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1 A bill to be entitled
 2 An act relating to the Greater Boca Raton Beach and Park
 3 District, Palm Beach County, an independent special
 4 district of the state; codifying, amending, and reenacting
 5 special laws relating to the district; providing
 6 legislative intent; repealing chapters 74-423, 75-330, 76-
 7 323, 82-350, 85-481, and 97-330, Laws of Florida, relating
 8 to the district; providing for liberal construction;
 9 providing for severability; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Pursuant to section 189.429, Florida Statutes,
 14 this act constitutes the codification of all special acts
 15 relating to the Greater Boca Raton Beach and Park District. It
 16 is the intent of the Legislature in enacting this law to provide
 17 a single, comprehensive special act charter for the district,
 18 including all current legislative authority granted to the
 19 district by its several legislative enactments and any
 20 additional authority granted by this act. It is further the
 21 intent of this act to preserve all district authority, including
 22 the authority to annually assess and levy against the taxable
 23 property in the district a tax not to exceed 2 mills on the
 24 dollar of assessed valuation.

25 Section 2. Chapters 74-423, 75-330, 76-323, 82-350, 85-
 26 481, and 97-330, Laws of Florida, relating to the Greater Boca
 27 Raton Beach and Park District, are codified, reenacted, amended,
 28 and repealed as herein provided.

29 Section 3. The Greater Boca Raton Beach and Park District
 30 is re-created, and the charter for the district is re-created



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31 and reenacted to read:

32 Section 1. Independent special district.--The Greater Boca
 33 Raton Beach and Park District for the purposes of this act is
 34 created into an independent special district of the State of
 35 Florida.

36 Which said district shall embrace and include the following
 37 described property lying in Township 46 and 47 South, Ranges 42
 38 and 43 East, Palm Beach County, Florida:

39
 40 Begin at the intersection of the Mean High Water Line
 41 of the Atlantic Ocean and the Broward County - Palm
 42 Beach County Line; thence run Westerly along said
 43 Broward County - Palm Beach County Line to a point of
 44 intersection with the Easterly Right-of-Way Line of
 45 the Florida State Turnpike, according to the Right-of-
 46 Way maps as recorded in the Public Records of Palm
 47 Beach County, Florida; thence run Northerly along the
 48 Eastern Right-of-Way Line of said Turnpike through
 49 Section 33, 28, 21, 16, 9 and 4 to a point on the
 50 Township line between Townships 46 and 47 South, said
 51 point located where the Township line intersects the
 52 Easterly Right-of-Way of Florida State Turnpike;
 53 thence run Easterly along said Township line to a
 54 point of intersection with the Westerly corporate
 55 limit boundary of the City of Boca Raton which lies in
 56 Section 31, Township 46 South, Range 43 East; thence
 57 run Northerly along the West line of said corporate
 58 limit boundary which lies in Section 31, to a point of
 59 intersection with the North boundary of Sections 31,
 60 said point also being on the center line of the



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61 Central and Southern Florida Flood Control District C-
 62 15 Canal; thence Easterly along the center line of
 63 said C-15 Canal through the Easterly part of Section
 64 31, and Sections 32 and 33, Township 46 South, Range
 65 43 East to the intersection with the center line of
 66 the Right-of-Way of the Intracoastal Waterway; thence
 67 run Southerly along the center line of the Right-of-
 68 Way of the Intracoastal Waterway through Section 33,
 69 Township 46 South, Range 43 East and Sections 4 and 9,
 70 Township 47 South, Range 43 East to a point of
 71 intersection with the center line of the Right-of-Way
 72 of the Intracoastal Waterway and a line at 1333.86
 73 feet South of and parallel to the North line of
 74 Section 9, Township 47 South, Range 43 East; thence
 75 run Easterly along a line which is 1333.86 feet South
 76 of and parallel to the North line of Section 9 to the
 77 Mean High Water Line of the Atlantic Ocean; thence run
 78 Southerly along the Mean High Water Line of the
 79 Atlantic Ocean to a point to intersection with the
 80 County Line between Palm Beach County and Broward
 81 County, said point being the Point of Beginning.

82
 83 Section 2. Board of commissioners; elections; bond
 84 required.--

85 (1) The district shall be governed by a board of five
 86 commissioners. Three of the commissioners shall reside within
 87 the corporate boundary of the City of Boca Raton and the
 88 remaining two commissioners shall reside within the remainder of
 89 the district. All of the commissioners shall be elected at
 90 large by the qualified electors of the district as follows: The



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91 commission seats shall be numbered one through five with seats
 92 one through three for commissioners residing within the City of
 93 Boca Raton and seats four and five for commissioners residing
 94 within the remainder of the district. Odd-numbered seats shall
 95 be filled for 4-year terms by those commissioners elected in
 96 2000 and even-numbered seats shall be filled for 4-year terms by
 97 the commissioners elected in 2002. Thereafter, all terms shall
 98 be of 4 years in length. The commissioners shall be electors
 99 qualified to vote in order to be eligible for election to the
 100 board of commissioners. The commissioners shall be known and
 101 designated as the Board of Commissioners of the Greater Boca
 102 Raton Beach and Park District. The terms of commissioners
 103 serving on the effective date of this act shall expire upon the
 104 assumption of office of commissioners elected pursuant to this
 105 section.

