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HB 945

2023 Legislature

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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 Chapters 2000-412 and 2002-354, Laws of Florida, are amended, codified, reenacted, and repealed as herein provided.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

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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,

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51 Range 42 East to the Northeast corner of Section 33, Township
 52 40 South, Range 42 East; thence North along the West line of
 53 Section 27, Township 40 South, Range 42 East to the Northwest
 54 corner of said Section 27 in said Township and Range; thence
 55 East along the North line of Sections 27, 26 and 25 of
 56 Township 40 South, Range 42 East, and along the North line
 57 of Section 30, Township 40 South, Range 43 East, to the
 58 Eastern terminus thereof, where said line intersects the
 59 shore of the Atlantic Ocean; thence Southerly, meandering
 60 the shore of the Atlantic Ocean, to the point of beginning.

61
 62 ARTICLE II

63 PURPOSE

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

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 74 ARTICLE III

75 POWERS AND AUTHORITY

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76 (a) The district shall have all of the following powers
 77 and authority:
 78 (1) To exercise any power of a Florida corporation,
 79 including the power to enter into contracts.
 80 (2) To levy ad valorem taxes on taxable property within
 81 the district, to be collected as provided by general law. The
 82 district may levy ad valorem taxes on the taxable property of
 83 the district up to an annual maximum of 1.5 mills per dollar of
 84 taxable value.
 85 (3) To issue bonds. The district may issue bonds,
 86 including general obligation bonds, revenue bonds, bond
 87 anticipation notes, and limited revenue bonds, in the same
 88 manner as provided by general law for the issuance of bonds by
 89 counties, but no general obligation bonds may be issued until
 90 approved by referendum of the qualified electors of the
 91 district. The district must levy sufficient ad valorem taxes
 92 each year to provide for all interest and debt payments
 93 applicable to general obligation bonds. Notwithstanding any
 94 other provision of law to the contrary, all bonds issued under
 95 the provisions of this act shall constitute legal investments
 96 for savings banks, banks, trust companies, executors,
 97 administrators, trustees, guardians, and other fiduciaries, and
 98 for any board, body, agency, or instrumentality of the State of
 99 Florida or of any county, municipality, or other political
 100 subdivision of the state, and shall be and constitute securities

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101 which may be deposited by banks or trust companies as security
 102 for deposits of state, county, municipal, and other public
 103 funds.

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

108 (5) To acquire, by purchase, condemnation, gift, or
 109 otherwise, such lands, easements, riparian rights, and railway
 110 rights-of-way as the board of commissioners deems necessary for
 111 the purposes of the district.

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

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

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

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

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

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

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

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

140 ARTICLE IV

141 COMMISSIONERS AND DUTIES

142 Section 1. Commissioners.—The governing body of the
 143 district shall be a board consisting of five commissioners who
 144 shall be qualified electors residing within the district. The
 145 present commissioners shall continue to serve until their terms
 146 expire.

147 Section 2. Elections.—Elections for commissioners shall be
 148 conducted as provided by general law for nonpartisan elections.
 149 The terms of office shall be staggered 4-year terms, which
 150 commence and terminate in the month of January, following the

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151 general election held in each even numbered year. All registered
 152 voters of the district shall be qualified electors of the
 153 district. District elections for commissioner shall be by
 154 numbered seat.

155 Section 3. Officers.—Commissioners shall elect a chair, a
 156 vice chair, a secretary, and a treasurer. The offices of
 157 secretary and treasurer may both be held by the same person. All
 158 district officers must be commissioners. The affirmative vote of
 159 three commissioners shall be required to pass any measure.

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

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

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

170 Section 7. Commission powers.—The board of commissioners
 171 shall have all powers of a body corporate, including, but not
 172 limited to, the power to sue and be sued as a corporation in
 173 said name in any court; to make contracts; to adopt and use a
 174 common seal and alter the same at its pleasure; to buy, hold,
 175 lease, sell, exchange, and convey such real estate and personal

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176 property as the board may deem proper to carry out the purposes
 177 of this charter; to employ an executive director, an engineer,
 178 an attorney, an accountant, and any and all such other
 179 consultants, agents, and employees as the board may deem
 180 necessary; and to borrow money and to issue negotiable
 181 promissory notes, bonds, revenue certificates, or other evidence
 182 of indebtedness therefor, in order to enable said governing body
 183 to carry out this charter.

