

By Senator Campbell

33-1751-99

See HB 1091

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 pursuant to part I of ch. 161, F.S.;  
23          providing that this act shall take precedence  
24          over any conflicting law to the extent of such  
25          conflict; providing an effective date.

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

28  
29           Section 1. Pursuant to chapter 97-255, Laws of  
30 Florida, this act constitutes the codification of all special  
31 acts relating to the Hillsboro Inlet District. It is the

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

6 Section 2. Chapter 96-541, Laws of Florida, chapter  
7 94-454, Laws of Florida, chapter 83-381, Laws of Florida,  
8 chapter 75-351, Laws of Florida, chapter 73-422, Laws of  
9 Florida, chapter 63-1178, Laws of Florida, chapter 61-1966,  
10 Laws of Florida and chapter 57-1183, Laws of Florida, relating  
11 to the Hillsboro Inlet District, are codified, reenacted,  
12 amended, and repealed as herein provided.

13 Section 3. Status and boundaries.--A special tax  
14 district is hereby created and incorporated to be known as the  
15 "Hillsboro Inlet District" in Broward County, Florida, which  
16 said district shall embrace and include the following  
17 described property, situate, lying, and being in Broward  
18 County, State of Florida, to-wit:

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

1 South boundary of Section 13, Township 49 South, Range 42 East  
2 and Section 18, Township 49 South, Range 43 East, to the  
3 Atlantic Ocean; thence North along the mean low water mark of  
4 Atlantic Ocean to the Point of Beginning.

5 Section 4. Board of commissioners.--

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

28 (2) A majority of the quorum at a regular or special  
29 meeting shall be sufficient for any legal action to be taken  
30 by the governing body of the district. Said commissioners  
31

1 shall be known and designated as the "Board of Commissioners  
2 of the Hillsboro Inlet District."

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

24 Section 5. General powers of the board of  
25 commissioners.--

26 (1) The Board of Commissioners of said Hillsboro Inlet  
27 District shall have all the powers of a body corporate,  
28 including the power to sue and be sued under the name of  
29 Hillsboro Inlet District, to contract and be contracted with;  
30 to adopt and use a common seal, and to alter the same at  
31 pleasure; to acquire, purchase, hold, lease, and convey such

1 real and personal property as said board may deem proper or  
2 expedient to carry out the purposes of this act; to appoint  
3 and employ such other agents, legal counsel, and employees as  
4 said board may deem advisable; to act as an independent  
5 special district and to comply with the applicable provisions  
6 of chapter 189, Florida Statutes, as amended from time to  
7 time; and to carry out the provisions of this act in the  
8 manner hereinafter provided.

9       (2) The Board of Commissioners of the Hillsboro Inlet  
10 District shall have the power to borrow money for the purpose  
11 of paying current obligations and operating expenses of the  
12 district, in accordance with the approved budget, repayable  
13 out of current revenues reasonably to be anticipated during  
14 the fiscal year in which the loan is made, provided that the  
15 interest rate on such shall not exceed the market rate then  
16 prevailing at the time of such borrowing.

17       (3) The board of commissioners is hereby authorized to  
18 pledge the current anticipated tax revenues as security for  
19 any loan so made, provided that prior to any said loan the  
20 board shall have first, by resolution, duly passed by not less  
21 than two-thirds of the membership of the board, levied a tax  
22 on the real property in accordance with the provisions of  
23 sections 9 and 10 of this act.

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

27       (5) The board of commissioners is hereby authorized to  
28 pledge anticipated revenues to be derived during the extended  
29 life of the district for the purpose of securing a bond issue  
30 for the purpose of affecting permanent improvements to the  
31 Hillsboro Inlet; provided however, said bond issue be first

1 approved by not less than two-thirds of the membership of the  
2 board.

3 Section 6. Quorum; minutes; records.--

4 (1) A majority of said commissioners shall constitute  
5 a quorum. The commissioners shall cause true and accurate  
6 minutes and records to be kept of all business transacted by  
7 them, and shall keep full, true, and complete books of account  
8 and minutes, which minutes, records, and books of account  
9 shall at all reasonable times be open and subject to the  
10 inspection of inhabitants of said district; and any person  
11 desiring to do so may make or procure a copy of said minutes,  
12 records, or books of account, or such portions thereof as he  
13 may desire, all in accordance with the provisions of chapter  
14 119, Florida Statutes, as amended from time to time.

15 (2) There shall be at least one regular meeting of the  
16 governing body each month. The regular meeting of the  
17 governing body shall be conducted at a public building located  
18 within the geographical boundaries of the district. The  
19 regular meetings of the governing body shall be conducted on  
20 the third Monday of each month commencing at 7:30 p.m.;  
21 however, the governing body by appropriate motion may change  
22 or cancel the date and time of the holding of the regular  
23 monthly meeting of the governing body. If such a change is  
24 made, a notice of the holding of the meeting at a time or date  
25 different than 7:30 p.m. on the third Monday of each month,  
26 shall be advertised pursuant to section 189.417, Florida  
27 Statutes.

28 (3) Special meetings or workshop meetings of the  
29 governing body may be called from time to time by the chair,  
30 vice chair, or by a majority of the members of the governing  
31 body. A notice stating the date, time, and place of such

1 workshop meetings or special meetings of the governing body,  
2 shall be posted at the customary location where the governing  
3 body shall meet at least 24 hours prior to the holding of such  
4 a meeting and with appropriate notification to the media, and  
5 as may otherwise be required by law.