106 (2) A majority of the members of the board of
 107 commissioners shall constitute a quorum. On any vote of the
 108 board to set the annual millage, set the annual budget, or carry
 109 out any of the purposes of this act as enumerated in Section 3,
 110 a minimum of three affirmative votes shall be necessary. The
 111 board shall cause true and accurate minutes and records to be
 112 kept of all business transacted by it and shall keep full, true,
 113 and complete books of account and minutes, which shall at all
 114 reasonable times be open and subject to the inspection of the
 115 public.

116 (3) The terms of office of each commissioner shall begin
 117 on January 1 following the election at which the commissioner is
 118 elected. The Governor shall have the power to remove any member
 119 of the board for cause and shall fill any vacancies that may at
 120 any time occur thereon. Should the City of Boca Raton municipal



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121 boundaries be changed through annexation to include the area
 122 wherein any elected commissioner of seat four or seat five
 123 resides, said commissioner shall serve only until the next
 124 election, at which time said seat shall be filled by a
 125 commissioner residing in the area outside of the City of Boca
 126 Raton municipal boundaries and elected at large by the qualified
 127 electors of the district.

128 (4) Commissioners shall be elected at the first and second
 129 nonpartisan elections. The first nonpartisan election shall be
 130 held at the time of the first primary election provided for by
 131 section 100.061, Florida Statutes. The second nonpartisan
 132 election shall be held at the time of the second primary
 133 election provided for by section 100.091, Florida Statutes. No
 134 reference to political party affiliation shall appear on any
 135 ballot with respect to any candidate for the board. The board
 136 shall be elected on separate nonpartisan ballots in a form
 137 similar to that for the nonpartisan election of judicial
 138 officers. Candidates shall qualify with the Palm Beach County
 139 Supervisor of Elections no earlier than noon of the 50th day, and
 140 no later than noon of the 46th day, prior to the date of the
 141 election upon filing an oath or affirmation substantially the
 142 same as that required of judicial candidates by section
 143 105.031(4), Florida Statutes.

144 (5) The board shall convene as soon as practicable after
 145 January 1 each year and shall elect a chair and such other
 146 officers as it determines necessary for the efficient management
 147 of the affairs of the district. Such officers shall hold office
 148 subject to an annual election by the board in January of each
 149 year.

150 (6) Each commissioner shall be required to give bond to



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151 the Governor for faithful performance of his or her duties in
 152 the sum of \$5,000 with a surety company qualified to do business
 153 in the state as surety, which bond shall be approved and kept by
 154 the Clerk of the Circuit Court of Palm Beach County. The
 155 premium on the bond shall be paid as part of the expenses of the
 156 district.

157 (7) Commissioners shall receive a compensation for
 158 attendance at a meeting of the board or a meeting attended by
 159 any commissioner at which the purposes, obligations, or business
 160 of the district is discussed or transacted. The amount of said
 161 compensation shall be equal to the dollar amount set forth in
 162 section 112.061(6)(a)1., Florida Statutes, as may be amended.
 163 In no event shall any commissioner receive compensation for more
 164 than one meeting per day.

165 Section 3. Purposes and obligations.--The purposes and
 166 obligations of the district shall be:

167 (1) To first reimburse the City of Boca Raton the actual
 168 costs of debt service of acquisition, maintenance, operation,
 169 and debt service of improvements of the real property commonly
 170 known as the Schine and Butler Tracts, more fully described as
 171 follows:

172
 173 Parcel No. 1

174 That part of the South 1181.65 feet of the North
 175 2571.65 feet of Government Lot 1, Section 21, Township
 176 47 South, Range 43 East Palm Beach County, Florida,
 177 lying East of State Road A-1-A, together with riparian
 178 and littoral rights, if any, appurtenant thereto.

179 Parcel No. 2

180 Parcel B-1 and the South 200 feet of parcel B-3 as



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181 measured at right angles to the South Boundary thereof
 182 of Sun and Surf Club Community, a subdivision in Boca
 183 Raton, Florida, according to the plat thereof recorded
 184 in the Public Records of Palm Beach County, Florida,
 185 in Plat Book 27, beginning at Page 114, together with
 186 the riparian and littoral rights, if any, appurtenant
 187 thereto.

