

By Representative Merchant

1                                   A bill to be entitled  
 2           An act relating to Jupiter Inlet District, Palm  
 3           Beach County; providing legislative intent;  
 4           codifying the district's charter, chapter 8910  
 5           (1921), Laws of Florida, as amended; ratifying,  
 6           restating, and approving district formation;  
 7           providing that the district is an independent  
 8           special taxing district; providing district  
 9           status and boundaries; providing for  
 10          applicability of chapter 189, Florida Statutes,  
 11          and other general laws; providing additional  
 12          powers, including the power of eminent domain  
 13          and the power to issue bonds; providing for tax  
 14          exempt status of district bonds and property;  
 15          providing for notice of applications for  
 16          environmental permits to conduct activities in  
 17          or on the waters of the state within the  
 18          district; providing for liberal construction;  
 19          repealing chapters 8910 (1921), 10727 (1925),  
 20          13674 (1929), 16057 (1933), 22787 (1945), 22868  
 21          (1945), 24154 (1947), 71-818, 74-567, 75-474,  
 22          78-580, 79-531, 79-532, 79-533, 80-573, 81-458,  
 23          83-492, 85-482, and 87-522, Laws of Florida;  
 24          providing severability; providing an effective  
 25          date.

26  
 27 Be It Enacted by the Legislature of the State of Florida:

28  
 29           Section 1. Pursuant to section 189.429, Florida  
 30 Statutes, this act constitutes the codification of all special  
 31 acts relating to the Jupiter Inlet District. It is the intent

1 of the Legislature in enacting this law to provide a single,  
2 comprehensive special act charter for the district, including  
3 all current legislative enactments and any additional  
4 authority granted by this act.

5       Section 2. Chapter 8910, Laws of Florida, 1921,  
6 chapter 10727, Laws of Florida, 1925, chapter 13674, Laws of  
7 Florida, 1929, chapter 16057, Laws of Florida, 1933, chapter  
8 22787, Laws of Florida, 1945, chapter 22868, Laws of Florida,  
9 1945, chapter 24154, Laws of Florida, 1947, and chapters  
10 71-818, 74-567, 75-474, 78-580, 79-531, 79-532, 79-533,  
11 80-573, 81-458, 83-492, 85-482, and 87-522, Laws of Florida,  
12 are codified, reenacted, amended, and repealed as herein  
13 provided.

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

17       Section 1. District formation ratified, restated, and  
18 approved.--The Jupiter Inlet District was created by chapter  
19 8910, Laws of Florida, 1921, and such creation is hereby  
20 ratified, confirmed, and approved.

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

27  
28       Commencing at the point where the South line of  
29 Township 41 South intersects the shore of the  
30 Atlantic Ocean, and thence Westward following  
31 said Township line to the point where said

1        Township line intersects the North right of way  
2        line of State Road 710; thence in a Northerly  
3        direction along the North right of way line of  
4        State Road 710 in Township 41 South, Range 41  
5        East through Sections 35, 34, 27, 28, 29, 20,  
6        19 and 18 in said Township and Range, to the  
7        point where said North right of way line of  
8        State Road 710 intersects the West line of  
9        Section 18 in said Township and Range; thence  
10       North along the West line of Range 41 East to  
11       the Northwest corner of Section 31, Township 40  
12       South, Range 41 East; thence East along the  
13       North line of Sections 31, 32, 33, 34, 35 and  
14       36 of Township 40 South, Range 41 East, and  
15       along the North line of Sections 31, 32 and 33  
16       of Township 40 South, Range 42 East to the  
17       Northeast corner of Section 33, Township 40  
18       South, Range 42 East; thence North along the  
19       West line of Section 27, Township 40 South,  
20       Range 42 East to the Northwest corner of said  
21       Section 27 in said Township and Range; thence  
22       East along the North line of Sections 27, 26  
23       and 25 of Township 40 South, Range 42 East, and  
24       along the North line of Section 30, Township 40  
25       South, Range 43 East, to the Eastern terminus  
26       thereof, where said line intersects the shore  
27       of the Atlantic Ocean; thence Southerly,  
28       meandering the shore of the Atlantic Ocean, to  
29       the point of beginning.  
30  
31       Section 3. Minimum charter requirements.--

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

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

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

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

13           (3) To issue bonds.

