

CHAPTER

98-526

HB 4531, First Engrossed

House Bill No. 4531

A bill to be entitled

An act relating to Lee, Charlotte, Sarasota, and Manatee Counties; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the West Coast Inland Navigation District, a special tax district of the State of Florida composed of the Counties of Lee, Charlotte, Sarasota, and Manatee; providing legislative intent, and codifying and reenacting chapter 23770, Laws of Florida, 1947; chapters 27289 and 27290, Laws of Florida, 1951; chapter 28542, Laws of Florida, 1953; chapter 30074, Laws of Florida, 1955; chapter 57-467, Laws of Florida; chapter 59-756, Laws of Florida; chapter 61-1590, Laws of Florida; chapter 77-494, Laws of Florida; sections 2, 3, 4, and 5 of chapter 79-435, Laws of Florida; chapter 81-337, Laws of Florida; section 5 of chapter 85-200, Laws of Florida; and section 5 of chapter 86-286, Laws of Florida; providing additional powers; providing for the repeal of section 8 of chapter 90-264, Laws of Florida; providing for repeal of all prior special acts related to the West Coast Inland Navigation District; providing an effective date.

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

1 Section 1. Pursuant to chapter 97-255, Laws of
2 Florida, this act constitutes the codification of all special
3 acts relating to the West Coast Inland Navigation District. It
4 is the intent of the Legislature in enacting this law to
5 provide a single, comprehensive special act charter for the
6 district, including all current legislative authority granted
7 to the district by its several legislative enactments and any
8 additional authority granted by this act. It is further the
9 intent of this act to preserve all district authority,
10 including the authority to annually assess and levy against
11 the taxable property in the district a tax not to exceed 0.2
12 mills on the dollar of assessed valuation.

13 Section 2. Chapter 23770, Laws of Florida, 1947;
14 chapters 27289 and 27290, Laws of Florida, 1951; chapter
15 28542, Laws of Florida, 1953; chapter 30074, Laws of Florida,
16 1955; chapter 57-467, Laws of Florida; chapter 59-756, Laws of
17 Florida; chapter 61-1590, Laws of Florida; chapter 77-494,
18 Laws of Florida; sections 2, 3, 4, and 5 of chapter 79-435,
19 Laws of Florida; chapter 81-337, Laws of Florida; section 5 of
20 chapter 85-200, Laws of Florida; section 5 of chapter 86-286,
21 Laws of Florida; and section 8 of chapter 90-264, Laws of
22 Florida, relating to the West Coast Inland Navigation District
23 of Florida, are codified, reenacted, amended, and repealed as
24 herein provided.

25 Section 3. District boundaries.--The Counties of Lee,
26 Charlotte, Sarasota, and Manatee, are hereby created into and
27 incorporated, for the purposes of this act, into an
28 independent multi-county special tax district of the State of
29 Florida known as the "West Coast Inland Navigation District,"
30 hereinafter referred to as the district. Such district shall
31 function and operate by and through its board of

1 commissioners, hereinafter referred to as the board. However,
2 the district services and projects may be provided by
3 interlocal agreement within adjoining coastal counties.

4 Section 4. Definitions.--The term "inland waterway"
5 includes those portions of the inland waterway as designated
6 by the Federal River and Harbor Act of 1945 within district
7 boundaries, any body of water connected with the inland
8 waterway, and any other body of water which the board finds
9 makes a significant contribution or has the potential to make
10 a significant contribution to waterway traffic or waterborne
11 commerce in the area served.