188 Parcel No. 3

189 That part of the South 618.35 feet of the North 1590
 190 feet of Government Lot 1, Section 21, Township 47
 191 South, Range 43 East, Palm Beach County, Florida,
 192 lying East of State Road A-1-A, together with all
 193 riparian and littoral rights, if any, appurtenant
 194 thereto.

196 Parcel No. 3A

197 The East 300 feet of Parcel B-3 in Sun and Surf Club
 198 Community, less the South 200 feet as measured at
 199 right angles to the South Boundary thereof of Sun and
 200 Surf Club Community, a subdivision in Boca Raton,
 201 Florida, according to the plat thereof recorded in the
 202 Public Records of Palm Beach County, Florida, in Plat
 203 Book 27, beginning at Page 114, together with riparian
 204 and littoral rights, if any, appurtenant thereto.

205 Parcel No. 3B

206 Parcel B-3 (except the East 300 feet thereof) in Sun
 207 and Surf Club Community, a subdivision in Boca Raton,
 208 Florida, according to the plat thereof recorded in the
 209 Public Records of Palm Beach County, Florida, in Plat
 210 Book 27, beginning at Page 114, together with riparian



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211 and littoral rights, if any, appurtenant thereto.

212 Parcel No. 4

213 The South 150 feet of the North 771.65 feet of Section
 214 21, Township 47 South, Range 43 East, as the same is
 215 located by the boundary agreement and the plat
 216 recorded in the office of the Clerk of the Circuit
 217 Court in and for Palm Beach County, Florida, in Plat
 218 Book 18, at Page 1, together with riparian rights and
 219 littoral rights, if any, appurtenant thereto.

220 Parcel No. 5

221 The South 142.98 feet of the North 621.65 feet of
 222 Government Lot 1, Section 21, Township 47 South, Range
 223 43 East, Palm Beach County, Florida, together with
 224 riparian and littoral rights, if any, appurtenant
 225 thereto.

226 Parcel No. 6

227 The South 271.20 feet of Government Lot 4, Section 16,
 228 Township 47 South, Range 43 East, and the North 478.67
 229 feet of Government Lot 1, Section 21, Township 47
 230 South, Range 43 East; begin a parcel 749.87 feet in
 231 width extending from the ocean on the east to Lake
 232 Wyman and the Intracoastal Waterway on the west and
 233 being the parcel designated as Parcel No. 2 on the
 234 plat recorded in plat Book 18, at Page 1, Palm Beach
 235 County Public Records, together with riparian and
 236 littoral rights, if any, appurtenant thereto.

237 Parcel No. 7

238 All that part of the North 699.83 feet of the South
 239 971.03 feet of Section 16, Township 47 South, Range 43
 240 East, lying between the waters of the Atlantic Ocean



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241 on the East and the waters of Lake Wyman on the West,
 242 together with riparian and littoral rights, if any,
 243 appurtenant thereto.

244 Parcel No. 8

245 That tract of land in Section 21, Township 47 South,
 246 Range 43 East, bounded as follows: On the East by the
 247 Atlantic Ocean; on the West by State Road No. A-1-A
 248 (formerly No. 140) as the same is now laid out and in
 249 use; on the North by a line parallel to and 2571.65
 250 feet South of (measured at right angles) the North
 251 line of said Section 21; and on the South by a line
 252 parallel to and 2771.65 feet South of (measured at
 253 right angles) the North line of said Section 21, Palm
 254 Beach County, Florida.

255 Parcel No. 9

256 A tract of land in Section 21, Township 47 South,
 257 Range 43 East bounded as follows: On the East by the
 258 Atlantic Ocean; on the West by State Road A-1-A as the
 259 same is now laid out and in use; on the North by a
 260 line parallel to and 2,771.65 feet South of (measured
 261 at right angles) the North line of said Section 21 and
 262 on the South by a line parallel to and 2,871.65 feet
 263 South of (measured at right angles) the North line of
 264 said Section 21. Said tract of land lying in Boca
 265 Raton, Palm Beach County, Florida.

267 (2) To reimburse the City of Boca Raton from other
 268 available revenues of the district the actual costs of debt
 269 service of acquisition, maintenance, operation, and debt service
 270 of improvements on existing or future beach or park properties,



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271 or to acquire, maintain, operate, or improve beach or park
272 properties as provided in Section 4.

273 Section 4. Powers.--The board shall have all the powers as
274 a body corporate, including the power to sue and be sued under
275 the name of the Greater Boca Raton Beach and Park District; to
276 contract and be contracted with; to borrow money; to adopt and
277 use a corporate seal; to purchase or lease such real and
278 personal property as is necessary and proper to maintain office
279 space required to accomplish the purpose of this act; to
280 purchase, lease, or acquire through exercise of the power of
281 eminent domain real property for beach or park purposes, subject
282 to the concurrence of the City Council of the City of Boca Raton
283 or to the approval of the district electorate by referendum, and
284 to maintain, operate, or improve such property; and to carry out
285 the provisions of this act in the manner hereinafter provided.

