

By Representative Wasserman Schultz

1 A bill to be entitled
2 An act relating to the Hillsboro Inlet
3 District, Broward County; combining and
4 codifying chapter 96-541, Laws of Florida,
5 chapter 94-454, Laws of Florida, chapter
6 83-381, Laws of Florida, chapter 75-351, Laws
7 of Florida, chapter 73-422, Laws of Florida,
8 chapter 63-1178, Laws of Florida, chapter
9 61-1966, Laws of Florida, and chapter 57-1183,
10 Laws of Florida, which created and incorporated
11 a special taxing district in Broward County,
12 known as the Hillsboro Inlet and Maintenance
13 District; repealing all prior special acts of
14 the Legislature relating to the Hillsboro Inlet
15 District; providing for an amendment to the
16 charter section titled "Prevention of Erosion
17 of City of Pompano Beach Area," previously
18 codified under chapter 75-351, Laws of Florida,
19 to allow the district to perform erosion
20 prevention activities to the extent possible
21 with existing district equipment and littoral
22 sands; providing that this act shall take
23 precedence over any conflicting law to the
24 extent of such conflict; providing an effective
25 date.

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

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29 Section 1. ~~Chapters 96-541, 94-454, 83-381, 75-351,~~
30 73-422, 63-1178, 61-1966, and 57-1183, Laws of Florida, as
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1 amended, are hereby codified, reenacted, amended, and repealed
2 as herein provided.

3 Section 2. The act creating, establishing and
4 providing for the operation of the Hillsboro Inlet District is
5 recreated and reenacted to read:

6 Section 3. Section 1 of chapter 57-1183, Laws of
7 Florida, as amended by chapter 96-541, Laws of Florida, is
8 amended to read:

9 Section 3.1. Created; boundaries.--That a special tax
10 district is hereby created and incorporated, to be known as
11 the "Hillsboro Inlet District" in Broward County, Florida,
12 which said district shall embrace and include the following
13 described property, situate, lying, and being in Broward
14 County, State of Florida, to-wit:

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16 Beginning at the intersection of the Atlantic
17 Ocean and the Broward County-Palm Beach County
18 line; thence run Westerly along said Broward
19 County-Palm Beach County line to West
20 right-of-way line of Dixie Highway; thence
21 South along the West right-of-way line of Dixie
22 Highway to a point on the South line of Section
23 2, Township 49 South, Range 42 East; thence
24 East along said South line of Section 2,
25 Township 49 South, Range 42 East and Section 1,
26 Township 49 South, Range 42 East to the east
27 right-of-way line of Federal Highway U.S. #1;
28 thence South along East right-of-way line of
29 Federal Highway U.S. #1 to a point on the South
30 boundary of Section 13, Township 49 South,
31 Range 42 East; thence East along said South

1 boundary of Section 13, Township 49 South,
2 Range 42 East and Section 18, Township 49
3 South, Range 43 East, to the Atlantic Ocean;
4 thence North along the mean low water mark of
5 Atlantic Ocean to the Point of Beginning.
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7 Section 4. Section 2 of chapter 57-1183, Laws of
8 Florida, as amended by chapter 96-541, Laws of Florida, is
9 amended to read:

10 Section 4.2. Board of commissioners district.--

11 (1) That the governing body of the Hillsboro Inlet
12 District shall consist of nine commissioners, who shall serve
13 without compensation, except as provided for in section 9. One
14 ~~(1)~~ representative on the governing body or Board of
15 Commissioners of the Hillsboro Inlet District shall be
16 appointed by each of the City Commissions or Town Councils of
17 the Cities of Deerfield Beach, Florida; Hillsboro Beach,
18 Florida; Pompano Beach, Florida; Lauderdale-By-The-Sea,
19 Florida; Lighthouse Point, Florida; Fort Lauderdale, Florida;
20 and, Sea Ranch Lakes, Florida, and two ~~(2)~~ representatives
21 shall be appointed by the County Commission of Broward County,
22 Florida. Each representative so appointed by the
23 aforementioned municipalities shall represent the municipality
24 making such appointment, and the representatives appointed by
25 the ~~said~~ county commission shall represent the unincorporated
26 areas. The duties, functions, and responsibilities of the
27 district shall continue as provided for herein in the event
28 that any municipality represented hereby is dissolved, merged,
29 or fails to appoint representatives to the district board.
30 Said representatives shall be qualified electors, residing in
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1 the district from which they are appointed for more than six
2 months prior to appointment.

