

House Bill No. 299

An act relating to the City of Delray Beach, Palm Beach County; providing for codification of existing special laws relating to the creation, powers, and duties of the Delray Beach Downtown Development Authority; codifying, amending, reenacting, and repealing chapters 71-604, 72-524, 80-495, 87-520, 89-477, 91-385, 92-263, 94-476, and 98-503, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Delray Beach Downtown Development Authority. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the Authority, including all current legislative authority granted to the Authority by its several legislative enactments.

Section 2. Chapters 71-604, 72-524, 80-495, 87-520, 89-477, 91-385, 92-263, 94-476, and 98-503, Laws of Florida, are codified, reenacted, and repealed as herein provided.

Section 3. The charter for the Delray Beach Downtown Development Authority Act is reenacted and re-created to read:

Section 1. SHORT TITLE.—This Act shall be known and may be cited as the “Delray Beach Downtown Development Authority Act.”

Section 2. DEFINITIONS AND RULES OF CONSTRUCTION.—Unless qualified in the text, the following definitions and rules of construction shall apply hereto:

(a) “Authority” means the Delray Beach Downtown Development Authority hereby created, and any successor to its functions, authority, rights, and obligations.

(b) “City” and “Delray Beach” mean the City of Delray Beach, Florida.

(c) “City Council” means the Delray Beach City Council and any succeeding governing body of the City.

(d) “Downtown” and “Downtown area” mean the area herein described and to which this Act primarily relates, including the central business district and its environs.

(e) “Herein,” “hereby,” “hereof,” and similar compounds refer to the entire Act.

(f) “Including” shall be construed as merely introducing illustrative examples and not as limiting in any way the generality of the inclusive term.

(g) “Majority” without qualification means a majority of a quorum.

(h) “State” means the State of Florida.

Section 3. DOWNTOWN AREA DESCRIPTION.—The Downtown area includes all lands lying within boundaries described as:

Beginning at a point on the intersection of the High Water Mark of the Atlantic Ocean and the easterly projection of the north line of the south half of Lot 13, Plat of the Fractional East Half Section 16, Township 46 South, Range 43 East (according to the Plat thereof as recorded in Plat Book 1, page 25 of the Public Records of Palm Beach County, Florida); thence in a westerly direction along said easterly projection, and the north line of the south half of said Lot 13, and the westerly projection thereof, to the centerline of the right of way for Andrews Avenue; thence southerly along said centerline to the easterly projection of the south property line of the Beach Cabanas Condominium; thence westerly along said easterly projection, and said south property line to the west property line of the Beach Cabanas Condominium; thence northerly along the west property line of said Beach Cabanas Condominium to the south property line of the Grove Condominium; thence westerly along said south property line to the east plat limit of Seabreeze Park Subdivision (according to the plat thereof as recorded in Plat Book 4, Page 31 of the Public Records of Palm Beach County, Florida); thence north along said east plat limit to the northeast corner of Lot 21, of said Plat of Seabreeze Park; thence westerly along the north line of said Lot 21 and the westerly projection thereof to the west plat limit of Seabreeze Park; thence southerly along said west plat limit to the southeast corner of Lot 29, Lowry Park Estates (according to the plat thereof as recorded in Plat Book 24, Page 156 of the Public Records of Palm Beach County, Florida); thence in a northwesterly direction to the southwest corner of said Lot 29; thence continuing along the extension of said line to the intersection with the west right of way line of East Road (as shown on the said plat of Lowry Park Estates); thence southwestwardly along said west right of way line to the northeast corner of Barr Terrace Condominium; thence southerly along the east property line of the Barr Terrace Condominium and the southerly extension thereof to a point of intersection with the south right of way line of East Atlantic Avenue (also known as State Road 806); thence westerly along said south right of way line of East Atlantic Avenue to the intersection of the centerline of the Intracoastal Waterway right of way; thence northerly along said centerline of the Intracoastal Waterway to the intersection with the easterly projection of the centerline of N.E. 1st Street right of way; thence westerly along said easterly projection, and the centerline of N.E. 1st Street right of way to a point of intersection with the southerly projection of the west line of Lot 20, Block 115, Town of Linton (according to the plat thereof as recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida); thence northerly along said southerly projection of the west line of said Lot 20 to the southwest corner of said Lot 20; thence northerly along the west lot lines of Lots 20, 19, 18, 17, 16, 15, 14, 13, 12 and 11 of said Block 115 to the northwest corner of Lot 11, of said Block 115; thence northerly along the northern projection of the west line of said Lot 11 to