6 Section 7. Authorization of improvements, facilities,  
7 etc; declaration of public purpose.--

8 (1) The board of commissioners is hereby authorized  
9 and empowered to establish, construct, operate, and maintain  
10 such improvements, facilities, and equipment as in their  
11 opinion shall be necessary for the maintenance of navigation  
12 and drainage at Hillsboro Inlet. The improvements,  
13 facilities, or equipment shall be established, constructed,  
14 operated, and maintained by said board of commissioners for  
15 the preservation and aid of navigation and for the public good  
16 and for the use of the public of said district at Hillsboro  
17 Inlet; and maintenance of such facilities within said district  
18 is hereby found and declared to be a public purpose and  
19 necessary for the preservation of navigation and for the  
20 public use and welfare of said district and inhabitants  
21 thereof.

22 (2) The district is hereby authorized and empowered to  
23 enter into interlocal agreements, from time to time, by,  
24 between, and among lawfully qualified governmental entities  
25 described and defined in chapter 163, Florida Statutes, as  
26 amended from time to time.

27 Section 8. Payment of funds out of district.--The  
28 funds of the Hillsboro Inlet District shall be paid out only  
29 upon check signed by the chair, or in his or her absence, the  
30 vice chair of the board, or any other commissioner so  
31 designated; and no check shall be drawn or issued against

1 funds of said district, except for a purpose authorized by  
2 this act, and no such check against funds of this district  
3 shall be drawn or issued until after the account or  
4 expenditure for which the same is to be given in payment has  
5 been approved by the board of commissioners.

6 Section 9. Tax levy authorized.--The Board of  
7 Commissioners of the Hillsboro Inlet District is hereby  
8 authorized, empowered, and directed annually to levy upon all  
9 the real taxable property in said district a sufficient tax  
10 necessary for the purposes and needs of said district incurred  
11 in the exercise of the powers and purposes herein granted;  
12 provided, however, the amount of the tax levied shall not  
13 exceed, in any event, one-half of one mill on the assessed  
14 valuation of such real property so taxed.

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



1 necessary expenses consistent with chapter 200, Florida  
2 Statutes, as amended from time to time, for the assessment and  
3 collection of taxes on a reasonable fee basis.

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

18       Section 12. Publication of annual statement.--The  
19 board of commissioners shall publish, one time in a newspaper  
20 of general circulation in the district, a budget summary of  
21 the district coincidental with the annual budgeting and  
22 appropriation process associated with the district's  
23 compliance with chapter 200, Florida Statutes, as amended, in  
24 its adoption of an annual millage and budget provided for in  
25 this act.

26       Section 13. Construction of provisions.--It is  
27 intentioned that the provision of this act shall be liberally  
28 construed for accomplishing the work authorized and provided  
29 for or intended to be provided for in this act. Where strict  
30 construction would result in the defeat of the accomplishment  
31 of any part of the work authorized by this act, and a liberal

1 construction would permit or assist in the accomplishment  
2 thereof, the liberal construction shall be chosen.

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

14 (1) Ensure that the inlet's improvements or  
15 maintenance no longer contribute to or accelerate erosion of  
16 any beach area in the City of Pompano Beach;

17 (2) Ensure that any area in the City of Pompano Beach  
18 which formerly enjoyed drainage and navigation through the  
19 inlet will continue to enjoy drainage and navigation through  
20 the inlet; and

21 (3) Ensure that such activities are consistent with  
22 and do not contravene the intent of chapter 161, part I,  
23 Florida Statutes.

24 Section 15. Purchases; competitive bidding.--

25 (1) All purchases of supplies, equipment, and  
26 materials for use in the operation and maintenance of said  
27 district in excess of \$2,500, shall be approved by the Board  
28 of Commissioners of the Hillsboro Inlet District after  
29 competitive conditions shall have been maintained and  
30 competitive bids or price quotations sought from at least  
31 three different sources of supply. During unusual conditions

1 or emergencies, the board of commissioners may by resolution  
2 authorize the purchase of designated supplies and equipment in  
3 excess of the limitations herein prescribed when in the  
4 discretion of the board of commissioners the purchase  
5 contemplated is deemed to be in the best interest of the  
6 citizens and residents residing in the district.

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

22 Section 16. The Hillsboro Inlet District shall have  
23 continuous existence unless otherwise sunsetted by the  
24 Legislature, as provided by law.

25 Section 17. Disposition of property upon termination  
26 of district.--Upon the termination of the Hillsboro Inlet  
27 District, all real, personal, or mixed properties of the  
28 district shall become and be vested in the State of Florida,  
29 by operation of law, and all money on hand or thereafter  
30 received, after satisfaction of all indebtedness and  
31 obligations of the district, shall revert to the several

1 subdivisions comprising the district, and refund shall be made  
2 to each subdivision in the same proportion that the several  
3 subdivisions have contributed to the revenues of the district  
4 for the fiscal year in which the termination takes place.

5 Section 18. Removal of commissioners.--The appointing  
6 bodies appointing commissioners pursuant to section 4 of this  
7 act shall have the right and power to remove such appointees,  
8 with or without cause.

9 Section 19. Except as specifically provided herein,  
10 chapter 96-541, Laws of Florida, chapter 94-454, Laws of  
11 Florida, chapter 83-381, Laws of Florida, chapter 75-351, Laws  
12 of Florida, chapter 73-422, Laws of Florida, chapter 63-1178,  
13 Laws of Florida, chapter 61-1966, Laws of Florida, and chapter  
14 57-1183, Laws of Florida, are repealed.

15 Section 20. In the event of a conflict of the  
16 provisions of this act with the provisions of any other act,  
17 the provisions of this act shall control to the extent of such  
18 conflict.

19 Section 21. In the event any section or provision of  
20 this act is determined to be invalid or unenforceable, such  
21 determination will not affect the validity of or  
22 enforceability of each other section and provision of this  
23 act.

24 Section 22. This act shall take effect upon becoming a  
25 law.

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