3 (2) A majority of the quorum at a regular or special
4 meeting shall be sufficient for any legal action to be taken
5 by the governing body of the district. Said commissioners
6 shall be known and designated as the "Board of Commissioners
7 of the Hillsboro Inlet District."

8 (3) All members currently qualified and holding office
9 as commissioners shall continue in office until their terms
10 expire or as otherwise provided by law. The said commissioners
11 shall hold office for a term of 5 ~~five (5)~~ years from the date
12 of their respective appointments from the appointing
13 municipality or until their successors are appointed and
14 qualified. To the extent that any members of the board of
15 commissioners are members at the time of the adoption of this
16 act as appointees of the Board of County Commissioners of
17 Broward County, such members ~~member(s)~~ shall continue as
18 members ~~member(s)~~ until the expiration of their respective
19 appointment. The Governor of the State of Florida shall have
20 the power to remove any member of said board of commissioners
21 for cause and shall fill any vacancies that may at any time
22 occur therein. Each member shall give bond to the Governor of
23 the State of Florida for the faithful performance of his or
24 her duties in the sum of \$10,000 ~~Ten Thousand Dollars~~
25 ~~(\$10,000.00)~~ with a surety company qualified to do business in
26 the State of Florida, as surety, which bond shall be approved
27 and kept by the Clerk of the Circuit Court of Broward County,
28 Florida. The premiums on said bonds shall be paid as part of
29 the expenses of said district.

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1 Section 5. Section 3 of chapter 57-1183, Laws of
2 Florida, as amended by chapter 96-541, Laws of Florida, is
3 amended to read:

4 Section 5.3- General powers of the board of
5 commissioners.--

6 (1) The Board of Commissioners of said Hillsboro Inlet
7 District shall have all the powers of a body corporate,
8 including the power to sue and be sued under the name of
9 Hillsboro Inlet District, to contract and be contracted with;
10 to adopt and use a common seal, and to alter the same at
11 pleasure; to acquire, purchase, hold, lease, and convey such
12 real and personal property as said board may deem proper or
13 expedient to carry out the purposes of this act; to appoint
14 and employ such other agents, legal counsel, and employees as
15 said board may deem advisable; to act as an independent
16 special district and to comply with the applicable provisions
17 of chapter 189, Florida Statutes, as amended from time to
18 time; and to carry out the provisions of this act in the
19 manner hereinafter provided.

20 (2) The Board of Commissioners of the ~~said~~ Hillsboro
21 Inlet District shall have the power to borrow money for the
22 purpose of paying current obligations and operating expenses
23 of the district, in accordance with the approved budget,
24 repayable out of current revenues reasonably to be anticipated
25 during the fiscal year in which the loan is made, provided
26 that the interest rate on such shall not exceed the market
27 rate then prevailing at the time of such borrowing.

28 (3) The board of commissioners is hereby authorized to
29 pledge the current anticipated tax revenues as security for
30 any loan so made, provided that prior to any said loan the
31 board shall have first, by resolution, duly passed by not less

1 than two-thirds of the membership of the board, levied a tax
2 on the real property in accordance with the provisions of
3 sections 7 and 8 of this act.

4 (4) The board of commissioners shall, by duly passed
5 resolution, authorize the loan to be secured by a note, or
6 notes, signed by the chairman, and its seal impressed thereon.

7 (5) The board of commissioners is hereby authorized to
8 pledge anticipated revenues to be derived during the extended
9 life of the district for the purpose of securing a bond issue
10 for the purpose of affecting permanent improvements to the
11 Hillsboro Inlet; provided however, said bond issue be first
12 approved by not less than two-thirds of the membership of the
13 board.