12 Section 5. District powers and authority.--

13 (a) It is the purpose and intent of this act that the
14 board of said district do and perform all things requisite,
15 necessary, or desirable within district boundaries to comply
16 with the requirements and conditions imposed upon "local
17 interests," by the Congress of the United States of America,
18 in its River and Harbor Act approved March 2, 1945, as said
19 act has been and may be from time to time amended, authorizing
20 the improvement and construction, under direction of the
21 Secretary of the Army and supervision of the Chief of
22 Engineers, of an inland waterway in accordance with report
23 submitted by letter of Secretary of War, dated June 22, 1939,
24 Document No. 371, House of Representatives, 76th Congress, 1st
25 Session entitled, "Intracoastal Waterway from Caloosahatchee
26 River to Withlacoochee River, Florida," and all reports
27 subsequent thereto relating to any change, modification, or
28 expansion of said initial report. In order that said Secretary
29 of the Army and Chief of Engineers may accomplish the work of
30 improvement, adopted and authorized by said act of Congress as
31 the same may from time to time be amended, said board of said

1 district is authorized to obtain by donation, purchase, or
2 condemnation and convey without cost to the United States, the
3 necessary rights-of-way for said project together with
4 suitable areas for the deposit of spoil material in connection
5 with the work and its subsequent maintenance, all as
6 contemplated and required by the Congress of the United
7 States, and those acting by its authority. Nothing herein
8 contained shall be construed to prohibit said board from
9 expending such sums of money as in its discretion may be
10 deemed proper for any purpose authorized, contemplated, or
11 required to carry out any work authorized by any acts of
12 Congress.

13 (b) The district may act as a local interest sponsor
14 for any "Section 107, River and Harbor Act of 1960," project
15 authorized and undertaken by the U.S. Army Corps of Engineers,
16 and in this regard may comply with any or all conditions
17 imposed on local interests as part of such project.

18 (c) The district may act as a local sponsor of any
19 beach nourishment project in the district approved and
20 undertaken by the U.S. Army Corps of Engineers and/or Florida
21 Department of Environmental Protection or its successor,
22 provided the board of commissioners of the district shall
23 first find that such project, is a benefit to public
24 navigation in the district.

25 (d) The district may furnish assistance and support to
26 member counties in planning and carrying out public navigation
27 projects of a purely local or regional nature. Such assistance
28 and support, if financial in nature, shall be granted only
29 after a finding by the board that such project contributes to
30 public navigation in the area in which it is located.
31

1 (e) The district is authorized to participate with any
2 local, state, or federal agencies in research, study, or test
3 programs as to the impact, both physical and biological, of
4 waterway construction, maintenance, and operation, including,
5 but not limited to, erosion, accretion, and marine and
6 shoreline vegetation.

7 (f) The district is authorized to assume sponsorship,
8 or to act with other agencies, in environmental restoration
9 and enhancement projects, seeking to protect, restore, and
10 enhance water quality, aquatic habitat, and other marine
11 oriented conservation and environmental values in the
12 navigable waters in the district. Such activities may include
13 studies and work to restore damage to the aquatic environment
14 caused by construction or maintenance of navigation channels,
15 harbors, or similar works.

16 (g) The district is authorized to create advisory
17 bodies and to assist local governments in the development of
18 county and multi-county anchorage management programs.

19 (h) The district is authorized to enter into
20 interlocal agreements with adjoining coastal counties to
21 implement the purposes and projects authorized by this act,
22 chapter 374, Florida Statutes, and applicable general law
23 within the boundaries of the cooperating county or counties.
24 The agreement shall also make provision for the continued
25 construction or maintenance of district projects within a
26 cooperating county or counties in the event an agreement is
27 terminated.

28 Section 6. Governing board.--A governing body of said
29 district is hereby created and shall be known as the "Board of
30 Commissioners of West Coast Inland Navigation District," and
31 shall be composed of four members who shall be qualified

1 electors residing in said district, each of whom shall
2 respectively be a member of the board of county commissioners
3 of the county incorporated in the district each commissioner
4 represents on said board, and selected in each instance by the
5 several county boards from the membership thereof. Said board
6 shall have all the powers of a body corporate, including the
7 power to sue and be sued as a corporation in its name; to make
8 contracts; to adopt and use a common seal and to alter the
9 same; to buy, acquire, by eminent domain, sell, own, lease,
10 and convey such real estate or interest therein, and personal
11 property as said board may deem proper to carry out the
12 provisions of this act; to appoint and employ such engineers,
13 attorneys, agents, and employees as said board may require; to
14 borrow money and issue negotiable promissory notes, and other
15 evidences of indebtedness therefor to enable it to carry out
16 the provisions of this act, and generally to do and perform
17 all things necessary to accomplish the purposes of this act.

