range 43 East; thence run Northerly along the West line of said corporate limit boundary which lies in Section 31, to a point of intersection with the North boundary of Sections 31, said point also being on the center line of the Central and Southern Florida Flood

Control District C-15 Canal; thence Easterly along the center line of said C-15 Canal through the Easterly part of Section 31, and Sections 32 and 33, Township 46 South, Range 43 East to the intersection with the center line of the Right-of-Way of the Intracoastal Waterway; thence run South-erly along the center line of the Right-of-Way of the Intracoastal Water-way through Section 33, Township 46 South, Range 43 East and Sections 4 and 9, Township 47 South, Range 43 East to a point of intersection with the center line of the Right-of-Way of the Intracoastal Waterway and a line at 1333.86 feet South of and parallel to the North line of Section 9, Township 47 South, Range 43 East; thence run Easterly along a line which is 1333.86 feet South of and parallel to the North line of Section 9 to the Mean High Water Line of the Atlantic Ocean; thence run South-erly along the Mean High Water Line of the Atlantic Ocean to a point to intersection with the County Line between Palm Beach County and Broward County, said point being the Point of Beginning.

Section 2. Board of commissioners; elections; bond required.—

(1) The district shall be governed by a board of five commissioners. Three of the commissioners shall reside within the corporate boundary of the City of Boca Raton and the remaining two commissioners shall reside within the remainder of the district. All of the commissioners shall be elected at large by the qualified electors of the district as follows: The commission seats shall be numbered one through five with seats one through three for commission-ers residing within the City of Boca Raton and seats four and five for commission-ers residing within the remainder of the district. Odd-numbered seats shall be filled for 4-year terms by those commissioners elected in 2000 and even-numbered seats shall be filled for 4-year terms by the commission-ers elected in 2002. Thereafter, all terms shall be of 4 years in length. The commissioners shall be electors qualified to vote in order to be eligible for election to the board of commissioners. The commissioners shall be known and designated as the Board of Commissioners of the Greater Boca Raton Beach and Park District. The terms of commissioners serving on the effective date of this act shall expire upon the assumption of office of commission-ers elected pursuant to this section.

(2) A majority of the members of the board of commissioners shall constitute a quorum. On any vote of the board to set the annual millage, set the annual budget, or carry out any of the purposes of this act as enumerated in Section 3, a minimum of three affirmative votes shall be necessary. The board shall cause true and accurate minutes and records to be kept of all business transacted by it and shall keep full, true, and complete books of account and minutes, which shall at all reasonable times be open and subject to the inspection of the public.

(3) The terms of office of each commissioner shall begin on January 1 following the election at which the commissioner is elected. The Governor shall have the power to remove any member of the board for cause and shall fill any vacancies that may at any time occur thereon. Should the City of Boca Raton municipal boundaries be changed through annexation to include the area wherein any elected commissioner of seat four or seat five resides, said commissioner shall serve only until the next election, at which time said

seat shall be filled by a commissioner residing in the area outside of the City of Boca Raton municipal boundaries and elected at large by the qualified electors of the district.

(4) Commissioners shall be elected at the first and second nonpartisan elections. The first nonpartisan election shall be held at the time of the first primary election provided for by section 100.061, Florida Statutes. The second nonpartisan election shall be held at the time of the second primary election provided for by section 100.091, Florida Statutes. No reference to political party affiliation shall appear on any ballot with respect to any candidate for the board. The board shall be elected on separate nonpartisan ballots in a form similar to that for the nonpartisan election of judicial officers. Candidates shall qualify with the Palm Beach County Supervisor of Elections no earlier than noon of the 50th day, and no later than noon of the 46th day, prior to the date of the election upon filing an oath or affirmation substantially the same as that required of judicial candidates by section 105.031(4), Florida Statutes.

(5) The board shall convene as soon as practicable after January 1 each year and shall elect a chair and such other officers as it determines necessary for the efficient management of the affairs of the district. Such officers shall hold office subject to an annual election by the board in January of each year.

(6) Each commissioner shall be required to give bond to the Governor for faithful performance of his or her duties in the sum of \$5,000 with a surety company qualified to do business in the state as surety, which bond shall be approved and kept by the Clerk of the Circuit Court of Palm Beach County. The premium on the bond shall be paid as part of the expenses of the district.

(7) Commissioners shall receive a compensation for attendance at a meeting of the board or a meeting attended by any commissioner at which the purposes, obligations, or business of the district is discussed or transacted. The amount of said compensation shall be equal to the dollar amount set forth in section 112.061(6)(a)1., Florida Statutes, as may be amended. In no event shall any commissioner receive compensation for more than one meeting per day.