14 Section 6. Section 4 of chapter 57-1183, Laws of
15 Florida, as amended by chapters 61-1966 and 96-541, Laws of
16 Florida, is amended to read:

17 Section 6.4. Quorum; minutes; records.--

18 (1) A majority of said commissioners shall constitute
19 a quorum. The commissioners shall cause true and accurate
20 minutes and records to be kept of all business transacted by
21 them, and shall keep full, true, and complete books of account
22 and minutes, which minutes, records, and books of account
23 shall at all reasonable times be open and subject to the
24 inspection of inhabitants of said district; and any person
25 desiring to do so may make or procure a copy of said minutes,
26 records, or books of account, or such portions thereof as he
27 may desire, all in accordance with the provisions of chapter
28 119, Florida Statutes, as amended from time to time.

29 (2) There shall be at least one regular meeting of the
30 governing body each month. The regular meeting of the
31 governing body shall be conducted at a public building located

1 within the geographical boundaries of the district. The
2 regular meetings of the governing body shall be conducted on
3 the third Monday of each month commencing at 7:30 p.m.;
4 however, the governing body by appropriate motion may change
5 or cancel the date and time of the holding of the regular
6 monthly meeting of the governing body. If such a change is
7 made, a notice of the holding of the meeting at a time or date
8 different than 7:30 p.m. on the third Monday of each month,
9 shall be advertised pursuant to s. 189.417, Florida Statutes.

10 (3) Special meetings or workshop meetings of the
11 governing body may be called from time to time by the chair,
12 vice chair, or by a majority of the members of the governing
13 body. A notice stating the date, time, and place of such
14 workshop meetings or special meetings of the governing body,
15 shall be posted at the customary location where the governing
16 body shall meet at least 24 hours prior to the holding of such
17 a meeting and with appropriate notification to the media, and
18 as may otherwise be required by law.

19 Section 7. Section 5 of chapter 57-1183, Laws of
20 Florida, as amended by chapter 96-541, Laws of Florida, is
21 amended to read:

22 Section 7.5- Improvements, facilities, etc.,
23 authorized; declaration of public purpose.--

24 (1) Said board of commissioners is hereby authorized
25 and empowered to establish, construct, operate, and maintain
26 such improvements, facilities, and equipment as in their
27 opinion shall be necessary for the maintenance of navigation
28 and drainage at Hillsboro Inlet. Said improvements,
29 facilities, or equipment shall be established, constructed,
30 operated, and maintained by said board of commissioners for
31 the preservation and aid of navigation and for the public good

1 and for the use of the public of said district at Hillsboro
2 Inlet; and maintenance of such facilities within said district
3 is hereby found and declared to be a public purpose and
4 necessary for the preservation of navigation and for the
5 public use and welfare of said district and inhabitants
6 thereof.

7 (2) The district is hereby authorized and empowered to
8 enter into interlocal agreements, from time to time, by,
9 between, and among lawfully qualified governmental entities
10 described and defined in chapter 163, Florida Statutes, as
11 amended from time to time.

12 Section 8. Section 6 of chapter 57-1183, Laws of
13 Florida, as amended by chapter 96-541, Laws of Florida, is
14 amended to read:

15 Section 8.6. Payment of funds out of district.--The
16 funds of said district shall be paid out only upon check
17 signed by the chair, or in his or her absence, the vice chair
18 of the board, or any other commissioner so designated; and no
19 check shall be drawn or issued against funds of said district,
20 except for a purpose authorized by this act, and no such check
21 against funds of this district shall be drawn or issued until
22 after the account or expenditure for which the same is to be
23 given in payment has been approved by the board of
24 commissioners.

25 Section 9. Section 7 of chapter 57-1183, Laws of
26 Florida, as amended by chapter 96-541, Laws of Florida, is
27 amended to read:

28 Section 9.7. Tax levy authorized.--The board of
29 commissioners of the ~~said~~ Hillsboro Inlet District is hereby
30 authorized, empowered, and directed annually to levy upon all
31 the real taxable property in said district a sufficient tax

1 necessary for the purposes and needs of said district incurred
2 in the exercise of the powers and purposes herein granted;
3 provided, however, the amount of the tax levied shall not
4 exceed, in any event, one-half of one mill on the assessed
5 valuation of such real property so taxed.

