

1:
2:
3: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
4: OF PALM BEACH COUNTY, FLORIDA ESTABLISHING A
5: DEPENDENT DISTRICT ENCOMPASSING THE LAND DESCRIBED
6: IN SECTION 2 OF THIS ORDINANCE; NAMING THE INITIAL
7: MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT;
8: ESTABLISHING THE NAME OF THE DISTRICT AS CAPTAIN'S
9: KEY DEPENDENT DISTRICT; DESIGNATING THE PURPOSE OF
10: THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT;
11: PROVIDING FOR CAPTIONS; PROVIDING FOR SEVERABILITY;
12: AND PROVIDING FOR AN EFFECTIVE DATE.
13:
14:

15: WHEREAS, the Florida Legislature created Chapter 189, Florida Statutes, as amended,
16: to provide an alternative method to finance, deliver and manage community services; and
17:

18: WHEREAS, Captain's Key Property Owners Association (the "Petitioner"), has
19: requested the Board of County Commissioners of Palm Beach County, Florida (the "Board") to
20: establish Captain's Key Dependent District (the "District") to provide certain community
21: services; and
22:

23: WHEREAS, the District will constitute a timely, efficient, responsive and economic
24: way to deliver community services; and
25:

26: WHEREAS, the creation of the District is the best alternative available for delivering
27: the community services and facilities to the area that will be served by the District as
28: alternative methods of delivering services and facilities to this area are not feasible and the area
29: that will be served by the District is amenable to separate special district government; and
30:

31: WHEREAS, the District does not have any zoning or development permitting power
32: and the establishment of the District is not a development order; and
33:

34: WHEREAS, the capital costs and operational costs incurred by the District will be
35: borne solely by the property owners in the District and in no way are the responsibility of Palm
36: Beach County; and
37:

38: WHEREAS, the District does not have the power to levy taxes and the assessment
39: power of the District is limited to levying non-ad valorem special assessments, benefit special
40: assessments, special assessments and maintenance special assessments; and
41:

42: WHEREAS, the creation of this District is consistent with the Palm Beach County
43: Comprehensive Plan.
44:

45: NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
46: COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:
47:

48: **Section 1. Creation of District**
49:

50: Captain's Key Dependent District is hereby created.
51:

52: **Section 2. District Boundaries**
53:

54: The District shall encompass all land depicted on the Plat of Captain's Key in Section 33,
55: Township 41S, Range 43E, Palm Beach County, Florida recorded in Plat Book 28, Pages 176-
56: 177 and as modified in Official Record Book 2160, Pages 340-344, Palm Beach County,
57: Florida; less and excepting therefrom those lands replatted by the plat of Seminole Landing as
58: recorded in Plat Book 30, Pages 35 and 36, public records of Palm Beach County, Florida.
59:

60: **Section 3. District Name**
61:

62: The name of the District shall be "Captain's Key Dependent District".

1
2 **Section 4. Initial Board Members**
3

4 The initial members of the Board of Supervisors of the Captain's Key Dependent District (the
5 "District Board") shall be:
6

- 7 1. John R. Banister 12127 Captains Landing North Palm Beach, Fl. 33408
8 2. Joseph O'Neill 12071 Captains Landing North Palm Beach, Fl. 33408
9 3. Scott Hasday 12132 Captains Landing North Palm Beach, Fl. 33408
10 4. Daniel L. Millner 12205 Captains Landing North Palm Beach, Fl. 33408
11 5. Frederick J. Staudt 12147 Captains Landing North Palm Beach, Fl. 33408
12

13 **Section 5. Purpose**
14

15 The District is created for the purposes set forth in herein.
16

17 **Section 6. General Powers**
18

19 The Board hereby grants to the District general powers as hereinafter defined, and hereby finds
20 that it is in the public interest of the citizens of the County to grant such general powers. The
21 District shall have, and the District Board may exercise, the following general powers:
22

23 (1) To sue and be sued in the name of the District; to adopt and use a seal and authorize the
24 use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to dispose of,
25 real and personal property, or any estate therein; and to make and execute contracts and other
26 instruments necessary or convenient to the exercise of its powers.
27

28 (2) To borrow money and accept gifts; to apply for and use grants or loans of money or
29 other property from the United States, the state, a unit of local government, or any person for
30 any District purposes and enter into agreements required in connection therewith; and to hold,
31 use, and dispose of such moneys or property for any District purposes in accordance with the
32 terms of the gift, grant, loan, or agreement relating thereto.
33