18 Section 7. Governance.--

19 (a) The elected officers of said board shall be:
20 Chair, vice chair, secretary and treasurer; provided, however,
21 that no one person shall hold more than one such office at the
22 same time. Said officers shall be elected annually from said
23 board by the members thereof. Three members of the board shall
24 constitute a quorum. The affirmative vote of three members
25 shall be necessary to the transaction of business. The chair
26 shall have the right to vote. Special meetings may be called
27 at any time by the chair or any other two commissioners. Each
28 member county may, in addition to its designated commission
29 member, designate an alternate commission member who shall be
30 authorized to attend all board meetings and other district
31 approved activities and participate in board deliberations,

1 but who shall not be authorized to vote except in case of the
2 absence of the designated member. Each designated alternate
3 commission member shall be a member of the board of county
4 commissioners of the county incorporated in the district the
5 alternate commission member represents on the district board.

6 (b) The board may from time to time provide for the
7 office of executive director and when such office is provided
8 for may employ some qualified person to act in such capacity,
9 and by resolution shall define the term and duties of such
10 office. The executive director when so appointed shall be the
11 assistant secretary of the board and as such shall be the
12 official custodian of the minute books, records, maps, seal,
13 and other properties and records of the district. Such officer
14 shall be authorized to affix the official seal of the district
15 to its legal documents and to certify copies of any official
16 proceedings of the district.

17 (c) The district is authorized to pay all reasonable
18 expenses incurred by its board members or designated alternate
19 members in the fulfillment of their duties as members of the
20 board, but no member of said board or designated alternate
21 member shall receive any compensation beyond reimbursement for
22 reasonable expenses.

23 Section 8. Property acquisition.--

24 (a) The district shall obtain by gift, donation,
25 purchase, or condemnation and shall furnish to the United
26 States or to the state all required right-of-way as the said
27 board shall determine necessary pursuant to requirements of
28 the United States for constructing and maintaining said inland
29 waterway for the route of construction of said inland waterway
30 as designated and requested from time to time by the Corps of
31 Engineers, U.S. Army, or other proper state or federal agency.

1 **(b) The district shall acquire by gift, donation,**
2 **purchase, or condemnation, and shall furnish to the United**
3 **States required areas for the deposit of spoil material in**
4 **connection with the work of improving, constructing, and**
5 **maintaining the aforementioned waterway as requested from time**
6 **to time by the Corps of Engineers, U.S. Army, or other proper**
7 **federal agency.**

8 **(c) The district shall obtain by gift, donation,**
9 **purchase, or condemnation and shall furnish to the United**
10 **States, any property, property rights, easement and interest**
11 **in property, outside of said right-of-way and designated spoil**
12 **areas that may be necessary for the construction, maintenance,**
13 **and operation of said canal to be constructed and maintained**
14 **within said right-of-way by the United States.**

15 **(d) The district is authorized to acquire and obtain**
16 **by gift, donation, purchase, or condemnation and to transfer**
17 **to the United States such lands, easements, rights-of-way, and**
18 **spoil disposal areas as may be required to effectuate the**
19 **purpose and intent of all acts of the United States Congress**
20 **as heretofore, or hereafter, enacted for the further**
21 **improvement of said intracoastal waterway, with a view to**
22 **providing a project depth of 12 feet, more or less, referred**
23 **to the plane of local mean low water, and a width appropriate**
24 **to said depth and such other improvements as may be authorized**
25 **and adopted by the Congress, from time to time, and in**
26 **connection with the subsequent maintenance of said waterway,**
27 **as so improved.**

28 **(e) The district is authorized to contract for the**
29 **purchase of any property acquired by it and to pay the**
30 **purchase price therefor in installments or deferred payments**
31 **upon such terms as the board shall determine; said contract**

1 may provide for payment of interest as provided by general
2 law.