the southwest corner of Lot 20, Block 114, said plat of the Town of Linton; thence northerly along the west line of Lots 20, 19, 18, 17, 16, 15, 14, 13, 12, and Lot 11 of said Block 114, to the northwest corner of Lot 11, of said Block 114; thence northerly along the northern projection of the west line of said Lot 11 to the southwest corner of Lot 14, Block 113, Highland Park (according to the plat thereof as recorded in Plat Book 2, Page 79 of the Public Records of Palm Beach, Florida); thence northerly along the west line of Lots 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1 of said Block 113 to the northwest corner of Lot 1, of said Block 113; thence northerly along the northern projection of the west line of said Lot 1 to the intersection with the centerline of the right of way of N.E. 4th Street; thence westerly along said centerline of N.E. 4th Street to the centerline of the right of way of N.E. 1st Avenue; thence southerly along said centerline of N.E. 1st Avenue to the intersection with the centerline of the right of way of N.E. 3rd Street; thence easterly along said centerline of N.E. 3rd Street to the intersection of the northern projection of the east property line of Lot 1, Block 74, plat of the Subdivision of Block 74 (according to the plat thereof as recorded in Plat Book 11, Page 12 of the Public Records of Palm Beach, Florida); thence southerly along said projection, to the northeast corner of Lot 1 of said plat of the Subdivision of Block 74; thence southerly along the east line of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and the southerly projection of the east line of Lot 12 of said plat of the Subdivision of Block 74 to the northeast corner of Lot 1, Block 75, said plat of the Town of Linton; thence southerly along the east line of Lots 1, 2, 3, 4, 5, and 6, said Block 75, to the northeast corner of Lot 7 of said Block 75; thence westerly along the north line of Lot 7, Block 75 and the westerly projection of said north line of Lot 7, Block 75, to the centerline of the N.E. 1st Avenue right of way; thence southerly along said centerline of N.E. 1st Avenue right of way to its intersection with the centerline of N.E. 1st Street; thence westerly along said centerline of N.E. 1st Street to the intersection with the centerline of the Swinton Avenue right of way and N.W. 1st Street; thence in a westerly direction along the centerline of N.W. 1st Street to a point of intersection with the centerline of N.W. 3rd Avenue; thence in a southerly direction along the centerline of N.W. 3rd Avenue to a point of intersection with the easterly extension of the north lot line of Lot 6, Revised Plat of Block 36, Plat Book 5, Page 38, as recorded in the public records of Palm Beach County, Florida; thence in a westerly direction along said extension, and the north line of said Lot 6, and the westerly extension thereof, to a point of intersection with the centerline of the north/south alley of said Revised Plat of Block 36; thence in a northerly direction along said centerline to a point of intersection with the easterly extension of the south line of Lot 21, of said Revised Plat of Block 36; thence in a westerly direction along said extension line, and the south line of said Lot 21, and the westerly extension thereof, to a point of intersection with the centerline of N.W. 4th Avenue; thence in a northerly direction along said centerline to a point of intersection with the centerline of N.W. 1st Street; thence in a westerly direction along the centerline of N.W. 1st Street to a point of intersection with the southerly extension of the centerline of the north-south alley of Block 27, said plat of the Town of Linton (north half of block has since been replatted to the Plat of Resubdivision of Block 27,

Plat Book 21, page 43, as recorded in the Public records of Palm Beach County, Florida); thence in a northerly direction along said extension line and said centerline of the north-south alley, and the northerly extension of said centerline to point of intersection with the centerline of N.W. 2nd Street; thence in a westerly direction along the centerline of N.W. 2nd Street to a point of intersection with the northerly extension of the west line of Lot 1, Plat of Melvin S. Burd Subdivision, Plat Book 11, Page 73, as recorded in the public records of Palm Beach County, Florida; thence in a southerly direction along said extension, and west lot lines of Lots 1, 2, 3, 4, 5, 6, 7, and 8, said Plat of Melvin S. Burd Subdivision, to a point at the south west corner of said lot 8; thence in a westerly direction along the westerly extension of the south line of said Lot 8, and the south line of Lot 16, said Plat of Melvin S. Burd Subdivision, to a point of intersection of a line 135 feet east of and parallel with, the west line of Block 19, said plat of the Town of Linton; thence in a southerly direction along said parallel line to a point of intersection with a line 135 feet north of and parallel with, the south line of said Block 19; thence in a westerly direction along said line to a point of intersection with a line 165 feet west of and parallel with, the east line of said Block 19; thence in a southerly direction along said line, and southerly extension thereof, to a point of intersection with the centerline of N.W. 1st Street; thence in an easterly direction along said centerline to the point of intersection with the northerly extension of a line 135 feet east of and parallel with, the west line of Block 20, said plat of the Town of Linton; thence in a southerly direction along said extension and parallel line to a point of intersection with a line 300 feet south of and parallel with, the north line of said Block 20; thence in westerly direction along said parallel line to a point of intersection with the west line of said Block 20; thence in a westerly direction to a point at the southeast corner of Lot 17, Block 12, of the Plat of the Monroe Subdivision, Plat Book 14, Page 67, as recorded in the public records of Palm Beach County, Florida; thence in westerly direction along the south line of said Lot 17, and westerly extension thereof, to a point of intersection with the centerline of the north-south alley of said Block 12, Monroe Subdivision; thence in a northerly direction along said centerline to a point of intersection with the easterly extension of the north line of Lot 26, of said Block 12, Monroe Subdivision; thence in a westerly direction along said extension, and north line of said Lot 26, and westerly extension thereof, to a point of intersection with the centerline of N.W. 7th Avenue; thence in a southerly direction along said centerline to a point of intersection with the easterly extension to the south line of Lot 17, Block 4, said Plat of Monroe Subdivision; thence in a westerly direction along said extension, and the south line of said Lot 17, and the westerly extension thereof, and the south line of Lot 26 and 25, Block 4, said Plat of Monroe Subdivision, and the westerly extension of said Lot 25 to a point of intersection with the centerline of N.W. 8th Avenue; thence in a northerly direction along said centerline to a point of intersection with the easterly extension of the south line of the Plat of West Side Heights, Plat Book 13, Page 61, as recorded in the public records of Palm Beach County, Florida; thence in an westerly direction along said extension, and the south line of said Plat of West Side Heights, and the westerly extension thereof, to a point of intersection with the centerline of N.W. 10th Avenue; thence in a southerly

