

Strategic Plan

2022-2027

*To preserve and enhance the
commercial, recreational, and
ecological values of District
waterways*

WCIND



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West Coast Inland Navigation District

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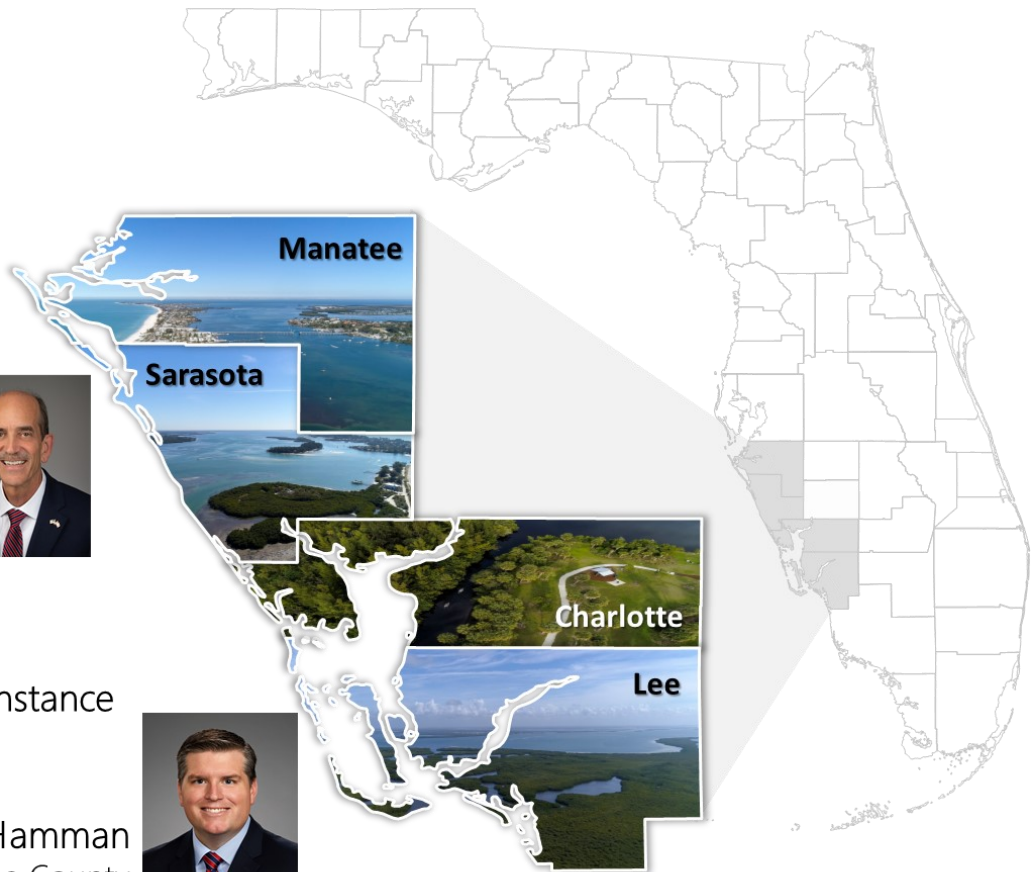


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MISSION

The mission of the **West Coast Inland Navigation District (WCIND)** is to preserve and enhance the commercial, recreational, and ecological value of the coastal waterways within **Manatee, Sarasota, Charlotte, and Lee counties** (the –District–).

Since the WCIND's inception in 1947, the needs of the District's population and the demands on its waterways have changed. With the dramatic population increase in Southwest Florida, recreational boating has intensified, and urbanization has impacted use of area waterways along with water quality and coastal ecosystem health.

These changes have been accompanied by a deepening of our knowledge about the complex social, hydrologic, and ecological conditions of the coastal environment characterizing District waterways.

Numerous economic and social benefits are associated with both navigable waterways and ecologically productive coastal ecosystems. In the WCIND's view, the two are inextricably linked.



MISSION

To preserve and enhance the commercial, recreational, and ecological values of the District Waterways.



INTRODUCTION

Almost 1.8 million people, or **8% of Florida's population**, call the District their home¹. Many of these residents, along with a multitude of visitors, use the local waterways and shorelines for a variety of commercial and recreational purposes.



