

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:

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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12 are codified, reenacted, amended, and repealed as herein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:

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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
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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 the maximum rate permitted by law, as the Board may
20 deem advisable; provided, however, that the aggregate amount
21 of the principal of all monies so borrowed upon the note or
22 notes of the district shall not at any one time exceed the
23 total amount of ad valorem tax receipts collected by the
24 district applicable to its fiscal year last ended at the time
25 of issuance of any such note. No limitation on interest rate,
26 term, or principal amount shall apply to any indebtedness, so
27 long as the loan is secured by the pledge of a certificate of
28 deposit or other evidence of deposit of moneys of the district
29 having a fixed maturity date and providing for interest
30 penalty or loss of interest for early withdrawal, the term of
31 the loan is not longer than the fixed maturity date of the

1 asset pledged, and the amount of the loan plus interest does
2 not exceed the value of the pledged asset at maturity.

3 (b) Before taking office, each commissioner shall give
4 a surety bond, with a surety company authorized to do business
5 in the State of Florida, in a sum fixed by the commission, not
6 less than \$2,500. Commissioners shall elect a chair, a vice
7 chair, a secretary, and a treasurer. The offices of secretary
8 and treasurer may both be held by the same person. All
9 district officers must be commissioners. The affirmative vote
10 of three commissioners shall be required to pass any measure.

11 (c) The district shall appoint a district engineer,
12 who shall be an engineer licensed to practice in the State of
13 Florida.

14 (d) The district is further authorized and empowered
15 to:

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

23 (2) Construct and maintain canals, ditches,
24 revetments, jetties, and other works and improvements deemed
25 to be necessary in the construction, preservation, or
26 maintenance of the work of the district.

27 (3) Construct any bridge or roadway over or across
28 levees, embankments, highways, or railroads or over any canal
29 or waterway in the district.

30 (4) Acquire, by purchase, condemnation, gift, or
31 otherwise, such lands, easements, riparian rights, and railway

1 rights-of-way as the board of commissioners deems necessary
2 for the purposes of the district.

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

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

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

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

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

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

29 (g) All moneys, properties, or other assets of the
30 district shall be exempt from all taxation by the State of
31 Florida or by any county, municipality, or other political

1 subdivision thereof. Bonds issued pursuant to this section
2 shall, together with the income therefrom, be exempt from all
3 taxation by the State of Florida or by any county,
4 municipality, or other political subdivision thereof.

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

6 (a) As used in this section:

7 (1) "Board" means the Board of Commissioners of the
8 Jupiter Inlet District.

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

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

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

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

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

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

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

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

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

24 Section 4. Chapter 8910, Laws of Florida, 1921,
25 chapter 10727, Laws of Florida, 1925, chapter 13674, Laws of
26 Florida, 1929, chapter 16057, Laws of Florida, 1933, chapter
27 22787, Laws of Florida, 1945, chapter 22868, Laws of Florida,
28 1945, chapter 24154, Laws of Florida, 1947, and chapters
29 71-818, 74-567, 75-474, 78-580, 79-531, 79-532, 79-533,
30 80-573, 81-458, 83-492, 85-482, and 87-522, Laws of Florida,
31 are repealed 10 days after the effective date of this act.

1 Section 5. If any provision of this act, or any
2 provision of the district's charter contained herein, is held
3 to be unconstitutional, such holding shall not affect the
4 validity of the remaining provisions of the charter or other
5 provisions of this act.

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

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