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CHAMBER ACTION

The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

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

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Greater Boca Raton Beach and Park District. 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 authority granted to the



29 district by its several legislative enactments and any
 30 additional authority granted by this act. It is further the
 31 intent of this act to preserve all district authority, including
 32 the authority to annually assess and levy against the taxable
 33 property in the district a tax not to exceed 2 mills on the
 34 dollar of assessed valuation.

35 Section 2. Chapters 74-423, 75-330, 76-323, 82-350, 85-
 36 481, and 97-330, Laws of Florida, relating to the Greater Boca
 37 Raton Beach and Park District, are codified, reenacted, amended,
 38 and repealed as herein provided.

39 Section 3. The Greater Boca Raton Beach and Park District
 40 is re-created, and the charter for the district is re-created
 41 and reenacted to read:

42 Section 1. Independent special district.--The Greater Boca
 43 Raton Beach and Park District for the purposes of this act is
 44 created into an independent special district of the State of
 45 Florida. Which said district shall embrace and include the
 46 following described property lying in Township 46 and 47 South,
 47 Ranges 42 and 43 East, Palm Beach County, Florida:

48
 49 Begin at the intersection of the Mean High Water Line
 50 of the Atlantic Ocean and the Broward County - Palm
 51 Beach County Line; thence run Westerly along said
 52 Broward County - Palm Beach County Line to a point of
 53 intersection with the Easterly Right-of-Way Line of
 54 the Florida State Turnpike, according to the Right-of-
 55 Way maps as recorded in the Public Records of Palm
 56 Beach County, Florida; thence run Northerly along the



57 Eastern Right-of-Way Line of said Turnpike through
58 Section 33, 28, 21, 16, 9 and 4 to a point on the
59 Township line between Townships 46 and 47 South, said
60 point located where the Township line intersects the
61 Easterly Right-of-Way of Florida State Turnpike;
62 thence run Easterly along said Township line to a
63 point of intersection with the Westerly corporate
64 limit boundary of the City of Boca Raton which lies in
65 Section 31, Township 46 South, Range 43 East; thence
66 run Northerly along the West line of said corporate
67 limit boundary which lies in Section 31, to a point of
68 intersection with the North boundary of Sections 31,
69 said point also being on the center line of the
70 Central and Southern Florida Flood Control District C-
71 15 Canal; thence Easterly along the center line of
72 said C-15 Canal through the Easterly part of Section
73 31, and Sections 32 and 33, Township 46 South, Range
74 43 East to the intersection with the center line of
75 the Right-of-Way of the Intracoastal Waterway; thence
76 run Southerly along the center line of the Right-of-
77 Way of the Intracoastal Waterway through Section 33,
78 Township 46 South, Range 43 East and Sections 4 and 9,
79 Township 47 South, Range 43 East to a point of
80 intersection with the center line of the Right-of-Way
81 of the Intracoastal Waterway and a line at 1333.86
82 feet South of and parallel to the North line of
83 Section 9, Township 47 South, Range 43 East; thence
84 run Easterly along a line which is 1333.86 feet South



85 of and parallel to the North line of Section 9 to the
 86 Mean High Water Line of the Atlantic Ocean; thence run
 87 Southerly along the Mean High Water Line of the
 88 Atlantic Ocean to a point to intersection with the
 89 County Line between Palm Beach County and Broward
 90 County, said point being the Point of Beginning.

91
 92 Section 2. Board of commissioners; elections; bond
 93 required.--

94 (1) The district shall be governed by a board of five
 95 commissioners. Three of the commissioners shall reside within
 96 the corporate boundary of the City of Boca Raton and the
 97 remaining two commissioners shall reside within the remainder of
 98 the district. All of the commissioners shall be elected at
 99 large by the qualified electors of the district as follows: The
 100 commission seats shall be numbered one through five with seats
 101 one through three for commissioners residing within the City of
 102 Boca Raton and seats four and five for commissioners residing
 103 within the remainder of the district. Odd-numbered seats shall
 104 be filled for 4-year terms by those commissioners elected in
 105 2000 and even-numbered seats shall be filled for 4-year terms by
 106 the commissioners elected in 2002. Thereafter, all terms shall
 107 be of 4 years in length. The commissioners shall be electors
 108 qualified to vote in order to be eligible for election to the
 109 board of commissioners. The commissioners shall be known and
 110 designated as the Board of Commissioners of the Greater Boca
 111 Raton Beach and Park District. The terms of commissioners
 112 serving on the effective date of this act shall expire upon the



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113 assumption of office of commissioners elected pursuant to this
114 section.