34 (3) To adopt rules and orders prescribing the powers, duties, and functions of the officers
35 of the District; the conduct of the business of the District; the maintenance of records; and the
36 form of certificates evidencing tax liens and all other documents and records of the District.
37 The District Board may also adopt administrative rules with respect to any of the projects of
38 the District and define the area to be included therein. The District Board may also adopt
39 resolutions that may be necessary for the conduct of District business.
40

41 (4) To hold, control, and acquire by donation, purchase, or dispose of, any public
42 easements, dedications to public use, platted reservations for public purposes, or any
43 reservations for those purposes authorized by this Ordinance and to make use of such
44 easements, dedications, or reservations for any of the purposes authorized by this Ordinance. It
45 is expressly recognized and acknowledged that Seacoast Utility Authority owns and operates
46 water distribution facilities within the existing road rights-of-way and platted easements of the
47 lands described in Section 2 of this Ordinance. Nothing contained herein shall affect existing
48 or future rights, interests, ownership or authority of Seacoast Utility Authority.
49

50 (5) To lease as lessor or lessee to or from any person, firm, corporation, association, or
51 body, public or private, any projects of the type that the District is authorized to undertake and
52 facilities or property of any nature for the use of the District to carry out any of the purposes
53 authorized by this act.
54

55 (6) To borrow money and issue bonds, certificates, warrants, notes, or other evidence
56 of indebtedness as hereinafter provided; to levy such special assessments as may be authorized.
57

58 (7) To raise, by user charges or fees authorized by resolution of the District Board,
59 amounts of money which are necessary for the conduct of the District activities and services
60 and to enforce their receipt and collection in the manner prescribed by resolution not
61 inconsistent with law.
62

1 (8) To cooperate with, or contract with, other governmental agencies as may be necessary,
2 convenient, incidental, or proper in connection with any of the powers, duties, or purposes
3 authorized by this ordinance.
4

5 (9) To determine, order, levy, impose, collect, and enforce special assessments pursuant to
6 Chapter 170, Florida Statutes or other applicable law. Such special assessments may, in the
7 discretion of the District, be; levied, collected and enforced pursuant to the provisions of
8 sections 197.3631, 197.3632, and 197.3635, or Chapter 170, Florida Statutes.
9

10 (10) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend,
11 equip, operate, and maintain systems, facilities, and basic infrastructures for the following:
12

13 (a) Surface water management and control for the lands within the District including
14 roadway culverts, drains, catch basins, outfalls and associated headwalls and appurtenances
15 thereto,
16

17 (b) District roads equal to or exceeding the specifications of the County, and traffic control
18 signs and streetlights.
19

20 (c) Landscaping and associated irrigation systems for roads and entranceway features only.
21

22 (d) Security, including guardhouses, fences and gates, electronic intrusion-detection
23 systems except that the District may not exercise any police power.
24

25 (e) To adopt and enforce appropriate rules following the procedures of Chapter 120,
26 Florida Statutes in connection with the provision of one or more services through its systems
27 and facilities.
28

29 (f) To exercise all of the powers necessary, convenient, incidental, or proper in connection
30 with any of the powers, duties, or purposes authorized by this Ordinance.
31

32 **Section 7. Board of Supervisors** 33

34 The District Board shall exercise the powers granted to the District pursuant to this Ordinance.
35 The District Board shall consist of five members, each member shall hold office for a term as
36 specified herein and until a successor is chosen and qualifies. During their unexpired terms,
37 members of the District Board are subject to removal at will by the Board of County
38 Commissioners. The members of the District Board must be residents of the State of Florida
39 and citizens of the United States.
40

41 (a) Within 90 days following the effective date of this Ordinance establishing the District,
42 there shall be held a meeting of the landowners of the District for the purpose of electing five
43 supervisors for the District. Notice of the landowners' meeting shall be published once a week
44 for 2 consecutive weeks in a newspaper which is in general circulation in the area of the
45 District, the last day of such publication to be not fewer than 14 days or more than 28 days
46 before the date of the election. The landowners, when assembled at such meeting, shall
47 organize by electing a chair who shall conduct the meeting.
48