Section 3. Purposes and obligations.—The purposes and obligations of the district shall be:

(1) To first reimburse the City of Boca Raton the actual costs of debt service of acquisition, maintenance, operation, and debt service of improvements of the real property commonly known as the Schine and Butler Tracts, more fully described as follows:

Parcel No. 1

That part of the South 1181.65 feet of the North 2571.65 feet of Government Lot 1, Section 21, Township 47 South, Range 43 East Palm Beach County, Florida, lying East of State Road A-1-A, together with riparian and littoral rights, if any, appurtenant thereto.

Parcel No. 2

Parcel B-1 and the South 200 feet of parcel B-3 as measured at right angles to the South Boundary thereof of Sun and Surf Club Community, a subdivision in Boca Raton, Florida, according to the plat thereof recorded in the Public Records of Palm Beach County, Florida, in Plat Book 27, beginning at Page 114, together with the riparian and littoral rights, if any, appurtenant thereto.

Parcel No. 3

That part of the South 618.35 feet of the North 1590 feet of Government Lot 1, Section 21, Township 47 South, Range 43 East, Palm Beach County, Florida, lying East of State Road A-1-A, together with all riparian and littoral rights, if any, appurtenant thereto.

Parcel No. 3A

The East 300 feet of Parcel B-3 in Sun and Surf Club Community, less the South 200 feet as measured at right angles to the South Boundary thereof of Sun and Surf Club Community, a subdivision in Boca Raton, Florida, according to the plat thereof recorded in the Public Records of Palm Beach County, Florida, in Plat Book 27, beginning at Page 114, together with riparian and littoral rights, if any, appurtenant thereto.

Parcel No. 3B

Parcel B-3 (except the East 300 feet thereof) in Sun and Surf Club Community, a subdivision in Boca Raton, Florida, according to the plat thereof recorded in the Public Records of Palm Beach County, Florida, in Plat Book 27, beginning at Page 114, together with riparian and littoral rights, if any, appurtenant thereto.

Parcel No. 4

The South 150 feet of the North 771.65 feet of Section 21, Township 47 South, Range 43 East, as the same is located by the boundary agreement and the plat recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 18, at Page 1, together with riparian rights and littoral rights, if any, appurtenant thereto.

Parcel No. 5

The South 142.98 feet of the North 621.65 feet of Government Lot 1, Section 21, Township 47 South, Range 43 East, Palm Beach County, Florida, together with riparian and littoral rights, if any, appurtenant thereto.

Parcel No. 6

The South 271.20 feet of Government Lot 4, Section 16, Township 47 South, Range 43 East, and the North 478.67 feet of Government Lot 1, Section 21, Township 47 South, Range 43 East; begin a parcel 749.87 feet in width extending from the ocean on the east to Lake Wyman and the

Intracoastal Waterway on the west and being the parcel designated as Parcel No. 2 on the plat recorded in plat Book 18, at Page 1, Palm Beach County Public Records, together with riparian and littoral rights, if any, appurtenant thereto.

Parcel No. 7

All that part of the North 699.83 feet of the South 971.03 feet of Section 16, Township 47 South, Range 43 East, lying between the waters of the Atlantic Ocean on the East and the waters of Lake Wyman on the West, together with riparian and littoral rights, if any, appurtenant thereto.

Parcel No. 8

That tract of land in Section 21, Township 47 South, Range 43 East, bounded as follows: On the East by the Atlantic Ocean; on the West by State Road No. A-1-A (formerly No. 140) as the same is now laid out and in use; on the North by a line parallel to and 2571.65 feet South of (measured at right angles) the North line of said Section 21; and on the South by a line parallel to and 2771.65 feet South of (measured at right angles) the North line of said Section 21, Palm Beach County, Florida.

Parcel No. 9

A tract of land in Section 21, Township 47 South, Range 43 East bounded as follows: On the East by the Atlantic Ocean; on the West by State Road A-1-A as the same is now laid out and in use; on the North by a line parallel to and 2,771.65 feet South of (measured at right angles) the North line of said Section 21 and on the South by a line parallel to and 2,871.65 feet South of (measured at right angles) the North line of said Section 21. Said tract of land lying in Boca Raton, Palm Beach County, Florida.

(2) To reimburse the City of Boca Raton from other available revenues of the district the actual costs of debt service of acquisition, maintenance, operation, and debt service of improvements on existing or future beach or park properties, or to acquire, maintain, operate, or improve beach or park properties as provided in Section 4.