direction along said centerline to a point of intersection with the easterly extension of the north line of Lot 11, Block 2, Plat of Atlantic Pines, Plat Book 13, Page 77, as recorded in the public records of Palm Beach County, Florida; thence in a westerly direction along said extension, and the north line of said Lot 11, and the westerly extension of the north line of said Lot 11, and the north line of Lot 30, of said Block 2, and the westerly extension of the north line of Lot 30 to a point of intersection with the centerline of N.W. 11th Avenue; thence in a westerly direction to a point at the northeast corner of Lot 14, Block 1, said Plat of Atlantic Pines; thence in a westerly direction along the north line of said Lot 14, and the westerly extension thereof to a point of intersection with the centerline of the north-south alley in Block 1, said Plat of Atlantic Pines; thence in a southerly direction along said centerline to a point of intersection with the easterly extension of the north line of Lot 34, of said Block 1; thence in a westerly direction along said extension, and the north line of said Lot 34, and the westerly extension thereof, to a point of intersection with the centerline of N.W. 12th Avenue; thence in a southerly direction along said centerline to a point of intersection with the easterly extension of the south line of Lot 21, Block 1, Plat of Atlantic Park Gardens, Plat Book 14, Page 56, as recorded in the public records of Palm Beach County, Florida; thence in a westerly direction along said extension, and south line of said Lot 21, and westerly extension thereof, and the south line of Lot 12, Block 1, said Plat of Atlantic Park Gardens, and the westerly extension thereof, to a point of intersection with centerline of N.W. 13th Avenue; thence in a westerly direction to a point at the southeast corner of Lot 12, Block 1, Plat of Odmanns Subdivision, Plat Book 4, Page 53, as recorded in the public records of Palm Beach County, Florida; thence in a westerly direction along the south line of said Lot 12, and the westerly extension thereof, and the south line of Lot 21, Block 1, said Plat of Odmanns Subdivision, to a point at the southwest corner of said Lot 21; thence in a southerly direction to a point at the northwest corner of Lot 21, Block 4, said Plat of Odmanns Subdivision; thence in an easterly direction along the north line of said Lot 21, and the easterly extension thereof, and the north line of Lot 12, said Block 4, and the easterly extension thereof, to a point of intersection with the centerline of S.W. 13th Avenue; thence in an easterly direction to a point at the northwest corner of Lot 12, Block 2, said Plat of Atlantic Park Gardens; thence in an easterly direction along the north line of said Lot 12, and the easterly extension thereof, and the north line of Lot 21, of said Block 2, and the easterly extension thereof, to a point of intersection with the centerline of S.W. 12th Avenue; thence in a southerly direction along said center line to a point of intersection with the westerly extension of the south line of Lot 13, Block 5, Plat of Atlantic Gardens, Plat Book 14, Page 63, as recorded in the public records of Palm Beach County, Florida; thence in an easterly direction along said extension, and the south line of said Lot 13, and easterly extension thereof, and the south line of Lot 22, and the easterly extension thereof, to a point of intersection with centerline of S.W. 11th Avenue; thence in a southerly direction along said centerline to a point of intersection with the westerly extension of the south line of Lot 15, Block 8, said Plat of Atlantic Gardens; thence in an easterly direction along said extension, and the south line of said