49 (b) At such meeting, each landowner shall be entitled to cast one vote per home or lot
50 owned by him or her and located within the District for each person to be elected. A landowner
51 may vote in person or by proxy in writing. The two candidates receiving the highest number of
52 votes shall be elected for a period of 4 years, and the three candidates receiving the next largest
53 number of votes shall be elected for a period of 2 years. The members of the first District
54 Board elected by landowners shall serve their respective 4-year or 2-year terms; however, the
55 next election by landowners shall be in the month of February on a date established by the
56 District Board and noticed pursuant to paragraph (a). Thereafter, there shall be an election of
57 supervisors for the district every 2 years in February on a date established by the District Board
58 and noticed pursuant to paragraph (a). The two candidates receiving the highest number of
59 votes shall be elected to serve for a 4-year period, and the remaining candidate elected shall
60 serve for a 2-year period.
61

1 (c) Members of the District Board shall be known as supervisors and, upon entering into
2 office, shall take and subscribe to the oath of office as prescribed by law. They shall hold office
3 for the terms for which they were elected or appointed and until their successors are chosen and
4 qualified. If, during the term of office, a vacancy occurs, the remaining members of the District
5 Board shall fill the vacancy by an appointment for the remainder of the unexpired term.

6
7 (d) A majority of the members of the District Board constitutes a quorum for the purposes
8 of conducting its business and exercising its powers and for all other purposes. Action taken by
9 the District shall be upon a vote of a majority of the members present unless general law or a
10 rule of the District requires a greater number.

11
12 (e) As soon as practicable after each election or appointment, the District Board shall
13 organize by electing one of its members as chair and by electing a secretary, who need not be a
14 member of the District Board, and such other officers as the District Board may deem
15 necessary.

16
17 (f) The District Board shall keep a permanent record book entitled "Record of Proceedings
18 of Captain's Key Dependent District," in which shall be recorded minutes of all meetings,
19 resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate
20 acts. The record book shall at reasonable times be opened to inspection in the same manner as
21 state, county, and municipal records pursuant to law. The record book shall be kept at the office
22 or other regular place of business maintained by the District Board in Palm Beach County.

23
24 (g) All meetings of the District Board shall be open to the public and governed by the
25 provisions of general law.

26
27 (h) The District Board may employ, and fix the compensation of, a district manager. The
28 district manager shall have charge and supervision of the works of the District and shall be
29 responsible for preserving and maintaining any improvement or facility constructed or erected
30 pursuant to the provisions of this Ordinance, for maintaining and operating the equipment
31 owned by the District, and for performing such other duties as may be prescribed by the
32 District Board. The district manager may hire or otherwise employ and terminate the
33 employment of such other persons, including, without limitation, professional, supervisory, and
34 clerical employees, as may be necessary and authorized by the District Board. The
35 compensation and other conditions of employment of the officers and employees of the District
36 shall be as provided by the District Board.

37
38 (i) The District Board shall designate a person who is a resident of the District as treasurer
39 of the District, who shall have charge of the funds of the district. Such funds shall be disbursed
40 only upon the order, or pursuant to the resolution, of the District Board by warrant or check
41 countersigned by the treasurer and by such other person as may be authorized by the District
42 Board. The District Board may give the treasurer such other or additional powers and duties as
43 the District Board may deem appropriate and may fix his or her compensation. The District
44 Board may require the treasurer to give a bond in such amount, on such terms, and with such
45 sureties as may be deemed satisfactory to the District Board to secure the performance by the
46 treasurer of his or her powers and duties. The financial records of the District Board shall be
47 audited by an independent certified public accountant at least once a year.

48
49 (j) The District Board is authorized to select as a depository for its funds any qualified
50 public depository as defined in general law which meets all the requirements of general law and
51 has been designated by the Treasurer as a qualified public depository, upon such terms and
52 conditions as to the payment of interest by such depository upon the funds so deposited as the
53 District Board may deem just and reasonable.

54 55 **Section 8. Financial Reports**

56
57 The fiscal year of the District shall end on September 30 of each year and the District shall
58 provide financial reports in such form and in such manner as prescribed pursuant to general
59 law.