6 Section 10. Section 8 of chapter 57-1183, Laws of
7 Florida, as amended by chapter 96-541, Laws of Florida, is
8 amended to read:

9 Section 10.8. Resolution levying tax, assessment, and
10 collection by county.--That the levy by said board of
11 commissioners of the taxes authorized by any provision of this
12 act, shall be by resolution of said board duly entered upon
13 the minutes of the board, in accordance with the provisions
14 contained in chapter 200, Florida Statutes, as amended from
15 time to time. The Tax Collector of Broward County, Florida,
16 shall collect such tax so levied by said board in the same
17 manner as other taxes are collected, and shall pay the same
18 over to the Board of Commissioners of Hillsboro Inlet
19 District within the time and in the manner prescribed by law.
20 The ~~said~~ taxes shall be assessed by the same officer as are
21 county taxes upon such property, and such taxes shall be
22 remitted by the collecting officer to the Board of
23 Commissioners of Hillsboro Inlet District. All such taxes
24 shall be held by said board of commissioners and paid out by
25 them as provided in this act. The board is authorized to pay
26 necessary expenses consistent with chapter 200, Florida
27 Statutes, as amended from time to time, for the assessment and
28 collection of taxes on a reasonable fee basis.

29 Section 11. Section 9 of chapter 57-1183, Laws of
30 Florida, as amended by chapter 96-541, Laws of Florida, is
31 amended to read:

1 Section ~~11.9~~. Expenses.--The board of commissioners
2 is authorized to pay from the funds of the district all costs,
3 fees, and expenses of the board and all other reasonable and
4 necessary expenses, as provided for in chapter 112, Florida
5 Statutes, as amended from time to time. This section, however,
6 shall not be construed to restrict any of the powers vested in
7 said board of commissioners by any other section or provision
8 of this act. At their option, members of the board of
9 commissioners shall be entitled to continue to receive health
10 and medical insurance otherwise available to employees of the
11 district. Members of the board of commissioners shall be
12 entitled to receive reimbursement for expenses provided for in
13 chapter 112, Florida Statutes, as amended from time to time.

14 Section 12. Section 10 of chapter 57-1183, Laws of
15 Florida, as amended by chapter 96-541, Laws of Florida, is
16 amended to read:

17 Section ~~12.10~~. Publication of annual statement.--The
18 board of commissioners shall publish, one time in a newspaper
19 of general circulation, in the district, a budget summary of
20 the district coincidental with the annual budgeting and
21 appropriation process associated with the district's
22 compliance with chapter 200, Florida Statutes, as amended in
23 its adoption of an annual millage and budget provided for in
24 this act.

25 Section 13. Section 11 of chapter 57-1183, Laws of
26 Florida, is amended to read:

27 Section ~~13.11~~. Construction of provisions.--It is
28 intentioned that the provision of this article shall be
29 liberally construed for accomplishing the work authorized and
30 provided for or intended to be provided for in this article
31 and where strict construction would result in the defeat of

1 the accomplishment of any part of the work authorized by this
2 article, and a liberal construction would permit or assist in
3 the accomplishment thereof, the liberal construction shall be
4 chosen.

5 Section 14. Section 11A of chapter 57-1183, Laws of
6 Florida, as created by section 1 of chapter 75-351, Laws of
7 Florida, is amended to read:

8 Section 14.11A. Prevention of Erosion of City of
9 Pompano Beach area.--Should any improvement or maintenance of
10 the Hillsboro Inlet by the Hillsboro Inlet District contribute
11 to or accelerate erosion of any beach area in the City of
12 Pompano Beach or cause any area of the City of Pompano Beach
13 to be denied drainage and navigation through the inlet which
14 it formerly enjoyed, then the Hillsboro Inlet District is
15 hereby authorized to build such structures and perform such
16 activities as a part of its regular duties, to the extent
17 possible with then existing district equipment from the sand
18 available from the littoral drift,as will:

19 (1)~~(a)~~ Ensure that the inlet's improvements or
20 maintenance no longer contribute to or accelerate erosion of
21 any beach area in the City of Pompano Beach; and

22 (2)~~(b)~~ Ensure that any area in the City of Pompano
23 Beach which formerly enjoyed drainage and navigation through
24 the inlet will continue to enjoy drainage and navigation
25 through the inlet.