115 (2) A majority of the members of the board of
116 commissioners shall constitute a quorum. On any vote of the
117 board to set the annual millage, set the annual budget, or carry
118 out any of the purposes of this act as enumerated in Section 3,
119 a minimum of three affirmative votes shall be necessary. The
120 board shall cause true and accurate minutes and records to be
121 kept of all business transacted by it and shall keep full, true,
122 and complete books of account and minutes, which shall at all
123 reasonable times be open and subject to the inspection of the
124 public.

125 (3) The terms of office of each commissioner shall begin
126 on January 1 following the election at which the commissioner is
127 elected. The Governor shall have the power to remove any member
128 of the board for cause and shall fill any vacancies that may at
129 any time occur thereon. Should the City of Boca Raton municipal
130 boundaries be changed through annexation to include the area
131 wherein any elected commissioner of seat four or seat five
132 resides, said commissioner shall serve only until the next
133 election, at which time said seat shall be filled by a
134 commissioner residing in the area outside of the City of Boca
135 Raton municipal boundaries and elected at large by the qualified
136 electors of the district.

137 (4) Commissioners shall be elected at the first and second
138 nonpartisan elections. The first nonpartisan election shall be
139 held at the time of the first primary election provided for by
140 section 100.061, Florida Statutes. The second nonpartisan



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141 election shall be held at the time of the second primary
142 election provided for by section 100.091, Florida Statutes. No
143 reference to political party affiliation shall appear on any
144 ballot with respect to any candidate for the board. The board
145 shall be elected on separate nonpartisan ballots in a form
146 similar to that for the nonpartisan election of judicial
147 officers. Candidates shall qualify with the Palm Beach County
148 Supervisor of Elections no earlier than noon of the 50th day,
149 and no later than noon of the 46th day, prior to the date of the
150 election upon filing an oath or affirmation substantially the
151 same as that required of judicial candidates by section
152 105.031(4), Florida Statutes.

153 (5) The board shall convene as soon as practicable after
154 January 1 each year and shall elect a chair and such other
155 officers as it determines necessary for the efficient management
156 of the affairs of the district. Such officers shall hold office
157 subject to an annual election by the board in January of each
158 year.

159 (6) Each commissioner shall be required to give bond to
160 the Governor for faithful performance of his or her duties in
161 the sum of \$5,000 with a surety company qualified to do business
162 in the state as surety, which bond shall be approved and kept by
163 the Clerk of the Circuit Court of Palm Beach County. The
164 premium on the bond shall be paid as part of the expenses of the
165 district.

166 (7) Commissioners shall receive a compensation for
167 attendance at a meeting of the board or a meeting attended by
168 any commissioner at which the purposes, obligations, or business



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169 of the district is discussed or transacted. The amount of said
 170 compensation shall be equal to the dollar amount set forth in
 171 section 112.061(6)(a)1., Florida Statutes, as may be amended.
 172 In no event shall any commissioner receive compensation for more
 173 than one meeting per day.

174 Section 3. Purposes and obligations.--The purposes and
 175 obligations of the district shall be:

176 (1) To first reimburse the City of Boca Raton the actual
 177 costs of debt service of acquisition, maintenance, operation,
 178 and debt service of improvements of the real property commonly
 179 known as the Schine and Butler Tracts, more fully described as
 180 follows:

181
 182 Parcel No. 1

183 That part of the South 1181.65 feet of the North
 184 2571.65 feet of Government Lot 1, Section 21, Township
 185 47 South, Range 43 East Palm Beach County, Florida,
 186 lying East of State Road A-1-A, together with riparian
 187 and littoral rights, if any, appurtenant thereto.

188 Parcel No. 2

189 Parcel B-1 and the South 200 feet of parcel B-3 as
 190 measured at right angles to the South Boundary thereof
 191 of Sun and Surf Club Community, a subdivision in Boca
 192 Raton, Florida, according to the plat thereof recorded
 193 in the Public Records of Palm Beach County, Florida,
 194 in Plat Book 27, beginning at Page 114, together with
 195 the riparian and littoral rights, if any, appurtenant
 196 thereto.



197 Parcel No. 3

198 That part of the South 618.35 feet of the North 1590
 199 feet of Government Lot 1, Section 21, Township 47
 200 South, Range 43 East, Palm Beach County, Florida,
 201 lying East of State Road A-1-A, together with all
 202 riparian and littoral rights, if any, appurtenant
 203 thereto.

204 Parcel No. 3A

205 The East 300 feet of Parcel B-3 in Sun and Surf Club
 206 Community, less the South 200 feet as measured at
 207 right angles to the South Boundary thereof of Sun and
 208 Surf Club Community, a subdivision in Boca Raton,
 209 Florida, according to the plat thereof recorded in the
 210 Public Records of Palm Beach County, Florida, in Plat
 211 Book 27, beginning at Page 114, together with riparian
 212 and littoral rights, if any, appurtenant thereto.