Lot 15, and the easterly extension thereof, and the south line of Lot 24, of said Block 8, and the easterly extension thereof, to a point of intersection with the centerline of S.W. 10th Avenue; thence in an easterly direction to a point at the southwest corner of Lot 10, Block 1, Plat of Belair Heights, Plat Book 20, Page 45, as recorded in the public records of Palm Beach County, Florida; thence in an easterly direction along the south line of said Lot 10, and the easterly extension thereof, and the south line of Lot 19, of said Block 1, and the easterly extension thereof, to a point of intersection with the centerline of S.W. 9th Avenue; thence in a southerly direction along said centerline to a point of intersection with the westerly extension of the south line of Lot 6, Block 2, said Plat of Belair Heights; thence in an easterly direction along said extension, and the south line of said Lot 6, to a point at the southeast corner of said Lot 6; thence in a northerly direction along the east line of said Lot 6, and Lot 5, to a point of intersection with a line 250 feet north of, and parallel with, the south line of Lot 9, Plat of the Subdivision of 17-46-43, Plat Book 1, Page 4, as recorded in the public records of Palm Beach County, Florida; thence in an easterly direction along said line to a point of intersection with the centerline of S.W. 8th Avenue; thence in a southerly direction along said centerline to a point of intersection with the westerly extension of the south line of Lot 16, Block 5, Plat of the Subdivision of Block 5, Plat Book 21, Page 43, as recorded in the public records of Palm Beach County, Florida; thence in an easterly direction along said extension, and the south line of Lot 16 and Lot 25, of said Block 5, and the easterly extension of the south line of said Lot 25, to a point of intersection with the centerline of S.W. 7th Avenue; thence in an easterly direction to the point of intersection of a line 385 feet south of, and parallel with, the north line Block 13, said Plat of the Town of Linton, and the west line of said Block 13; thence in an easterly direction along said parallel line to a point of intersection with a line 135 west of, and parallel with, the east line of said Block 13; thence in a northerly direction along the directly aforementioned parallel line to a point of intersection with a line 250 feet north of, and parallel with, the south line of said Block 13; thence in an easterly direction along the directly aforementioned parallel line to a point of intersection with the centerline of S.W. 6th Avenue; thence in a northerly direction along said centerline to a point of intersection with a line 290 north of, and parallel with, the south line of Block 21, said Plat of the Town of Linton; thence in an easterly direction along said parallel line to a point of intersection with a line 135 feet east of, and parallel with, the west line of said Block 21; thence in a southerly direction along directly aforementioned parallel line to a point of intersection with the centerline of S.W. 1st Street; thence in an easterly direction along said centerline to a point of intersection with the southerly extension of the west line of Lot 27, Block 29, Plat of the Resubdivision of Blocks 29 & 37, Plat Book 9, Page 66, as recorded in the public records of Palm Beach County, Florida; thence in a northerly direction along said extension, and the west line of Lots 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14 (all in said Block 29), to a point at the northwest corner of said Lot 14; thence in an easterly direction along the north line of said Lot 14, and easterly extension thereof, to a point of intersection with the centerline of S.W. 4th Avenue; thence in a southerly direction along said centerline to a point of intersection with the

centerline of S.W. 1st Street; thence in an easterly direction along the centerline of S.W. 1st Street to a point of intersection with the centerline of S.W. 3rd Avenue; thence in a southerly direction along the centerline of S.W. 3rd Avenue to a point of intersection with the westerly extension of the south line of the Plat of Palm Beach County South County Judicial Center, Plat Book 60, Page 124, as recorded in the public records of Palm Beach County, Florida; thence in an easterly direction along said extension, and the south line of said Plat of Palm Beach County South County Judicial Center, and easterly extension thereof, to a point of intersection with the centerline of S.W. 2nd Avenue; thence in a northerly direction along said centerline to a point of intersection with the centerline of S.W. 1st Street; thence in an easterly direction along the centerline of S.W. 1st Street to a point of intersection with the centerline of S.W. 1st Avenue; thence in a northerly direction along the centerline of S.W. 1st Avenue to a point of intersection westerly extension of the south line of Lot 1, Block 61, said Plat of the Town of Linton; thence in an easterly direction along said extension, and the south line of Lots 1, 2, 3, 4, said Block 61, and the easterly extension of said Lot 4, to a point of intersection with the centerline of Swinton Avenue; thence southerly along said centerline of Swinton Avenue to its intersection with the westerly projection of the north line of Lot 7, plat of the Subdivision of Block 69, Plat Book 2, Page 43, as recorded in the public records of Palm Beach County, Florida; thence easterly along said westerly projection to the northwest corner of said Lot 7; thence east along the north line of said Lot 7, to the northeast corner of said Lot 7; thence easterly along the westerly projection of the north line of Lot 24, said plat of the Subdivision of Block 69, to the northwest corner of said Lot 24; thence easterly along the north line of said Lot 24 to the northeast corner of said Lot 24; thence easterly along the eastern projection of the north line of said Lot 24 to the intersection with the centerline of the right of way of S.E. 1st Avenue; thence southerly along said centerline of S.E. 1st Avenue to the intersection with the centerline of the right of way of S.E. 2nd Street; thence easterly along said centerline of S.E. 2nd Street to the intersection of the northerly projection of the west line of Lot 2, Roebucks Resubdivision of Block 103 (according to the plat thereof as recorded in Plat Book 28, Page 19 of the Public Records of Palm Beach County, Florida); thence southerly along said northerly projection of the west line of said Lot 2 to the northwest corner of said Lot 2; thence southerly along the west line of Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12 of said Roebucks Resubdivision of Block 103 to the southwest corner of said Lot 12; thence southerly along the south projection of the west line of said Lot 12 to the intersection with the centerline of the right of way of S.E. 3rd Street; thence easterly along said centerline of S.E. 3rd Street to the southerly projection of the west line of Lot 13, Gracey-Byrd Subdivision of Block 119 (according to the plat thereof as recorded in Plat Book 10, Page 52 of the Public Records of Palm Beach County, Florida); thence northerly along said southerly projection of said Lot 13 to the southwest corner of said Lot 13; thence northerly along the west lot line of Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, of said plat of Gracey-Byrd Subdivision to the northwest corner of Lot 24, of said Gracey-Byrd Subdivision; thence northerly along the northern projection of the west line of said Lot 24 to the southwest