14           (4) To exercise the power of eminent domain.

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

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

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

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

30          (f) The compensation of each commissioner shall be  
31 \$120 per month or any portion of a month in which the

1 commissioner serves. The commissioners shall also be allowed  
2 per diem, traveling expenses, mileage, subsistence, and other  
3 expenses at the same rate as that allowed public officers,  
4 employees, and authorized persons under section 112.061,  
5 Florida Statutes, or successor legislation, as it may from  
6 time to time be amended, or as otherwise provided by general  
7 law.

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

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

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

28 (j) District elections or referenda shall be conducted  
29 as provided by general law for nonpartisan elections. All  
30 registered voters of the district shall be qualified electors  
31

1 of the district. District elections for commissioner shall be  
2 by numbered seat.

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

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

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

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

16 Section 4. Additional provisions.--

17 (a) The district is authorized to borrow money for  
18 periods of time not exceeding 1 year, at an interest rate not  
19 exceeding 7 percent per annum, but the aggregate amount of the  
20 principal indebtedness shall not exceed the sum of \$7,500. No  
21 limitation on interest rate, term, or principal amount shall  
22 apply to any indebtedness, so long as the loan is secured by  
23 the pledge of a certificate of deposit or other evidence of  
24 deposit of moneys of the district having a fixed maturity date  
25 and providing for interest penalty or loss of interest for  
26 early withdrawal, the term of the loan is not longer than the  
27 fixed maturity date of the asset pledged, and the amount of  
28 the loan plus interest does not exceed the value of the  
29 pledged asset at maturity.

30 (b) Before taking office, each commissioner shall give  
31 a surety bond, with a surety company authorized to do business

1 in the State of Florida, in a sum fixed by the commission, not  
2 less than \$2,500. Commissioners shall elect a chair, a vice  
3 chair, a secretary, and a treasurer. The offices of secretary  
4 and treasurer may both be held by the same person. All  
5 district officers must be commissioners. The affirmative vote  
6 of three commissioners shall be required to pass any measure.

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

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

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

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

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

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

30  
31

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

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

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

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

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

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

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



1 taxation by the State of Florida or by any county,  
2 municipality, or other political subdivision thereof.

3 Section 5. Permit applications, notice, and comment.--

4 (a) As used in this section:

5 (1) "Board" means the Board of Commissioners of the  
6 Jupiter Inlet District.

7 (2) "Department" means the Department of Environmental  
8 Protection and any of its divisions, including any division  
9 responsible for permitting, as presently constituted or as may  
10 be hereafter reorganized, renamed, or restructured, and any of  
11 its successors.

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

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

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

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

31

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

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

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

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

22       Section 4. Chapter 8910, Laws of Florida, 1921,  
23 chapter 10727, Laws of Florida, 1925, chapter 13674, Laws of  
24 Florida, 1929, chapter 16057, Laws of Florida, 1933, chapter  
25 22787, Laws of Florida, 1945, chapter 22868, Laws of Florida,  
26 1945, chapter 24154, Laws of Florida, 1947, and chapters  
27 71-818, 74-567, 75-474, 78-580, 79-531, 79-532, 79-533,  
28 80-573, 81-458, 83-492, 85-482, and 87-522, Laws of Florida,  
29 are repealed 10 days after the effective date of this act.

30       Section 5. If any provision of this act, or any  
31 provision of the district's charter contained herein, is held

1 to be unconstitutional, such holding shall not affect the  
2 validity of the remaining provisions of the charter or other  
3 provisions of this act.

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

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31