286 Section 5. Duties.--

287 (1) The board shall be authorized, empowered, and directed
288 annually to levy upon all of the nonexempt real property and
289 nonexempt tangible personal property and inventory in the
290 district a sufficient tax necessary for the purposes and needs
291 of said district incurred in the exercise of the powers and
292 purposes herein granted. However, the tax levied shall not
293 exceed, in any event, 2 mills unless approved by the electors
294 residing within the district at a referendum election held for
295 such purpose.

296 (2) The board shall also be authorized to accept donations
297 from either private or governmental sources of any kind.

298 (3) If, in the sole judgment of the board, the purposes of
299 this act have been undertaken and carried out by some other
300 public or private body or corporation, then, in such event, the



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301 board is directed to withhold, reduce, or eliminate its
 302 expenditures, taking into consideration the expenditures that
 303 the other public or private body or corporation is obligated to
 304 expend in carrying out the same purposes of this act.

305 (4) Should the boundaries of the City of Boca Raton, by
 306 annexation, encompass the same boundaries as the district, then
 307 the district, upon retiring and satisfying all of its
 308 obligations and liabilities, shall cease to function and its
 309 assets shall be assigned and transferred to the City of Boca
 310 Raton or its corporate successor.

311 Section 6. Procedure for payment of funds.--The funds of
 312 the district shall be paid out only upon warrant signed by the
 313 chair of the board or a majority of the commissioners, and no
 314 warrant shall be drawn or issued against funds of the district
 315 except for a purpose authorized by this act.

316 Section 7. Purchases.--All purchases or leases of
 317 supplies, equipment, materials, or office space for use in the
 318 operation and maintenance of the district in excess of \$5,000
 319 shall be approved by the board only after competitive bids have
 320 been sought from at last three different sources of supply.
 321 However, if less than three different sources are available,
 322 competitive bids shall be accepted from whatever sources are
 323 available. During emergencies, the board may, by resolution,
 324 authorize the purchase or lease of designated supplies and
 325 equipment in excess of the above-mentioned limitations without
 326 competitive bidding.

327 Section 8. Levy and collections of taxes; procedure.--The
 328 levy of taxes authorized by this act shall be by resolution duly
 329 entered upon the minutes of the board. Certified copies of such
 330 resolutions executed in the name of the board by its chair,



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331 under its corporate seal, shall be made and delivered to the
 332 Board of County Commissioners of Palm Beach County within a
 333 reasonable time and as is necessary to meet the legal
 334 requirements for the levying of taxes by the county
 335 commissioners. It shall be the duty of the Tax Collector of
 336 Palm Beach County to collect the amount of taxes so levied by
 337 the Board of Commissioners of the Greater Boca Raton Beach and
 338 Park District upon the nonexempt taxable property in the
 339 district for said year in the same manner as other taxes are
 340 collected and to pay the same over to the district board within
 341 the time and in the manner prescribed by law for the payment by
 342 the tax collector of county taxes to the county depository. The
 343 taxes shall be levied upon the assessed value of taxable
 344 property in the district as is determined by the county property
 345 appraiser. All such taxes shall be held by the district board
 346 and paid out by it as provided in this act. The board is
 347 authorized to pay necessary expenses to the county property
 348 appraiser and tax collector for the assessment and collection of
 349 taxes on a reasonable basis as required.

350 Section 9. Payment of expenses.--The board is authorized
 351 to pay all expenses necessarily incurred in the organization of
 352 the board and in the formation of the district and all other
 353 reasonable and necessary expenses, costs, and fees incurred in
 354 accomplishing the purposes of this act.

355 Section 4. It is intended that the provisions of this act
 356 be liberally construed for accomplishing the work authorized and
 357 provided for or intended to be provided for in this act and,
 358 where strict construction would result in the defeat of the
 359 accomplishment of any part of the work authorized by this act
 360 and a liberal construction would permit or assist in the



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361 accomplishment thereof, the liberal construction shall be
362 chosen. During the existence of the district, this act shall be
363 construed so as to give effect to the intent of providing equal
364 application of the act and all provisions hereunder to all
365 persons residing within the geographical boundaries of the
366 district so that all benefits derived and detriments incurred
367 shall be apportioned equitably among such residents.

368 Section 5. Any clause or section of this act that for any
369 reason may be held or declared invalid may be eliminated, and
370 the remaining portion or portions thereof shall be and remain in
371 full force and be valid as if such invalid clause or section had
372 not been incorporated therein.

373 Section 6. Chapters 74-423, 75-330, 76-323, 82-350, 85-
374 481, and 97-330, Laws of Florida, are repealed.

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