3 (f) The funds to be used for the purchase of
4 right-of-way, spoil areas and other property shall be obtained
5 by said board either from a tax levy or levies as hereinafter
6 provided, or borrowed upon its obligations as herein provided.

7 Section 9. Eminent domain.--

8 (a) The district is authorized to exercise the right
9 of eminent domain, and may condemn for the use of said
10 district or other proper public agencies all lands, easements,
11 rights-of-way, areas for deposit of spoil material, and
12 property rights of every description required for the public
13 purposes and powers of said district herein granted. The
14 district is authorized to secure possession of lands,
15 easements, rights-of-way, areas for deposit of spoil material,
16 and other property rights, prior to final judgment pursuant to
17 the procedure hereinafter provided. Such condemnation
18 proceedings shall be maintained by and in the name of the West
19 Coast Inland Navigation District, a special taxing district
20 under the laws of the State of Florida, and the procedure
21 shall be that prescribed in chapters 73 and 74, Florida
22 Statutes, and any other procedure as otherwise from time to
23 time is provided by law; and said district and its board is
24 hereby vested with authority to pay any judgment or
25 compensation awarded in any such proceedings out of any funds
26 available for such purposes. The district is authorized to
27 condemn lands owned by public utility companies and
28 governmental agencies, provided no condemnation action may be
29 maintained against a state or federal agency without the
30 consent of such agency.

1 (b) In the event the property sought to be condemned
2 is in more than one county, the suit may be instituted in
3 either county, but required notice shall be published in all
4 counties affected.

5 (c) The delegation of the power of eminent domain as
6 herein provided shall not be held to be an exclusive right to
7 accomplish the purposes herein outlined and nothing herein
8 provided shall be construed as prohibiting any other federal
9 or state agency from exercising such powers as they
10 respectively hold to carry out any of the purposes of this
11 act.

12 Section 10. Borrowing.--In order to defray current
13 expenses the district is authorized to borrow money for said
14 purposes; and to execute therefor the negotiable promissory
15 notes of the district, same to bear interest as provided by
16 general law.

17 Section 11. Property conveyed to U.S. Government.--The
18 district is authorized to convey any property or property
19 rights it owns or possesses to the United States or any proper
20 federal agency for any purpose contemplated by this act, with
21 or without consideration, and upon such terms and conditions
22 as the board deems proper. The district is authorized to
23 furnish in connection therewith title evidence, title
24 insurance, hold harmless agreements, and such other assurances
25 as the United States may from time to time request.

26 Section 12. Ad valorem taxes.--The district may
27 annually assess and levy against the taxable property in the
28 district a tax not to exceed 0.2 mill on the dollar of
29 assessed valuation for each year, and the proceeds from such
30 tax shall be used by said board for all expenses of the
31 district including the purchase of right-of-way and other

1 property, and any other purpose authorized by this or any
2 other law.

3 Section 13. Tax collection.--The district shall levy
4 and collect its taxes pursuant to chapter 200, Florida
5 Statutes, and applicable general law.

6 Section 14. Bridge construction.--

7 (a) The district is authorized to assume and relieve
8 the United States from the cost and expense of construction,
9 reconstructing, maintaining, and operating any bridge over
10 said intracoastal waterway, whenever, in the judgment of said
11 board such action is necessary upon its part to fully comply
12 with the requirements and conditions imposed upon "local
13 interests" by said River and Harbor Act of the United States,
14 approved March 2, 1945, in accordance with the report
15 submitted June 14, 1939, in House Document No. 371, 76th
16 Congress, first session, as amended and expanded. The expense
17 therefor may be paid as a necessary expense of the district;
18 provided, however, that the district shall not be required to
19 pay the cost of maintenance of any bridges within its borders
20 nor bear the cost of bridge tenders for such bridges, except
21 by special agreement. Said board is authorized to contract
22 with the board of county commissioners of any county in the
23 district to the end that said board of county commissioners,
24 shall assume the responsibility for the construction,
25 reconstruction, maintenance, and operation of any such bridge.
26 Each board of county commissioners is hereby authorized to
27 enter into such a contract with the board of commissioners of
28 said district and such a contract shall be binding upon said
29 county and district.