corner of Lot 12, subdivision of Block 118 (according to the plat thereof as recorded in Plat Book 2, Page 8 of the Public Records of Palm Beach County, Florida); thence northerly along the west lines of Lots 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1, of said subdivision of Block 118 to the northwest corner of Lot 1 of said subdivision of Block 118; thence northerly along the northern projection of the west line of said Lot 1 to the southwest corner of Lot 24, Block 117, said plat of the Town of Linton; thence northerly along the west line of Lots 24, 23, 22, 21, 20, and 19 of said Block 117, to the southwest corner of Lot 18 of said Block 117; thence easterly along the south line of said Lot 18, and easterly projection thereof, to the east right of way line of S.E. 7th Avenue; thence northerly along the east right of way line of S.E. 7th Avenue to the northwest corner of Lot 12, Palm Square, an unrecorded plat located in Block 125 and Block 133, said plat of the Town of Linton; thence easterly along the north lot lines of Lots 12, 43, 59, and 90 of said unrecorded plat of Palm Square, and easterly projection of the north line of said lot 90, to the point of intersection with the east right of way line of the Intracoastal Waterway; thence southerly along the east right of way line of the Intracoastal Waterway to the southwest corner of the Waterway East Commercial Condominium property; thence easterly along the south line of said property and easterly extension thereof to the southwest corner of Lot A, John B. Reid's Village Subdivision (according to the plat thereof as recorded in Plat Book 21, Page 95 of the Public Records of Palm Beach County, Florida); thence easterly along the south line of said Lot A, to a point on the southeast corner of said Lot A; thence in a northerly direction along the west line of Lot 7, Block C of said plat of John B. Reid's Village Subdivision to the northwest corner of said Lot 7; thence easterly along the north line of said Lot 7, to the northeast corner of said Lot 7; thence southerly along the east line of said Lot 7 to the southeast corner of said Lot 7; thence in an easterly direction to the southwest corner of Lot 8, Block 4, Ocean Park Subdivision (according to the plat thereof as recorded in Plat Book 5, Page 15 of the Public Records of Palm Beach County, Florida); thence easterly along the south line of said Lot 8 to the southeast corner of said Lot 8; thence in a northerly direction along the east line of Lots 8, 7, and 6, to the northeast corner of said Lot 6 (being in Block 4, Ocean Park Subdivision, as recorded in Plat Book 5, Page 15 of the Public Records of Palm Beach County, Florida); thence easterly to the southwest corner of Lot 8, Block 3 of said Ocean Park Subdivision; thence easterly along the south line of said Lot 8 to the southeast corner of said Lot 8; thence northerly along the east line of said Lot 8 and Lot 7 to the northwest corner of Lot 24, Block 3 of said Ocean Park Subdivision; thence easterly along the north line of said Lot 24, to the northeast corner of said Lot 24; thence easterly to the northwest corner of Lot 7, Block 2, of said Ocean Park Subdivision; thence in an easterly direction along the north line of lots 7 and 24, Block 2, of said Ocean Park Subdivision, to the northeast corner of said Lot 24; thence easterly to the northwest corner of Lot 16, Block 1, of said Ocean Park Subdivision; thence easterly along the north line of Lots 16 and 2, Block 1, of said Ocean Park Subdivision to a point at the northeast corner of said Lot 2, Block 1, of said Ocean Park Subdivision; thence easterly along an extension of the north line of Lot 2, Block 1, of said Ocean Park

Subdivision to the mean high water line of the Atlantic Ocean; thence northerly along said high water line to the point of beginning.

Section 4. CREATION OF THE AUTHORITY; COMPOSITION AND PROVISIONS RELATING TO MEMBERS.—There is hereby created a board composed of seven members to be known officially as the “Delray Beach Downtown Development Authority.” It is hereby constituted a body corporate and an agency of the City, and performance by the Authority of its duties and exercise of its powers are hereby designated municipal functions and shall be so construed.