60 61 **Section 9. Budgets**

1 On or before each July 15, the District Board shall prepare (or have prepared) a proposed
2 budget for the ensuing fiscal year. The proposed budget shall include at the direction of the
3 District Board an estimate of all necessary expenditures of the District for the ensuing fiscal
4 year and an estimate of income to the District from the taxes and assessments provided in this
5 act. The District Board shall consider the proposed budget item by item and may either
6 approve the budget as proposed or modify the same in part or in whole. The District Board
7 shall indicate its approval of the budget by resolution, which resolution shall provide for a
8 hearing on the budget as approved. Notice of the hearing on the budget shall be published in a
9 newspaper of general circulation in the area of the District once a week for 2 consecutive
10 weeks, except that the first publication shall be not fewer than 15 days prior to the date of the
11 hearing. The notice shall further contain a designation of the day, time, and place of the public
12 hearing. At the time and place designated in the notice, the District Board shall hear all
13 objections to the budget as proposed and may make such changes as the District Board deems
14 necessary. At the conclusion of the budget hearing, the District Board shall, by resolution,
15 adopt the budget as finally approved by the District Board. The budget shall be adopted prior
16 to October 1 of each year.

17 18 **Section 10. Disclosure of Public Financing.**

19
20 The District Board shall take affirmative steps to provide for the full disclosure of information
21 relating to the public financing and maintenance of improvements to real property undertaken
22 by the District. Such information shall be made available to all existing residents, and to all
23 prospective residents of the District whenever possible.
24

25 **Section 11. Borrowing Money**

26
27 The District at any time may borrow money in such amount and form and on such terms and
28 conditions as the District Board may approve for the purpose of obtaining funds for any lawful
29 expenditure of the District, which loans shall bear such interest as the District Board may
30 determine and as not in excess of any maximum prescribed by general law and may be payable
31 from and secured by a pledge of such funds, revenues, taxes, and assessments as the District
32 Board may determine. The District Board shall have the right to provide for the payment
33 thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the
34 District. The approval of the electors residing in the District shall not be necessary except
35 when required by the State Constitution.
36

37 **Section 12. Taxes; Non-ad Valorem Assessments**

38
39 (1) AD VALOREM TAXES.—The District shall not have the power to levy and assess ad
40 valorem taxes.

41
42 (2) BENEFIT SPECIAL ASSESSMENTS.--The District Board shall annually determine,
43 order, and levy the annual installment of the total benefit special assessments for debt incurred
44 and related expenses to finance District facilities and projects which are levied under this
45 Ordinance. These assessments may be due and collected during each year that county taxes are
46 due and collected, in which case such annual installment and levy shall be evidenced to and
47 certified to the Property Appraiser by the District Board not later than August 31 of each year,
48 and such assessment shall be entered by the Property Appraiser on the County tax rolls, and
49 shall be collected and enforced by the Tax Collector in the same manner and at the same time
50 as County taxes, and the proceeds thereof shall be paid to the District. However, this
51 subsection shall not prohibit the District in its discretion from using the method prescribed in
52 either sections 197.363 or 197.3632, Florida Statutes for collecting and enforcing these
53 assessments. These benefit special assessments shall be a lien on the property against which
54 assessed until paid and shall be enforceable in like manner as County taxes. The amount of the
55 assessment for the exercise of the District's powers under this Ordinance shall be determined by
56 the District Board based upon a report of the District's engineer and assessed by the District
57 Board upon such lands, which may be part or all of the lands within the District benefited by
58 the improvement, apportioned between benefited lands in proportion to the benefits received by
59 each tract of land.
60

61 (3) MAINTENANCE SPECIAL ASSESSMENTS.--To maintain and preserve the facilities
62 and projects of the District, the District Board may levy a maintenance special assessment.

1 This assessment may be evidenced to and certified to the Property Appraiser by the District
2 Board not later than August 31 of each year and shall be entered by the Property Appraiser on
3 the County tax rolls and shall be collected and enforced by the Tax Collector in the same
4 manner and at the same time as County taxes, and the proceeds there from shall be paid to the
5 District. However, this subsection shall not prohibit the District in its discretion from using the
6 method prescribed in either sections 197.363 or 197.3632, Florida Statutes for collecting and
7 enforcing these assessments. These maintenance special assessments shall be a lien on the
8 property against which assessed until paid and shall be enforceable in like manner as County
9 taxes. The amount of the maintenance special assessment for the exercise of the District's
10 powers under this Ordinance shall be determined by the District Board based upon a report of
11 the district's engineer and assessed by the District Board upon such lands, which may be all of
12 the lands within the District benefited by the maintenance thereof, apportioned between the
13 benefited lands in proportion to the benefits received by each tract of land.