30 (b) Whenever the district assumes the responsibility
31 for constructing or reconstructing, altering, or modifying any

1 bridge, including necessary appurtenances and approaches, such
 2 responsibility may be met either directly or through contract
 3 with any other public agency or agencies and any funds of the
 4 district paid out pursuant to such a contract shall be deemed
 5 to be for a proper public purpose.

6 (c) The district is authorized to exercise the power
 7 of eminent domain in securing any lands and rights-of-way
 8 necessary for any bridge or bridge approach roads and the
 9 procedure shall be as herein otherwise provided.

10 Section 15. Delegation.--Any delegable act authorized
 11 to be performed by the district may be performed by any other
 12 public or private agency by agreement with the district upon
 13 such terms as the parties shall agree.

14 Section 16. Studies.--

15 (a) In order to carry out the purpose and intent of
 16 any laws that heretofore have been, or hereafter may be
 17 enacted by the United States Congress authorizing and
 18 directing the Secretary of the Army to make examinations,
 19 surveys, and studies of the intracoastal waterway from
 20 Caloosahatchee River to Anclote Key, Florida, or other Florida
 21 West Coast Waterways, the district is authorized to collect,
 22 compile, and to furnish to the Secretary of the Army, the
 23 Secretary's officers and agents, appropriate information on
 24 the counties within the district's boundaries bearing on the
 25 advantages, benefits, and increased usefulness that may be
 26 expected to accrue to the public and to the counties traversed
 27 by said waterway by reason of any improvement or extension
 28 thereof, that has previously been or may subsequently be
 29 authorized by said United States Congress.

30 (b) The district is authorized to expend its funds for
 31 publicizing to other governmental agencies the completion by

1 the United States of all or any portion of the intracoastal
2 waterway and related waterways and its availability and
3 utility to water craft, and to distribute information as to
4 route, channel, depth, and facilities of said waterway and
5 such other information and data as may, in the opinion of the
6 board, be desirable or useful to give the public full
7 information regarding said waterway and to promote its use in
8 navigation.

9 Section 17. Dredging.--The district is authorized to
10 pay all or part of the cost of dredging performed on the
11 waterway by the United States, to construct dikes,
12 bulkheads, and levees, to construct ditches and pipelines for
13 the control of water discharged by dredges, to reconstruct,
14 modify, or relocate bridges, docks, wharfs, and other
15 structures, including water and sewer lines and appurtenances,
16 electric and telephone lines and appurtenances, gas
17 transmission and distribution lines and appurtenances, or to
18 pay for same, and to do all other work or things which, in the
19 judgment of the board shall be proper and necessary to produce
20 economies in meeting the conditions imposed on local interests
21 by the United States Congress in the several acts authorizing
22 and directing the improvement and maintenance of the
23 intracoastal waterway.

24 Section 18. Administrative procedures.--The district
25 is authorized to prosecute in behalf of itself or others any
26 administrative procedures necessary to be followed to carry
27 out any of the activities authorized or contemplated by this
28 act and to pay the reasonable expenses thereof, including, but
29 not limited to, any bulkhead line and dredge and fill
30 procedures required by law to be completed. The district may
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1 contract with other agencies or public or private persons to
2 perform any such activities in its behalf.

3 Section 19. Franchise.--No franchise or other
4 privilege pertaining to leasing, buying, building, operating,
5 or otherwise dealing with any business or establishment
6 relating to food, lodging, beverages, fuel, supplies, or other
7 services to people or waterborne vehicles and located on any
8 property owned by the district, shall be granted or contracted
9 for unless the same shall have first been advertised for bids
10 in each of the counties in the district. Such advertisement
11 shall appear in a newspaper of general circulation located and
12 published in the county in which such property is located and
13 shall appear one time at least 30 days prior to the date set
14 to hear and receive proposals upon such franchise or other
15 similar privilege.