26 Section 15. Section 12 of chapter 57-1183, Laws of
27 Florida, as amended by chapter 96-541, Laws of Florida, is
28 amended to read:

29 Section 15.12. Purchase; competitive bidding.--

30 (1) All purchases of supplies, equipment, and
31 materials for use in the operation and maintenance of said

1 district in excess of \$2,500, shall be approved by the Board
2 of Commissioners of the Hillsboro Inlet District after
3 competitive conditions shall have been maintained and
4 competitive bids or price quotations sought from at least
5 three~~(3)~~different sources of supply. During unusual
6 conditions or emergencies, the board of commissioners may by
7 resolution authorize the purchase of designated supplies and
8 equipment in excess of the limitations herein prescribed when
9 in the discretion of the board of commissioners the purchase
10 contemplated is deemed to be in the best interests of the
11 citizens and residents residing in the district.

12 (2) If in the opinion of the chair or vice chair an
13 emergency situation exists which poses a threat to life,
14 health, and safety or for the protection of the assets of the
15 district, the chair, or in his absence, the vice chair,
16 subject to later ratification by the governing body, may incur
17 costs and expenses associated with remedying the aforesaid
18 conditions in an amount not to exceed \$50,000 dollars and
19 further subject to future annual increases as occasioned by
20 the most closely aligned Consumer Price Index applicable to
21 South Florida. Contracts for construction of public
22 improvements authorized under this act shall not be let by the
23 board of commissioners except after advertisement for
24 competitive sealed bids has been made; but this provision
25 shall not apply to work performed by regular employees of the
26 Hillsboro Inlet District.

27 Section 16. Section 12 of chapter 96-541, Laws of
28 Florida, is amended to read:

29 Section 16.12. ~~Section 15 of chapter 57-1183, Laws of~~
30 ~~Florida, is hereby repealed and~~ The Hillsboro Inlet District
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1 shall have continuous existence unless otherwise Sunsetting by
2 the Legislature, as provided by law.

3 Section 17. Section 13 of chapter 96-541, Laws of
4 Florida, is amended to read:

5 Section ~~17.16.~~ Disposition of property upon
6 termination of district.--Upon the termination of the
7 Hillsboro Inlet District, all real, personal, or mixed
8 properties of the district shall become and be vested in the
9 State of Florida, by operation of law, and all money on hand
10 or thereafter received, after satisfaction of all indebtedness
11 and obligations of the district, shall revert to the several
12 subdivisions comprising the district, and refund shall be made
13 to each subdivision in the same proportion that the several
14 subdivisions have contributed to the revenues of the district
15 for the fiscal year in which the termination takes place.

16 Section 18. Section 18 of chapter 57-1183, Laws of
17 Florida, as created by chapter 61-1966, Laws of Florida, and
18 amended by chapter 96-541, Laws of Florida, is amended to
19 read:

20 Section ~~18.17.~~ Removal of commissioners.--The
21 appointing bodies appointing commissioners pursuant to section
22 2 of this act shall have the right and power to remove such
23 appointees, with or without cause.

24 Section 19. Except as specifically provided herein,
25 chapters 96-541, 94-454, 83-381, 75-351, 73-422, 63-1178,
26 61-1966, and 57-1183, Laws of Florida, are repealed.

27 Section 20. In the event of a conflict of the
28 provisions of this act with the provisions of any other act,
29 the provisions of this act shall control to the extent of such
30 conflict.

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1 Section 21. In the event any section or provision of
2 this act is determined to be invalid or unenforceable, such
3 determination will not affect the validity of or
4 enforceability of each other section and provision of this
5 act.

6 Section 22. This act shall take effect upon becoming a
7 law.

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