(a) The City Council shall by vote of a majority of its entire membership appoint the members of the Authority, and by vote of four-fifths of its entire membership, after notice specifying the charges and a hearing held not earlier than ten days after personal delivery of notice or mailing thereof by registered or certified mail addressed to the member at his or her latest known residence, the City Council may remove a member of the Authority for good cause, including willful neglect of duty, incompetence or unfitness to perform his or her duty, or conviction of an offense involving moral turpitude. A member so removed shall be entitled to review by the circuit court of the action taken.

(b) Each member shall be appointed for a term of three years beginning July 1. Two members shall be appointed commencing on July 1 following the referendum approving the expansion of the Delray Beach Downtown Development Authority boundaries.

(c) To qualify for appointment to the Authority, and to remain qualified for service on it, a prospective member or a member already appointed shall reside in or have his or her principal place of business in the City and shall not be serving as a City officer or employee. At least four of the members shall be owners of realty within the Downtown area, a lessee thereof required by the lease to pay taxes thereon, or a director, officer, or managing agent of an owner or of a lessee thereof so required to pay taxes thereon. To the extent that it is possible, appointments to the Authority shall be made so that the members shall be geographically proportioned as evenly as is possible within the Downtown area as described in Section 3, as amended.

(d) Vacancy in office, which shall be filled within thirty days of its occurrence for the remainder of the unexpired term, shall occur whenever a member is removed from office, becomes disqualified or otherwise unable to serve, resigns, or disappears without explanation for a period of six months. The City Council shall fill any vacancy in office for the unexpired term.

(e) Each member of the Authority shall serve without compensation for services rendered as a member but may be reimbursed by the Authority for necessary and reasonable expenses actually incurred in the performance of duty. The Authority need not but may require that all of its members or any or all of its officers or employees be required to post bond for faithful performance of duty, and the Authority shall pay bonding costs. No member of the Authority shall be personally liable for any action taken in attempting in good faith to perform his or her duty, or for a decision not to act, except in instances of fraud or willful neglect of duty.

Section 5. AUTHORITY BYLAWS AND INTERNAL GOVERNMENT.—The Authority shall formulate and may amend its own rules of procedure and written bylaws not inconsistent herewith. A majority of its entire membership shall constitute a quorum for the transaction of business. All action shall be taken by at least four affirmative votes of the Authority, and each member present shall vote on each matter unless barred from voting as herein provided. The Authority shall select one of its members as Chair and another as Vice Chair and shall prescribe their duties, powers, and terms of serving. It shall hold regular meetings at least once a month and shall provide in its bylaws for holding special meetings. All meetings shall be open to the public. The bylaws may provide for the Mayor of the City, or his or her representative, to attend meetings of the Board as an ex officio member, but he or she shall not have any vote or power over the Board except that he or she shall be entitled to speak on any issue or question before the Board.

Section 6. FUNCTIONS OF THE AUTHORITY.—The Authority shall perform the following functions:

(a) Prepare an analysis of the economic conditions and changes occurring in the Downtown area, including the effect thereon of such factors as metropolitan growth, traffic congestion, lack of adequate parking and other access facilities, and structural obsolescence and deterioration.

(b) Formulate long-range plans for improving the attractiveness and accessibility to the public of Downtown facilities, promoting efficient use thereof, remedying the deterioration of Downtown property values, and developing the Downtown area.

(c) Recommend to the City Council and to Downtown businesspersons and residents the actions deemed most suitable for implementing the Downtown development plans, including removal, razing, repair, renovation, reconstruction, remodeling, and improvement of existing structures, addition of new structures and facilities, relocation of any of those existing, and changes in patterns of and facilities for getting thereto and therefrom.

(d) Participate actively in the implementation and execution of Downtown development plans, including establishment, acquisition, construction, ownership, financing, leasing, licensing, operation, and management of public facilities deemed feasible and beneficial in effecting implementation, but this paragraph shall not give the Authority any power or control over any City property unless and until assigned to it by the City Council under the provisions of paragraph (f) of this section.

(e) Participate actively in plans and programs to encourage economic development and promotion of the Downtown as a prosperous Downtown Area.

(f) Carry on all projects and undertakings authorized by law and within the limits of the powers granted to it by law, and such additional public projects and undertakings related to the Downtown area as the City Council may assign to it with its consent.