14
15 (4) ENFORCEMENT OF ASSESSMENTS.--The collection and enforcement of all
16 assessments levied by the District shall be at the same time and in like manner as County taxes,
17 and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent
18 county taxes; the issuance, sale, and delivery of tax certificates for such unpaid and delinquent
19 County taxes; the redemption thereof; the issuance to individuals of tax deeds based thereon;
20 and all other procedures in connection therewith shall be applicable to the district to the same
21 extent as if such statutory provisions were expressly set forth herein. All assessments shall be
22 subject to the same discounts as County taxes.

23
24 (5) WHEN UNPAID ASSESSMENTS ARE DELINQUENT; PENALTY.--All
25 assessments provided for in this act shall become delinquent and bear penalties on the amount
26 of such assessments in the same manner as County taxes.

27
28 (6) ASSESSMENTS CONSTITUTE LIENS; COLLECTION.--Benefit special assessments
29 and maintenance special assessments authorized by this Ordinance shall constitute a lien on the
30 property against which assessed from the date of imposition thereof until paid, coequal with the
31 lien of state, county, municipal, and school board taxes. These non-ad valorem assessments
32 may be collected, at the District's discretion, by the Tax Collector pursuant to the provisions of
33 sections 197.363 or 197.3632, Florida Statutes., or in accordance with other collection
34 measures provided by law.

35
36 (7) LAND OWNED BY GOVERNMENTAL ENTITY.--Except as otherwise provided by
37 law, no levy of non-ad valorem assessments under this Ordinance, or Chapter 170, Florida
38 Statutes, Chapter 197, Florida Statutes or otherwise, by a District Board on property of a
39 governmental entity that is subject to a ground lease as described in section 190.003(13),
40 Florida Statutes shall constitute a lien or encumbrance on the underlying fee interest of such
41 governmental entity.

42 43 **Section 13. Special Assessments**

44
45 (1) The District Board may levy special assessments for the construction, reconstruction,
46 acquisition, or maintenance of District facilities authorized under this Ordinance using the
47 procedures for levy and collection provided in Chapter 170, Florida Statutes or Chapter 197,
48 Florida Statutes.

49
50 (2) Notwithstanding the provisions of section 170.09, Florida Statutes, District assessments
51 may be made payable in no more than 30 yearly installments.

52 53 **Section 14. Payment of taxes and redemption of tax liens by the District; Sharing in** 54 **proceeds of tax sale**

55
56 (1) The District has the right to:

57
58 (a) Pay any delinquent state, county, district, municipal, or other tax or assessment upon
59 lands located wholly or partially within the boundaries of the District; and
60

1 (b) To redeem or purchase any tax sales certificates issued or sold on account of any state,
2 county, district, municipal, or other taxes or assessments upon lands located wholly or partially
3 within the boundaries of the District.
4

5 (2) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the District,
6 together with all penalties for the default in payment of the same and all costs in collecting the
7 same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal
8 dignity with the liens of state and county taxes and other taxes of equal dignity with state and
9 county taxes upon all the real property against which the taxes were levied. The lien of the
10 District may be foreclosed in the manner provided in this Ordinance.
11

12 (3) In any sale of land pursuant to section 197.542, Florida Statutes and amendments
13 thereto, the District may certify to the clerk of the circuit court of the County holding such sale
14 the amount of taxes due to the District upon the lands sought to be sold; and the District shall
15 share in the disbursement of the sales proceeds in accordance the provisions of this Ordinance
16 and under the laws of the state.
17

18 **Section 15. Foreclosure of Liens**

19
20 Any lien in favor of the District arising under this Ordinance may be foreclosed by the District
21 by foreclosure proceedings in the name of the District in a court of competent jurisdiction as
22 provided by general law in like manner as is provided in Chapter 173, Florida Statutes and
23 amendments thereto; the provisions of that chapter shall be applicable to such proceedings with
24 the same force and effect as if those provisions were expressly set forth in this Ordinance. Any
25 act required or authorized to be done by or on behalf of the District in foreclosure proceedings
26 under Chapter 173, Florida Statutes, may be performed by such officer or agent of the District
27 as the Board of Supervisors may designate. Such foreclosure proceedings may be brought at
28 any time after the expiration of 1 year from the date any tax, or installment thereof, becomes
29 delinquent; however no lien shall be foreclosed against any political subdivision or agency of
30 the state. Other legal remedies shall remain available.
31