Marine-related activities in the WCIND are estimated to directly generate **\$1.4 billion in revenues** and **7,702 jobs** across the District's counties².



Registered vessels in WCIND counties make up 12% of all vessels registered in Florida. Lee county is top-four county for vessel registrations in Florida with an annual average of 45K registered vessels (Figure 1). Annually, there are between 19K and 20K registered vessels in Charlotte and Manatee counties. While, Sarasota county has an average of 14k vessels registered yearly (Figure 1).

The transportation infrastructure used by resident boaters and those visiting the District includes the Gulf Intracoastal Waterway, along with 1,427 miles of channels and canals, most of which resulted from dredge and fill operations to create new land and were never intended to serve as a transportation network.

To serve the needs of its four member counties, the WCIND helps to plan and implement waterway projects that promote safe navigation and the enjoyment of water-based activities, such as boating, fishing, and beach recreation.

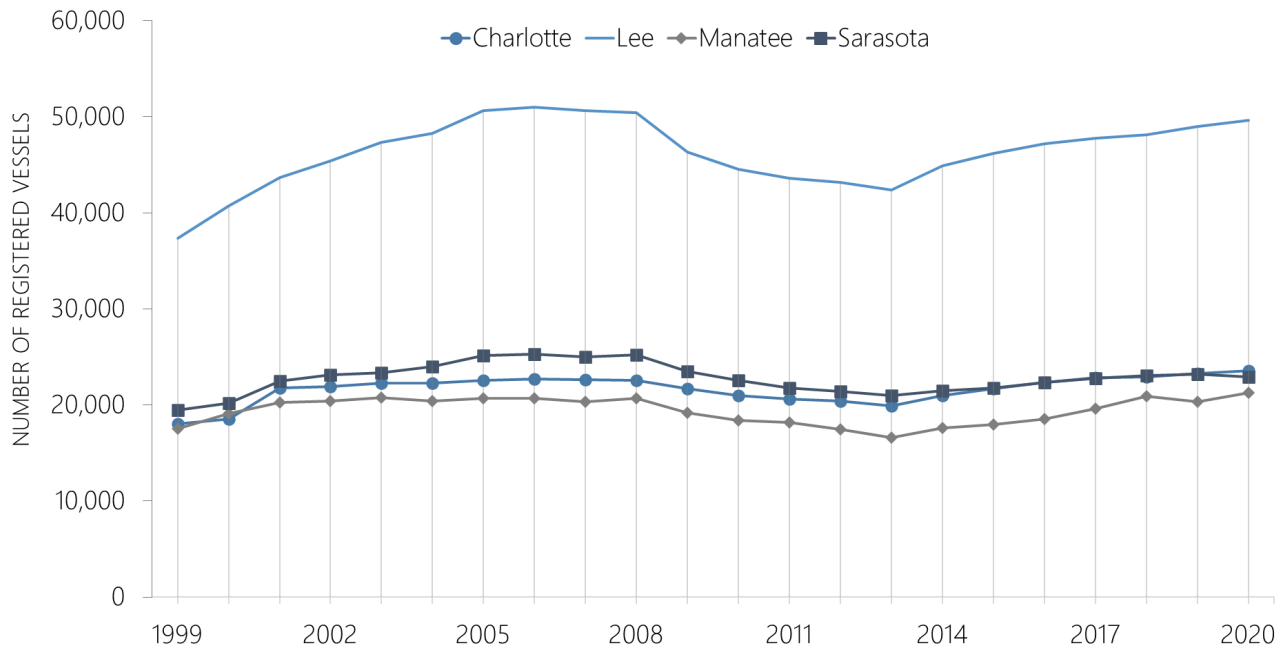


Figure 1. Vessel registration in WCIND counties, 1999–2020³. Click on the graph to go to its interactive version which shows/compares vessel registrations of the WCIND counties with other state statistics.

¹ <http://www.census.gov/quickfacts>. Population estimates, July 1, 2019. Retrieved on August 27, 2021.

² Hodges, A.W., T.J. Stevens, and C.M. Adams. 2015. Economic contributions of marine industries in Southwest Florida. University of Florida. 29p.