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

188 ARTICLE V

189 REPORTING AND ADMINISTRATION

190 Section 1. Notice and recordkeeping.—Requirements for
 191 reporting, financial disclosure, meeting notices, and public
 192 records maintenance shall be as set forth in chapters 112, 189,
 193 218, and 286, Florida Statutes, as they may be amended, and by
 194 other applicable general law.

195 Section 2. District funding.—The functions and operations of
 196 the district shall be financed by ad valorem tax revenue levied
 197 upon the taxable property within the district, and such other
 198 revenue as may be received by the district from investments,
 199 grants, or funding from local, state, and federal government,
 200 fees, and such other sources as the board of commissioners may

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201 determine.

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

204 Section 4. Authority to borrow funds.—The district is
 205 authorized to borrow money for periods of time not exceeding 1
 206 year, at an interest rate not exceeding the maximum rate
 207 permitted by law, as the board of commissioners may deem
 208 advisable; provided, however, that the aggregate amount of the
 209 principal of all monies so borrowed upon the note or notes of
 210 the district shall not at any one time exceed the total amount
 211 of ad valorem tax receipts collected by the district applicable
 212 to its fiscal year last ended at the time of issuance of any
 213 such note. No limitation on interest rate, term, or principal
 214 amount shall apply to any indebtedness, so long as the loan is
 215 secured by the pledge of a certificate of deposit or other
 216 evidence of deposit of moneys of the district having a fixed
 217 maturity date and providing for interest penalty or loss of
 218 interest for early withdrawal, the term of the loan is no longer
 219 than the fixed maturity date of the asset pledged, and the
 220 amount of the loan plus interest does not exceed the value of
 221 the pledged asset at maturity.

222 Section 5. Tax exemptions.—All moneys, properties, or
 223 other assets of the district shall be exempt from all taxation
 224 by the State of Florida or by any county, municipality, or other
 225 political subdivision thereof. Bonds issued pursuant to this

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226 section shall, together with the income therefrom, be exempt
 227 from all taxation by the State of Florida or by any county,
 228 municipality, or other political subdivision thereof.

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230 ARTICLE VI

231 PERMIT APPLICATIONS, NOTICE, AND COMMENT

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

233 (a) "District" means the Board of Commissioners of the
 234 Jupiter Inlet District.

235 (b) "Department" means the Department of Environmental
 236 Protection and any of its divisions, including any division
 237 responsible for permitting, as presently constituted or as may
 238 be hereafter reorganized, renamed, or restructured, and any of
 239 its successors.

240 (c) "Permit" means any permit, license, certificate, or
 241 exemption presently or hereafter required for any activity under
 242 the jurisdiction of the department and in or upon the waters of
 243 the state located within the Jupiter Inlet District.

244 Section 2. Notice of permit applications.—At the earliest
 245 practicable time, but in any event prior to consideration by the
 246 department of any application for a permit as defined herein,
 247 the department shall provide to the district notice and a copy
 248 of any application for a permit received by the department. The
 249 district has the authority to request and review said
 250 applications. Such notice and copy of any application shall be

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251 delivered to the district in writing or by electronic means
 252 sufficient to satisfy the notice requirement.

253 Section 3. Authority to provide comment.—The district has
 254 the authority to review and submit comment to the department for
 255 any application to carry out the purposes of this act. The
 256 department shall consider and take into account in its decision
 257 to grant or deny any permit such facts, opinions, comments,
 258 recommendations, or suggestions as the district may submit,
 259 ascribing to them such weight as the department deems
 260 appropriate. However, nothing in this section shall be construed
 261 to require the department to grant or deny any permit based
 262 solely upon any submittal of comments or facts by the district
 263 to such permit application.

264 Section 4. Costs.—The district is authorized, from the
 265 general funds of the district, to pay the department such
 266 reasonable charge as the department shall fix to reimburse the
 267 department for the cost of copying and mailing of any material
 268 required to be furnished to the district herein; but payment of
 269 any such charge shall not be a condition precedent to the
 270 furnishing to the district of any such material.

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

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276 receipt of the notice and copy of the permit by the applicant,
 277 the district shall notify the department.

279 ARTICLE VII

280 AUDIT

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

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

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

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

297 Section 7. Severability.—The provisions of this charter
 298 are severable and it is the intention to confer the whole or any
 299 part of the powers provided herein. If any of the provisions of
 300 this charter shall be held unconstitutional by any court of

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301 | competent jurisdiction, the decision of such court shall have no
302 | effect to impair any of the remaining provisions.

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

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