32 **Section 16. Bids Required**

33
34 (1) No contract shall be let by the District Board for any goods, supplies, or materials to be
35 purchased when the amount thereof to be paid by the District shall exceed the amount provided
36 in section 287.017, Florida Statutes for category four, unless notice of bids shall be advertised
37 once in a newspaper in general circulation in the County. The District Board seeking to
38 construct or improve a public building, structure, or other public works shall comply with the
39 bidding procedures of section 255.20, Florida Statutes and other applicable general law. In
40 each case, the bid of the lowest responsive and responsible bidder shall be accepted unless all
41 bids are rejected because the bids are too high, or the District Board determines it is in the best
42 interests of the District to reject all bids. The District Board may require the bidders to furnish
43 bond with a responsible surety to be approved by the District Board. Nothing in this section
44 shall prevent the District Board from undertaking and performing the construction, operation,
45 and maintenance of any project or facility authorized by this Ordinance by the employment of
46 labor, material, and machinery.
47

48 (2) The provisions of the Consultants' Competitive Negotiation Act, section 287.055,
49 Florida Statutes apply to contracts for engineering, architecture, landscape architecture, or
50 registered surveying and mapping services let by the District Board.
51

52 (3) Contracts for maintenance services for any District facility or project shall be subject to
53 competitive bidding requirements when the amount thereof to be paid by the District exceeds
54 the amount provided in s. 287.017 for category four. The District may adopt rules, policies, or
55 procedures establishing competitive bidding procedures for maintenance services. Contracts
56 for other services shall not be subject to competitive bidding unless the district adopts a rule,
57 policy, or procedure applying competitive bidding procedures to said contracts.
58

59 **Section 17. Fees, rentals, and charges; procedure for adoption and modifications;** 60 **minimum revenue requirements** 61

1 (1) The District is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or
2 other charges, hereinafter sometimes referred to as "revenues," and to revise the same from
3 time to time, for the facilities and services furnished by the District, within the limits of the
4 district, including, but not limited to, recreational facilities, water management and control
5 facilities to recover the costs of making connection with any District facility or system; and to
6 provide for reasonable penalties against any user or property for any such rates, fees, rentals, or
7 other charges that are delinquent.
8

9 (2) No such rates, fees, rentals, or other charges for any of the facilities or services of the
10 District shall be fixed until after a public hearing at which all the users of the proposed facility
11 or services or owners, tenants, or occupants served or to be served thereby and all other
12 interested persons shall have an opportunity to be heard concerning the proposed rates, fees,
13 rentals, or other charges. Rates, fees, rentals, and other charges shall be adopted under the
14 administrative rulemaking authority of the District, but shall not apply to District leases.
15 Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees,
16 rentals, and other charges shall have been published in a newspaper in the county and of
17 general circulation in the District at least once and at least 10 days prior to such public hearing.
18 The rulemaking hearing may be adjourned from time to time. After such hearing, such
19 schedule or schedules, either as initially proposed or as modified or amended, may be finally
20 adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally
21 adopted shall be kept on file in an office designated by the District Board and shall be open at
22 all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any
23 class of users or property served shall be extended to cover any additional users or properties
24 thereafter served which shall fall in the same class, without the necessity of any notice or
25 hearing.
26

27 (3) Such rates, fees, rentals, and charges shall be just and equitable and uniform for users of
28 the same class, and when appropriate may be based or computed either upon the amount of
29 service furnished, upon the number of average number of persons residing or working in or
30 otherwise occupying the premises served, or upon any other factor affecting the use of the
31 facilities furnished, or upon any combination of the foregoing factors, as may be determined by
32 the board on an equitable basis.
33

34 (4) The rates, fees, rentals, or other charges prescribed shall be such as will produce
35 revenues, together with any other assessments, taxes, revenues, or funds available or pledged
36 for such purpose, at least sufficient to provide for the items hereinafter listed, but not
37 necessarily in the order stated:
38

39 (a) To provide for all expenses of operation and maintenance of such facility or service;
40

41 (b) To pay when due all bonds and interest thereon for the payment of which such
42 revenues are, or shall have been, pledged or encumbered, including reserves for such purpose;
43 and
44

