ORDINANCE NO. 2004-018

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA ESTABLISHING A DEPENDENT DISTRICT ENCOMPASSING THE LAND DESCRIBED IN SECTION 2 OF THIS ORDINANCE; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT AS CAPTAIN'S KEY DEPENDENT DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING FOR CAPTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Captain’s Key Property Owners Association (the "Petitioner"), has requested the Board of County Commissioners of Palm Beach County, Florida (the “Board”) to establish Captain’s Key Dependent District (the “District”) to provide certain community services; and

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

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

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

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

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

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

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

Section 1. Creation of District

Captain’s Key Dependent District is hereby created.

Section 2. District Boundaries

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

Section 3. District Name

The name of the District shall be “Captain’s Key Dependent District”.

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Section 4. Initial Board Members

The initial members of the Board of Supervisors of the Captain’s Key Dependent District (the “District Board”) shall be:

1. John R. Banister 12127 Captains Landing North Palm Beach, Fl. 33408
2. Joseph O’Neill 12071 Captains Landing North Palm Beach, Fl. 33408
3. Scott Hasday 12132 Captains Landing North Palm Beach, Fl. 33408
4. Daniel L. Millner 12205 Captains Landing North Palm Beach, Fl. 33408
5. Frederick J. Staudt 12147 Captains Landing North Palm Beach, Fl. 33408

Section 5. Purpose

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

Section 6. General Powers

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

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

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

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

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

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

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

7. To raise, by user charges or fees authorized by resolution of the District Board, amounts of money which are necessary for the conduct of the District activities and services and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.
(8) To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this ordinance.

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

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

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

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

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

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

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

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

Section 7. Board of Supervisors

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

(a) Within 90 days following the effective date of this Ordinance establishing the District, there shall be held a meeting of the landowners of the District for the purpose of electing five supervisors for the District. Notice of the landowners’ meeting shall be published once a week for 2 consecutive weeks in a newspaper which is in general circulation in the area of the District, the last day of such publication to be at least 14 days or more than 28 days before the date of the election. The landowners, when assembled at such meeting, shall organize by electing a chair who shall conduct the meeting.

(b) At such meeting, each landowner shall be entitled to cast one vote per home or lot owned by him or her and located within the District for each person to be elected. A landowner may vote in person or by proxy in writing. The two candidates receiving the highest number of votes shall be elected for a period of 4 years, and the three candidates receiving the next highest number of votes shall be elected for a period of 2 years. The members of the first District Board elected by landowners shall serve their respective 4-year or 2-year terms; however, the next election by landowners shall be in the month of February on a date established by the District Board and noticed pursuant to paragraph (a). Thereafter, there shall be an election of supervisors for the district every 2 years in February on a date established by the District Board and noticed pursuant to paragraph (a). The two candidates receiving the highest number of votes shall be elected to serve for a 4-year period, and the remaining candidate elected shall serve for a 2-year period.
(c) Members of the District Board shall be known as supervisors and, upon entering into office, shall take and subscribe to the oath of office as provided by law. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the District Board shall fill the vacancy by an appointment for the remainder of the unexpired term.

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

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

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

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

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

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

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

Section 8. Financial Reports

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

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


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

Section 11. Borrowing Money

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

Section 12. Taxes; Non-ad Valorem Assessments

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

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

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

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

WHEN UNPAID ASSESSMENTS ARE DELINQUENT; PENALTY.—All assessments provided for in this act shall become delinquent and bear penalties on the amount of such assessments in the same manner as County taxes.

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

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

Section 13. Special Assessments

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

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

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

(1) The District has the right to:

(a) Pay any delinquent state, county, district, municipal, or other tax or assessment upon lands located wholly or partially within the boundaries of the District; and
(b) To redeem or purchase any tax sales certificates issued or sold on account of any state, county, district, municipal, or other taxes or assessments upon lands located wholly or partially within the boundaries of the District.

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

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

Section 15. Foreclosure of Liens

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

Section 16. Bids Required

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

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

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

Section 17. Fees, rentals, and charges; procedure for adoption and modifications; minimum revenue requirements
(1) The District is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, hereinafter sometimes referred to as "revenues," and to revise the same from time to time, for the facilities and services furnished by the District, within the limits of the district, including, but not limited to, recreational facilities, water management and control facilities to recover the costs of making connection with any District facility or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, or other charges that are delinquent.

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

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

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

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

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

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

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

Section 18. Recovery of Delinquent Charges

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

Section 20. Enforcement and penalties
The District Board or any aggrieved person may have recourse to such remedies in law and at
equity as may be necessary to ensure compliance with the provisions of this Ordinance,
including injunctive relief to enjoin or restrain any person violating the provisions of this
Ordinance or any bylaws, resolutions, regulations, rules, codes, or orders adopted under this
act. In case any building or structure is erected, constructed, reconstructed, altered, repaired,
converted, or maintained, or any building, structure, land, or water is used, in violation of this
Ordinance or of any code, order, resolution, or other regulation made under authority conferred
by this Ordinance or under law, the District Board or any citizen residing in the district may
institute any appropriate action or proceeding to prevent such unlawful erection, construction,
reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or avoid
such violation; to prevent the occupancy of such building, structure, land, or water; and to
prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

Section 21. Suits against the District

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

Section 22. Exemption of District Property from Execution

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

Section 23. Non-interference with Seacoast Utility District

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

Section 24. Captions

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

Section 25. Severability

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

Section 26. Effective Date

This ordinance shall take effect upon filing with the Department of State, per Section 125.66,
Florida Statutes.
APPROVED AND ENACTED by the Board of County Commissioners of Palm Beach County, Florida, on this 13 day of July, 2004.

ATTEST:

DOROTHY H. WICKEN, CLERK
Board of County Commissioners

By: [Signature]
Clerk

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY

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.