213 Parcel No. 3B

214 Parcel B-3 (except the East 300 feet thereof) in Sun
 215 and Surf Club Community, a subdivision in Boca Raton,
 216 Florida, according to the plat thereof recorded in the
 217 Public Records of Palm Beach County, Florida, in Plat
 218 Book 27, beginning at Page 114, together with riparian
 219 and littoral rights, if any, appurtenant thereto.

220 Parcel No. 4

221 The South 150 feet of the North 771.65 feet of Section
 222 21, Township 47 South, Range 43 East, as the same is
 223 located by the boundary agreement and the plat
 224 recorded in the office of the Clerk of the Circuit



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225 Court in and for Palm Beach County, Florida, in Plat
226 Book 18, at Page 1, together with riparian rights and
227 littoral rights, if any, appurtenant thereto.

228 Parcel No. 5

229 The South 142.98 feet of the North 621.65 feet of
230 Government Lot 1, Section 21, Township 47 South, Range
231 43 East, Palm Beach County, Florida, together with
232 riparian and littoral rights, if any, appurtenant
233 thereto.

234 Parcel No. 6

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

245 Parcel No. 7

246 All that part of the North 699.83 feet of the South
247 971.03 feet of Section 16, Township 47 South, Range 43
248 East, lying between the waters of the Atlantic Ocean
249 on the East and the waters of Lake Wyman on the West,
250 together with riparian and littoral rights, if any,
251 appurtenant thereto.

252 Parcel No. 8



253 That tract of land in Section 21, Township 47 South,
 254 Range 43 East, bounded as follows: On the East by the
 255 Atlantic Ocean; on the West by State Road No. A-1-A
 256 (formerly No. 140) as the same is now laid out and in
 257 use; on the North by a line parallel to and 2571.65
 258 feet South of (measured at right angles) the North
 259 line of said Section 21; and on the South by a line
 260 parallel to and 2771.65 feet South of (measured at
 261 right angles) the North line of said Section 21, Palm
 262 Beach County, Florida.

263 Parcel No. 9

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

274
 275 (2) To reimburse the City of Boca Raton from other
 276 available revenues of the district the actual costs of debt
 277 service of acquisition, maintenance, operation, and debt service
 278 of improvements on existing or future beach or park properties,
 279 or to acquire, maintain, operate, or improve beach or park
 280 properties as provided in Section 4.



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

294 Section 5. Duties.--

295 (1) The board shall be authorized, empowered, and directed
296 annually to levy upon all of the nonexempt real property and
297 nonexempt tangible personal property and inventory in the
298 district a sufficient tax necessary for the purposes and needs
299 of said district incurred in the exercise of the powers and
300 purposes herein granted. However, the tax levied shall not
301 exceed, in any event, 2 mills unless approved by the electors
302 residing within the district at a referendum election held for
303 such purpose.

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

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



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

313 (4) Should the boundaries of the City of Boca Raton, by
314 annexation, encompass the same boundaries as the district, then
315 the district, upon retiring and satisfying all of its
316 obligations and liabilities, shall cease to function and its
317 assets shall be assigned and transferred to the City of Boca
318 Raton or its corporate successor.

319 Section 6. Procedure for payment of funds.--The funds of
320 the district shall be paid out only upon warrant signed by the
321 chair of the board or a majority of the commissioners, and no
322 warrant shall be drawn or issued against funds of the district
323 except for a purpose authorized by this act.

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

335 Section 8. Levy and collections of taxes; procedure.--The
336 levy of taxes authorized by this act shall be by resolution duly



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

358 Section 9. Payment of expenses.--The board is authorized
359 to pay all expenses necessarily incurred in the organization of
360 the board and in the formation of the district and all other
361 reasonable and necessary expenses, costs, and fees incurred in
362 accomplishing the purposes of this act.

363 Section 4. It is intended that the provisions of this act
364 be liberally construed for accomplishing the work authorized and



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365 provided for or intended to be provided for in this act and,
366 where strict construction would result in the defeat of the
367 accomplishment of any part of the work authorized by this act
368 and a liberal construction would permit or assist in the
369 accomplishment thereof, the liberal construction shall be
370 chosen. During the existence of the district, this act shall be
371 construed so as to give effect to the intent of providing equal
372 application of the act and all provisions hereunder to all
373 persons residing within the geographical boundaries of the
374 district so that all benefits derived and detriments incurred
375 shall be apportioned equitably among such residents.

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

381 Section 6. Chapters 74-423, 75-330, 76-323, 82-350, 85-
382 481, and 97-330, Laws of Florida, are repealed.

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