45 (c) To provide for any other funds which may be required under the resolution or
46 resolutions authorizing the issuance of bonds pursuant to this Ordinance.
47

48 (5) The District Board shall have the power to enter into contracts for the use of the projects
49 of the District and with respect to the services and facilities furnished or to be furnished by the
50 District.
51

52 **Section 18. Recovery of Delinquent Charges**

53

54 In the event that any rates, fees, rentals, charges, or delinquent penalties shall not be paid as and
55 when due and shall be in default for 60 days or more, the unpaid balance thereof and all interest
56 accrued thereon, together with reasonable attorney's fees and costs, may be recovered by the
57 District in a civil action.
58
59

60 **Section 20. Enforcement and penalties**

61

1 The District Board or any aggrieved person may have recourse to such remedies in law and at
2 equity as may be necessary to ensure compliance with the provisions of this Ordinance,
3 including injunctive relief to enjoin or restrain any person violating the provisions of this
4 Ordinance or any bylaws, resolutions, regulations, rules, codes, or orders adopted under this
5 act. In case any building or structure is erected, constructed, reconstructed, altered, repaired,
6 converted, or maintained, or any building, structure, land, or water is used, in violation of this
7 Ordinance or of any code, order, resolution, or other regulation made under authority conferred
8 by this Ordinance or under law, the District Board or any citizen residing in the district may
9 institute any appropriate action or proceeding to prevent such unlawful erection, construction,
10 reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or avoid
11 such violation; to prevent the occupancy of such building, structure, land, or water; and to
12 prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

13
14 **Section 21. Suits against the District**

15
16 Any suit or action brought or maintained against the District for damages arising out of tort,
17 including, without limitation, any claim arising upon account of an act causing an injury or loss
18 of property, personal injury, or death, shall be subject to the limitations provided in s. 768.28.

19
20 **Section 22. Exemption of District Property from Execution**

21
22 All District-owned property shall be exempt from levy and sale by virtue of an execution, and
23 no execution or other judicial process shall issue against such property, nor shall any judgment
24 against the District be a charge or lien on its property or revenues; however, nothing contained
25 herein shall apply to or limit the rights of bondholders to pursue any remedy for the
26 enforcement of any lien or pledge given by the district in connection with any of the bonds or
27 obligations of the District.

28
29 **Section 23. Non-interference with Seacoast Utility District**

30
31 Notwithstanding anything to the contrary in this Ordinance, the District shall not interfere with,
32 impede or compete in any way with Seacoast Utility Authority in the delivery of water and
33 sewer service, including reclaimed water. Further, the District shall have no authority to set
34 rates, fees or other charges for water and sewer service, including reclaimed water; nor shall the
35 District have the authority to require Seacoast to discontinue service to any Seacoast customer
36 within the District, it being recognized that Seacoast has the sole authority to make a
37 determination to discontinue service to its Seacoast customers

38
39 **Section 24. Captions**

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41 The captions, section headings, and section designations used in this ordinance are intended for
42 convenience of users only and shall have no effect on the interpretation of the provisions of
43 this ordinance.

44
45 **Section 25. Severability**

46
47 If any clause, or other part or application of this Ordinance shall be held in any court of
48 competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or
49 application shall be considered as eliminated and so not affecting the validity of the remaining
50 portions or applications which shall remain in full force and effect.

51
52 **Section 26. Effective Date**

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54 This ordinance shall take effect upon filing with the Department of State, per Section 125.66,
55 Florida Statutes.

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APPROVED AND ENACTED by the Board of County Commissioners of Palm Beach County, Florida, on this 13 day of July, 2004.

ATTEST:

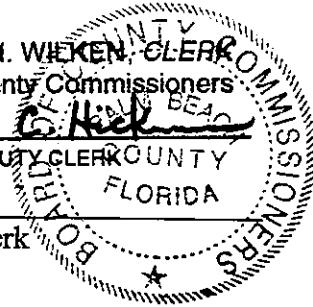
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY

DOROTHY H. WILKINSON, CLERK
Board of County Commissioners

By: *Dorothy H. Wilkin*

DEPUTY CLERK COUNTY
FLORIDA

By: _____
Clerk



By: *[Signature]*
Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: *[Signature]*
County Attorney

Acknowledged by the Department of State, State of Florida, on the 21 day of July, 2004

CAPTAIN'S KEY COMMUNITY DEVELOPMENT DISTRICT

