

Senate Bill No. 2672

An act relating to the Hillsboro Inlet District, Broward County; combining and codifying chapter 96-541, Laws of Florida, chapter 94-454, Laws of Florida, chapter 83-381, Laws of Florida, chapter 75-351, Laws of Florida, chapter 73-422, Laws of Florida, chapter 63-1178, Laws of Florida, chapter 61-1966, Laws of Florida, and chapter 57-1183, Laws of Florida, which created and incorporated a special taxing district in Broward County, known as the Hillsboro Inlet and Maintenance District; repealing all prior special acts of the Legislature relating to the Hillsboro Inlet District; providing for an amendment to the charter section titled "Prevention of Erosion of City of Pompano Beach Area," previously codified under chapter 75-351, Laws of Florida, to allow the district to perform erosion prevention activities to the extent possible with existing district equipment and littoral sands pursuant to part I of ch. 161, F.S.; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

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

Section 1. Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the Hillsboro Inlet 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 district by its several legislative enactments and any additional authority granted by this act.

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and chapter 57-1183, Laws of Florida, relating to the Hillsboro Inlet District, are codified, reenacted, amended, and repealed as herein provided.

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

Beginning at the intersection of the Atlantic Ocean and the Broward County-Palm Beach County line; thence run Westerly along said Broward County-Palm Beach County line to West right-of-way line of Dixie Highway; thence South along the West right-of-way line of Dixie Highway to a point on the South line of Section 2, Township 49 South, Range 42 East; thence East along said South line of Section 2, Township 49 South, Range 42 East and Section 1, Township 49 South, Range 42 East to the east right-of-way line of Federal Highway U.S. #1; thence South along East right-of-way line of Federal Highway U.S. #1 to a point on the South boundary of Section 13,

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

Section 4. Board of commissioners.—

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

(2) A majority of the quorum at a regular or special meeting shall be sufficient for any legal action to be taken by the governing body of the district. Said commissioners shall be known and designated as the “Board of Commissioners of the Hillsboro Inlet District.”

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

Section 5. General powers of the board of commissioners.—

(1) The Board of Commissioners of said Hillsboro Inlet District shall have all the powers of a body corporate, including the power to sue and be sued under the name of Hillsboro Inlet District, to contract and be contracted

with; to adopt and use a common seal, and to alter the same at pleasure; to acquire, purchase, hold, lease, and convey such real and personal property as said board may deem proper or expedient to carry out the purposes of this act; to appoint and employ such other agents, legal counsel, and employees as said board may deem advisable; to act as an independent special district and to comply with the applicable provisions of chapter 189, Florida Statutes, as amended from time to time; and to carry out the provisions of this act in the manner hereinafter provided.

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

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

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

(5) The board of commissioners is hereby authorized to pledge anticipated revenues to be derived during the extended life of the district for the purpose of securing a bond issue for the purpose of affecting permanent improvements to the Hillsboro Inlet; provided however, said bond issue be first approved by not less than two-thirds of the membership of the board.

Section 6. Quorum; minutes; records.—

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

(2) There shall be at least one regular meeting of the governing body each month. The regular meeting of the governing body shall be conducted at a public building located within the geographical boundaries of the district. The regular meetings of the governing body shall be conducted on the third Monday of each month commencing at 7:30 p.m.; however, the governing body by appropriate motion may change or cancel the date and time of the holding of the regular monthly meeting of the governing body. If such

a change is made, a notice of the holding of the meeting at a time or date different than 7:30 p.m. on the third Monday of each month, shall be advertised pursuant to section 189.417, Florida Statutes.

(3) Special meetings or workshop meetings of the governing body may be called from time to time by the chair, vice chair, or by a majority of the members of the governing body. A notice stating the date, time, and place of such workshop meetings or special meetings of the governing body, shall be posted at the customary location where the governing body shall meet at least 24 hours prior to the holding of such a meeting and with appropriate notification to the media, and as may otherwise be required by law.

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

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

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

Section 8. Payment of funds out of district.—The funds of the Hillsboro Inlet District shall be paid out only upon check signed by the chair, or in his or her absence, the vice chair of the board, or any other commissioner so designated; and no check shall be drawn or issued against funds of said district, except for a purpose authorized by this act, and no such check against funds of this district shall be drawn or issued until after the account or expenditure for which the same is to be given in payment has been approved by the board of commissioners.

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

Section 10. Resolution for levying tax; tax assessment and collection by county.—The levy by the Hillsboro Inlet District board of commissioners of the taxes authorized by any provision of this act shall be by resolution of said board duly entered upon the minutes of the board, in accordance with the

provisions contained in chapter 200, Florida Statutes, as amended from time to time. The Tax Collector of Broward County, Florida, shall collect such tax so levied by the board in the same manner as other taxes are collected, and shall pay the same over to the Board of Commissioners of the Hillsboro Inlet District within the time and in the manner prescribed by law. The taxes shall be assessed by the same officer as are county taxes upon such property, and such taxes shall be remitted by the collecting officer to the Board of Commissioners of the Hillsboro Inlet District. All such taxes shall be held by the board of commissioners and paid out by it as provided in this act. The board is authorized to pay necessary expenses consistent with chapter 200, Florida Statutes, as amended from time to time, for the assessment and collection of taxes on a reasonable fee basis.

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

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

Section 13. Construction of provisions.—It is intentioned that the provision of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be provided for in this act. Where strict construction would result in the defeat of the accomplishment of any part of the work authorized by this act, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen.

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

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

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

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

Section 15. Purchases; competitive bidding.—

(1) All purchases of supplies, equipment, and materials for use in the operation and maintenance of said district in excess of \$2,500, shall be approved by the Board of Commissioners of the Hillsboro Inlet District after competitive conditions shall have been maintained and competitive bids or price quotations sought from at least three different sources of supply. During unusual conditions or emergencies, the board of commissioners may by resolution authorize the purchase of designated supplies and equipment in excess of the limitations herein prescribed when in the discretion of the board of commissioners the purchase contemplated is deemed to be in the best interest of the citizens and residents residing in the district.

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

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

Section 17. Disposition of property upon termination of district.—Upon the termination of the Hillsboro Inlet District, all real, personal, or mixed properties of the district shall become and be vested in the State of Florida, by operation of law, and all money on hand or thereafter received, after satisfaction of all indebtedness and obligations of the district, shall revert to the several subdivisions comprising the district, and refund shall be made to each subdivision in the same proportion that the several subdivisions have contributed to the revenues of the district for the fiscal year in which the termination takes place.

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

Section 19. Except as specifically provided herein, chapter 96-541, Laws of Florida, chapter 94-454, Laws of Florida, chapter 83-381, Laws of Florida, chapter 75-351, Laws of Florida, chapter 73-422, Laws of Florida, chapter

63-1178, Laws of Florida, chapter 61-1966, Laws of Florida, and chapter 57-1183, Laws of Florida, are repealed.

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

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

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

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.