Section 7. POWERS OF THE AUTHORITY.—In the performance of the functions vested in or assigned to the Authority, it is hereby granted the following powers:

(a) To enter into contracts and agreements, and to sue and be sued as a body corporate;

(b) To have and use a corporate seal;

(c) To acquire, own, convey, or otherwise dispose of, lease as lessor or lessee, construct, maintain, improve, enlarge, raze, relocate, operate, and manage property and facilities of whatever type, and grant or acquire licenses, easements, and options with respect thereto;

(d) To accept grants and donations of any type of property, labor, or other thing of value from any public or private source;

(e) To receive the proceeds of the tax hereby imposed;

(f) To receive the revenues from any property or facility owned, leased, licensed, or operated by it or under its control, subject to the limitations imposed upon it by trusts or other agreements validly entered into by it;

(g) To have exclusive control of all funds legally available to it, subject to limitations imposed upon it by law or by any agreement validly entered into by it;

(h) To cooperate and enter into agreements with any governmental agency or other public body;

(i) To make to or receive from the City or Palm Beach County conveyances, leasehold interests, grants, contributions, loans, and other rights and privileges;

(j) To request by resolution that the City exercise its municipal power of eminent domain in specific instances for the use and benefit of the Authority and, if the City complies with the request and the property involved is acquired, the Authority shall take over and assume control of such property on terms mutually agreed upon between the City and the Authority, but the Authority shall not thereafter be authorized to sell, lease, or otherwise dispose of such property so acquired without the formal consent of the City Council;

(k) To issue and sell revenue certificates as hereinafter provided, or in any other manner permitted by law and not inconsistent with the provisions hereof, and to take all steps deemed by it necessary or expedient for efficient preparation and marketing of the certificates at public or private sale at the best price obtainable, including the entry into binding agreements with corporate trustees, underwriters, and the holders of the certificates, and the employment and payment, as a necessary expense of issuance, for the services of consultants on valuations, costs, and feasibility of undertaking, revenues to be anticipated and other financial matters, architecture, engineering, legal matters, accounting matters, and any other fields in which

expert advice may be needed to effectuate advantageous issuance and marketing;

(l) To fix, regulate, and collect rates and charges for facilities and services furnished by it or under its control and to pledge the revenue to the payment of revenue certificates issued by it;

(m) To borrow money on its unsecured notes, for a period not exceeding nine months, in an aggregate amount for all outstanding unsecured notes not exceeding fifty percent of the proceeds received during the immediately prior fiscal year from the tax hereby imposed, and at an annual rate of interest not exceeding the rate being charged at the time of the loan by banks in the City on unsecured short-term loans to local businesses;

(n) To acquire by rental or otherwise and to equip and maintain a principal office for the conduct of its business;

(o) To employ, when deemed necessary, and prescribe the duties, authority, compensation, and reimbursement of expenses of the Director of the Authority, who shall act as its chief executive officer, a general counsel, who shall be an attorney with at least two years of experience in active Florida practice and so engaged at the time of appointment, and such other personnel as it may, after consultation with the Director, deem necessary from time to time; provided, its personnel shall not be under civil service regulations and shall be employed to serve at its pleasure. Its personnel shall not while employed by it serve as City officers or employees, and, with the exception of its Secretary, shall not while employed by it serve as a member of it; and

(p) To exercise all powers incidental to the effective and expedient exercise of the foregoing powers to the extent not in conflict herewith or inconsistent herewith.

Section 8. LEVY OF AD VALOREM TAX.—For the fiscal year of the Authority beginning within the calendar year 1972, and for each fiscal year thereafter, an ad valorem tax in addition to all other ad valorem taxes is hereby levied annually for the purpose of financing the operation of the Authority on all property in the Downtown area that is subject to ad valorem taxation for City operation expenses. The tax base shall be the assessed valuation made annually by the County tax assessor. The rate shall be one mill on each dollar of tax base in 1972 and each year thereafter; provided, for each year after the first year of levy the Authority, by written notice to the County tax collector at such time as he or she shall specify, may set a rate of less than one mill for the ensuing fiscal year. The County tax collector shall collect the tax when and in the same manner in which he or she collects the City ad valorem taxes, with the same discounts for early payment, and shall pay the proceeds into the City treasury for the account of the Authority.

Section 9. AUTHORITY RECORDS AND FISCAL MANAGEMENT.—The fiscal year of the Authority shall coincide with that of the City.

(a) All funds of the Authority shall be received, held, and secured like other public funds by the appropriate fiscal officers of the City. The funds

of the Authority shall be maintained under a separate account, shall be used for only the purposes herein authorized, and shall be disbursed only by the direction of or with the approval of the Authority pursuant to requisitions signed by the Director or other designated chief fiscal officer of the Authority and countersigned in such instances and manner as the Authority bylaws may prescribe. The Authority may pay the City, as an operating expense, a reasonable amount for the services rendered by the City to it at its request.

(b) The Authority bylaws shall provide for maintenance of minutes and other official records of its proceedings and actions, for preparation and adoption of an annual budget for each ensuing fiscal year, for internal supervision and control of its accounts, which function the appropriate City fiscal officers may perform for it at its request, and for an external audit at least annually by an independent certified public accountant who has no personal interest, direct or indirect, in its fiscal affairs. The bylaws shall specify the means by which each of these functions is to be performed and, as to those functions assigned to Authority personnel, the manner and schedule of performance.

(c) No member or employee of the Authority shall participate by vote or otherwise on behalf of the Authority in any matter in which he or she has a direct financial interest or an indirect financial interest other than that of the benefits to be derived generally from the development of the Downtown area. Participation with knowledge of such interest shall constitute malfeasance and shall result, as regards a member, in automatic forfeiture of office or, as regards an employee, in prompt dismissal.