Section 4. Powers.—The board shall have all the powers as a body corporate, including the power to sue and be sued under the name of the Greater Boca Raton Beach and Park District; to contract and be contracted with; to borrow money; to adopt and use a corporate seal; to purchase or lease such real and personal property as is necessary and proper to maintain office space required to accomplish the purpose of this act; to purchase, lease, or acquire through exercise of the power of eminent domain real property for beach or park purposes, subject to the concurrence of the City Council of the City of Boca Raton or to the approval of the district electorate by referendum, and to maintain, operate, or improve such property; and to carry out the provisions of this act in the manner hereinafter provided.

Section 5. Duties.—

(1) The board shall be authorized, empowered, and directed annually to levy upon all of the nonexempt real property and nonexempt tangible personal property and inventory in the district a sufficient tax necessary for the purposes and needs of said district incurred in the exercise of the powers and purposes herein granted. However, the tax levied shall not exceed, in any event, 2 mills unless approved by the electors residing within the district at a referendum election held for such purpose.

(2) The board shall also be authorized to accept donations from either private or governmental sources of any kind.

(3) If, in the sole judgment of the board, the purposes of this act have been undertaken and carried out by some other public or private body or corporation, then, in such event, the board is directed to withhold, reduce, or eliminate its expenditures, taking into consideration the expenditures that the other public or private body or corporation is obligated to expend in carrying out the same purposes of this act.

(4) Should the boundaries of the City of Boca Raton, by annexation, encompass the same boundaries as the district, then the district, upon retiring and satisfying all of its obligations and liabilities, shall cease to function and its assets shall be assigned and transferred to the City of Boca Raton or its corporate successor.

Section 6. Procedure for payment of funds.—The funds of the district shall be paid out only upon warrant signed by the chair of the board or a majority of the commissioners, and no warrant shall be drawn or issued against funds of the district except for a purpose authorized by this act.

Section 7. Purchases.—All purchases or leases of supplies, equipment, materials, or office space for use in the operation and maintenance of the district in excess of \$5,000 shall be approved by the board only after competitive bids have been sought from at last three different sources of supply. However, if less than three different sources are available, competitive bids shall be accepted from whatever sources are available. During emergencies, the board may, by resolution, authorize the purchase or lease of designated supplies and equipment in excess of the above-mentioned limitations without competitive bidding.

Section 8. Levy and collections of taxes; procedure.—The levy of taxes authorized by this act shall be by resolution duly entered upon the minutes of the board. Certified copies of such resolutions executed in the name of the board by its chair, under its corporate seal, shall be made and delivered to the Board of County Commissioners of Palm Beach County within a reasonable time and as is necessary to meet the legal requirements for the levying of taxes by the county commissioners. It shall be the duty of the Tax Collector of Palm Beach County to collect the amount of taxes so levied by the Board of Commissioners of the Greater Boca Raton Beach and Park District upon the nonexempt taxable property in the district for said year in the same manner as other taxes are collected and to pay the same over to the district board within the time and in the manner prescribed by law for the payment by the tax collector of county taxes to the county depository. The taxes shall be levied upon the assessed value of taxable property in the district as is

determined by the county property appraiser. All such taxes shall be held by the district board and paid out by it as provided in this act. The board is authorized to pay necessary expenses to the county property appraiser and tax collector for the assessment and collection of taxes on a reasonable basis as required.

Section 9. Payment of expenses.—The board is authorized to pay all expenses necessarily incurred in the organization of the board and in the formation of the district and all other reasonable and necessary expenses, costs, and fees incurred in accomplishing the purposes of this act.

Section 4. It is intended that the provisions of this act be liberally construed for accomplishing the work authorized and provided for or intended to be provided for in this act and, where strict construction would result in the defeat of the accomplishment of any part of the work authorized by this act and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen. During the existence of the district, this act shall be construed so as to give effect to the intent of providing equal application of the act and all provisions hereunder to all persons residing within the geographical boundaries of the district so that all benefits derived and detriments incurred shall be apportioned equitably among such residents.

Section 5. Any clause or section of this act that for any reason may be held or declared invalid may be eliminated, and the remaining portion or portions thereof shall be and remain in full force and be valid as if such invalid clause or section had not been incorporated therein.

Section 6. Chapters 74-423, 75-330, 76-323, 82-350, 85-481, and 97-330, Laws of Florida, are repealed.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor June 10, 2003.

Filed in Office Secretary of State June 10, 2003.