



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28 and repealed as herein provided.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

38
39 Begin at the intersection of the Mean High Water Line
40 of the Atlantic Ocean and the Broward County - Palm
41 Beach County Line; thence run Westerly along said
42 Broward County - Palm Beach County Line to a point of
43 intersection with the Easterly Right-of-Way Line of
44 the Florida State Turnpike, according to the Right-of-
45 Way maps as recorded in the Public Records of Palm
46 Beach County, Florida; thence run Northerly along the
47 Eastern Right-of-Way Line of said Turnpike through
48 Section 33, 28, 21, 16, 9 and 4 to a point on the
49 Township line between Townships 46 and 47 South, said
50 point located where the Township line intersects the
51 Easterly Right-of-Way of Florida State Turnpike;
52 thence run Easterly along said Township line to a
53 point of intersection with the Westerly corporate
54 limit boundary of the City of Boca Raton which lies in
55 Section 31, Township 46 South, Range 43 East; thence
56 run Northerly along the West line of said corporate



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

81 |
82 | Section 2. Board of commissioners; elections; bond
83 | required.--



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

105 (2) A majority of the members of the board of
106 commissioners shall constitute a quorum. On any vote of the
107 board to set the annual millage, set the annual budget, or carry
108 out any of the purposes of this act as enumerated in Section 3,
109 a minimum of three affirmative votes shall be necessary. The
110 board shall cause true and accurate minutes and records to be
111 kept of all business transacted by it and shall keep full, true,



112 and complete books of account and minutes, which shall at all
113 reasonable times be open and subject to the inspection of the
114 public.

115 (3) The terms of office of each commissioner shall begin
116 on January 1 following the election at which the commissioner is
117 elected. The Governor shall have the power to remove any member
118 of the board for cause and shall fill any vacancies that may at
119 any time occur thereon. Should the City of Boca Raton municipal
120 boundaries be changed through annexation to include the area
121 wherein any elected commissioner of seat four or seat five
122 resides, said commissioner shall serve only until the next
123 election, at which time said seat shall be filled by a
124 commissioner residing in the area outside of the City of Boca
125 Raton municipal boundaries and elected at large by the qualified
126 electors of the district.

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



140 election upon filing an oath or affirmation substantially the
141 same as that required of judicial candidates by section
142 105.031(4), Florida Statutes.

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

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

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

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

166 (1) To first reimburse the City of Boca Raton the actual
167 costs of debt service of acquisition, maintenance, operation,



168 and debt service of improvements of the real property commonly
169 known as the Schine and Butler Tracts, more fully described as
170 follows:

171
172 Parcel No. 1

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

178 Parcel No. 2

179 Parcel B-1 and the South 200 feet of parcel B-3 as
180 measured at right angles to the South Boundary thereof
181 of Sun and Surf Club Community, a subdivision in Boca
182 Raton, Florida, according to the plat thereof recorded
183 in the Public Records of Palm Beach County, Florida,
184 in Plat Book 27, beginning at Page 114, together with
185 the riparian and littoral rights, if any, appurtenant
186 thereto.

187 Parcel No. 3

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

194 Parcel No. 3A



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

203 Parcel No. 3B

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

210 Parcel No. 4

211 The South 150 feet of the North 771.65 feet of Section
 212 21, Township 47 South, Range 43 East, as the same is
 213 located by the boundary agreement and the plat
 214 recorded in the office of the Clerk of the Circuit
 215 Court in and for Palm Beach County, Florida, in Plat
 216 Book 18, at Page 1, together with riparian rights and
 217 littoral rights, if any, appurtenant thereto.

218 Parcel No. 5

219 The South 142.98 feet of the North 621.65 feet of
 220 Government Lot 1, Section 21, Township 47 South, Range
 221 43 East, Palm Beach County, Florida, together with



222 riparian and littoral rights, if any, appurtenant
 223 thereto.

224 Parcel No. 6

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

235 Parcel No. 7

236 All that part of the North 699.83 feet of the South
 237 971.03 feet of Section 16, Township 47 South, Range 43
 238 East, lying between the waters of the Atlantic Ocean
 239 on the East and the waters of Lake Wyman on the West,
 240 together with riparian and littoral rights, if any,
 241 appurtenant thereto.

242 Parcel No. 8

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



250 parallel to and 2771.65 feet South of (measured at
 251 right angles) the North line of said Section 21, Palm
 252 Beach County, Florida.

253 Parcel No. 9

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

265 (2) To reimburse the City of Boca Raton from other
 266 available revenues of the district the actual costs of debt
 267 service of acquisition, maintenance, operation, and debt service
 268 of improvements on existing or future beach or park properties,
 269 or to acquire, maintain, operate, or improve beach or park
 270 properties as provided in Section 4.

271 Section 4. Powers.--The board shall have all the powers as
 272 a body corporate, including the power to sue and be sued under
 273 the name of the Greater Boca Raton Beach and Park District; to
 274 contract and be contracted with; to borrow money; to adopt and
 275 use a corporate seal; to purchase or lease such real and
 276 personal property as is necessary and proper to maintain office
 277 space required to accomplish the purpose of this act; to



278 purchase, lease, or acquire through exercise of the power of
279 eminent domain real property for beach or park purposes, subject
280 to the concurrence of the City Council of the City of Boca Raton
281 or to the approval of the district electorate by referendum, and
282 to maintain, operate, or improve such property; and to carry out
283 the provisions of this act in the manner hereinafter provided.

284 Section 5. Duties.--

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

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

296 (3) If, in the sole judgment of the board, the purposes of
297 this act have been undertaken and carried out by some other
298 public or private body or corporation, then, in such event, the
299 board is directed to withhold, reduce, or eliminate its
300 expenditures, taking into consideration the expenditures that
301 the other public or private body or corporation is obligated to
302 expend in carrying out the same purposes of this act.

303 (4) Should the boundaries of the City of Boca Raton, by
304 annexation, encompass the same boundaries as the district, then
305 the district, upon retiring and satisfying all of its



306 obligations and liabilities, shall cease to function and its
 307 assets shall be assigned and transferred to the City of Boca
 308 Raton or its corporate successor.

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

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

325 Section 8. Levy and collections of taxes; procedure.--The
 326 levy of taxes authorized by this act shall be by resolution duly
 327 entered upon the minutes of the board. Certified copies of such
 328 resolutions executed in the name of the board by its chair,
 329 under its corporate seal, shall be made and delivered to the
 330 Board of County Commissioners of Palm Beach County within a
 331 reasonable time and as is necessary to meet the legal
 332 requirements for the levying of taxes by the county
 333 commissioners. It shall be the duty of the Tax Collector of



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

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

353 Section 4. It is intended that the provisions of this act
354 be liberally construed for accomplishing the work authorized and
355 provided for or intended to be provided for in this act and,
356 where strict construction would result in the defeat of the
357 accomplishment of any part of the work authorized by this act
358 and a liberal construction would permit or assist in the
359 accomplishment thereof, the liberal construction shall be
360 chosen. During the existence of the district, this act shall be
361 construed so as to give effect to the intent of providing equal



362 application of the act and all provisions hereunder to all
363 persons residing within the geographical boundaries of the
364 district so that all benefits derived and detriments incurred
365 shall be apportioned equitably among such residents.

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

371 Section 6. Chapters 74-423, 75-330, 76-323, 82-350, 85-
372 481, and 97-330, Laws of Florida, are repealed.

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