Section 10. TAX EXEMPTION OF AUTHORITY PROPERTY.—All income, donations, property, and facilities of the Authority are hereby dedicated to the effectuation of essential municipal purposes, their use is declared an essential municipal function, and they are granted the same exemptions from taxation as are afforded to income, property, and facilities of the City.

Section 11. PROVISIONS GOVERNING ISSUANCE OF CERTIFICATES.—Issuance of revenue certificates by the Authority shall be governed by the following general provisions:

(a) Revenue certificates for purposes hereof are limited to obligations that are secured solely by pledge of revenues produced by the facility or facilities for the benefit of which the certificates are issued and the sale proceeds used, that do not constitute a general debt of the Authority, that are not secured directly or indirectly, in whole or in part, by pledge of taxing powers, and that do not constitute a lien or encumbrance, legal or equitable, on any real property of the Authority or on any of its personal property other than the revenues pledged to secure payment of the certificates.

(b) The faith and credit of the City shall not be pledged and the City shall not be obligated directly or indirectly to make any payments on or appropriate any funds for certificates issued by the Authority.

(c) The rate or rates of interest and the sale price of the certificates by the Authority shall be such that the net interest cost to it on the proceeds

received from the sale shall not exceed an average annual rate of eight percent, computed with relation to the absolute maturity of the certificates in accordance with standard tables of bond values and excluding from the computation the amount of any premium to be paid on redemption of the certificates prior to maturity.

(d) Before issuing any revenue certificates, the Authority shall, as to each issue: (1) prepare or procure from a reputable source detailed estimates of the total cost of the undertaking for which the certificates are contemplated and of the annual revenues to be obtained therefrom and pledged as security for payment of the certificates; (2) determine that the anticipated net proceeds from their sale, together with any other funds available and intended for the purposes of the issue, will be sufficient to cover all costs of the undertaking and of preparing and marketing the issue or connected therewith; (3) determine that the annual revenues anticipated from the undertaking will be sufficient to pay the estimated annual cost of maintaining, repairing, operating, and replacing to any necessary extent not only the undertaking but also the punctual payment of the principal of and interest on the contemplated certificates; and (4) shall specify these determinations in and include the supporting estimates as parts of the resolution providing for the issue.

(e) The Authority may, as to any issue or revenue certificates, engage the services of a corporate trustee for the issue and may treat any or all of the costs of carrying out the trust agreement as part of the operating costs of the undertaking for which the certificates are issued.

(f) The Authority shall from time to time establish such rentals, rates, and charges, or shall by legally binding agreement maintain such control thereof, as to meet punctually all payments on the certificates and also the costs of operation of the undertaking and its maintenance and repair, including reserves therefor and for depreciation, replacement, and any necessary extensions.

(g) Revenue certificates may be issued for the purposes of funding, re-funding, or both.

(h) All revenue certificates issued pursuant hereto shall be negotiable instruments for all purposes.

Section 12. TRANSFER UPON CESSATION OF THE AUTHORITY.—Should the Authority cease to exist or to operate for whatever reason, all its property of whatever kind shall forthwith become the property of the City, subject to the outstanding obligations of the Authority, and the City shall use this property to the maximum extent then practicable for effectuating the purposes hereof and shall succeed to and exercise all powers of the Authority insofar as such exercise is not in conflict with or inconsistent with the provisions of the City charter or other law applicable to the City.

Section 13. ACT CUMULATIVE; NO NOTICE REQUIRED.—Neither this Act nor anything herein contained shall be construed as a restriction or limitation upon any powers which the Authority might otherwise have under any laws of this State, but shall be construed as cumulative of such

powers. The foregoing sections of this Act shall be deemed to provide a complete, additional, and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws; provided, the issuance of revenue certificates and revenue refunding certificates under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of certificates and bonds including, particularly, chapters 671 through 680, Florida Statutes, 1969 (also known as Uniform Commercial Code). No proceedings, notice, or approval shall be required for the organization of the Authority or the issuance of any certificates or any instrument as security therefor, except as provided herein or pursuant hereto, any law to the contrary notwithstanding; provided, nothing herein shall be construed to deprive the State and its governmental subdivisions of their respective policy powers over any properties of the Authority.

Section 14. LIBERAL CONSTRUCTION AND SEVERABILITY.—The provisions of this Act, being necessary for the welfare of the City and its inhabitants, shall be liberally construed to effectuate the purposes herein set forth and are severable. Should any portion hereof be finally held invalid by a court of competent jurisdiction, each other portion shall remain effective to the maximum practicable extent.

Section 4. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 5. Chapters 71-604, 72-524, 80-495, 87-520, 89-477, 91-385, 92-263, 94-476, and 98-503, Laws of Florida, are repealed.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 26, 2003.

Filed in Office Secretary of State June 26, 2003.