16 Section 20. Tax exemptions.--All land or interest in
17 land, now or hereafter owned by the district, is exempted from
18 taxation of all kinds, including, but not limited to, special
19 assessment and improvement taxes.

20 Section 21. Depository.--

21 (a) A bank or banks, or other depository to be
22 designated by the board, shall receive and be custodian of all
23 funds of said district. Such depository or depositories shall
24 give satisfactory security for the adequate protection of all
25 moneys to be deposited with it.

26 (b) The funds of the district shall be paid out only
27 upon warrant signed by the Treasurer and countersigned by the
28 chairor in the absence of the chair by the vice chair of the
29 board and have affixed thereto the corporate seal of the
30 district. No warrant shall be drawn or issued against funds of
31 said district except for a purpose authorized by this act, and

1 no such warrant shall be drawn or used unless the account or
2 expenditure for which the same is given in payment has been
3 approved by the board.

4 (c) The district is authorized to enter into
5 agreements with the Department of Transportation, the board of
6 county commissioners of any county in the district, or both,
7 or any other person, corporation, or agency, federal, state or
8 local, public, or private in connection with financing,
9 alteration, and construction of any bridge structure or bridge
10 approach or roadway or other structure and said parties are
11 hereby specifically authorized to enter into such agreements
12 with each other respecting responsibility for acquisition of
13 right-of-way, for construction and maintenance of any bridge
14 structure and approach required to be provided or modified
15 because of the construction of the intracoastal waterway.

16 (d) The accounts of the district shall be audited
17 annually pursuant to chapter 11, Florida Statutes, and
18 applicable general law.

19 Section 22. Liberal construction.--It is intended that
20 the provisions of this act shall be liberally construed for
21 accomplishing the work authorized and provided for or intended
22 to be provided for by this act, and where strict construction
23 would result in the defeat of the accomplishment of any part
24 of the work authorized by this act, and a liberal construction
25 would permit or assist in the accomplishment of any part of
26 the work authorized by this act, the liberal construction
27 shall be chosen.

28 Section 23. Invalidity.--If any section, subsection,
29 sentence, clause or phrase of this act is held to be
30 unconstitutional, such holding shall not affect the validity
31 of the remaining portions of the act, the Legislature hereby

1 declaring that it would have passed this act and each section,
 2 subsection, sentence, clause, and phrase thereof, irrespective
 3 of any other separate section; subsection, sentence, clause,
 4 or phrase thereof, and irrespective of the fact that any one
 5 or more other sections, subsections, sentences, clauses, or
 6 phrases thereof may be declared unconstitutional.

7 Section 24. Chapter 23770, Laws of Florida, 1947;
 8 chapters 27289 and 27290, Laws of Florida, 1951; chapter
 9 28542, Laws of Florida, 1953; chapter 30074, Laws of Florida,
 10 1955; chapter 57-467, Laws of Florida; chapter 59-756, Laws of
 11 Florida; chapter 61-1590, Laws of Florida; chapter 77-494,
 12 Laws of Florida; sections 2, 3, 4, and 5 of chapter 79-435,
 13 Laws of Florida; chapter 81-337, Laws of Florida; section 5 of
 14 chapter 85-200, Laws of Florida; section 5 of chapter 86-286,
 15 Laws of Florida, and section 8 of chapter 90-264, Laws of
 16 Florida, will be repealed 10 days after the effective date of
 17 this act; provided the authority to levy and assess 0.2 mill
 18 of ad valorem tax shall not be repealed.

19 Section 25. This act shall take effect upon becoming a
 20 law.

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 22 Became a law without the Governor's approval MAY 24 1998
 23 Filed in Office Secretary of State MAY 22 1998
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