³ Vessel Owner Statistics - Florida Department of Highway Safety and Motor Vehicles (<https://www.flhsmv.gov/motor-vehicles-tags-titles/vessels/vessel-owner-statistics/>).



District ecosystems and the waterways that traverse them are part of the broader Southwest Florida coastal ecoregion. Within this context, WCIND programs are designed to support the regional economic base while preserving the environment and the quality of life within its member counties.

The WCIND addresses a broad range of waterway needs at both local and regional scales, maximizing the economic efficiency and ecological value of its planned and coordinated operations. Programs include maintaining and enhancing public navigation channels and inlets, boating access facilities, waterfront parks, and piers. The WCIND also provides leadership in waterway resource-based stewardship by encouraging boating safety and environmental education through the distribution of boaters' guides and waterway maps.

The relevance and value of the WCIND's work to its constituency is manifested in its return on investment, exemplified by an operating budget that is less than 20% of its statutorily allowable millage rate. In 2021, the rate set by the WCIND Board was 0.0394 mill (\$0.0394 per \$1,000 of taxable property value). With reduced federal funding, the local sponsors of the nation's inland navigation system must apply new technologies and planning to maximize efficiency and work in sync with local governments to maintain this vital waterway infrastructure for the public. This means that a focused and coordinated effort is required to accomplish the WCIND's mandate in an efficient and cost-effective manner. This strategic plan reflects an effort to enable the WCIND to serve its member counties as a fiscally responsible and valued community partner.

The West Coast Inland Navigation District is a multi-county special taxing district (the "District") composed of Manatee, Sarasota, Charlotte, and Lee counties.

History of the WCIND

Established in 1947

The Florida Legislature established the WCIND in 1947 (Chapter 23370, Florida Laws) to perform the duties of local sponsor to the US Army Corps of Engineers (USACE). The WCIND was thus established as a special taxing district to share the cost with the USACE for planning, constructing, and maintaining the 152 mile long, 100 foot wide, and 9 foot deep Gulf Intracoastal Waterway (GIWW) between the mouth of the Caloosahatchee River, near Fort Myers, and the Anclote River, north of Tampa.



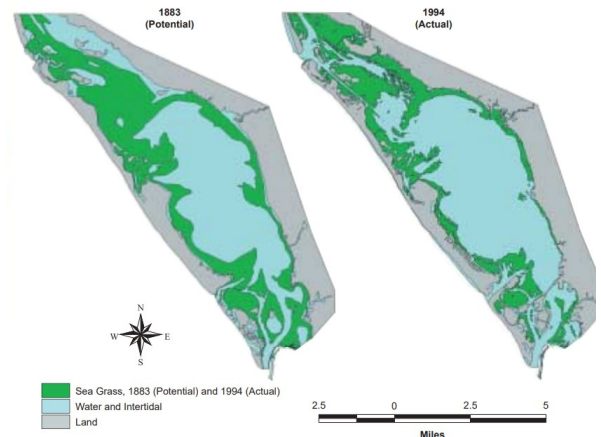
GIWW created 1960 – 1967



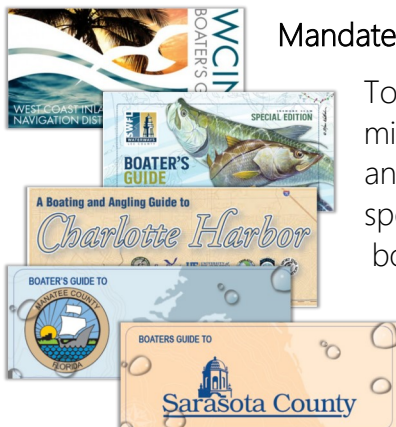
The GIWW was intended to link natural deep-water sections of bays through a series of artificial channels, thereby providing for the safe passage of commercial goods and access to commercial fishing grounds. The GIWW channel would run through six counties (Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, and Lee), and the need for rights-of-way and dredge disposal areas existed along the entire length of the planned waterway. Waterway dredging began in 1960 and the GIWW was completed in 1967, at which time the WCIND took over the planning and implementation of channel maintenance.

Mandate broadened in 1979

In addition to the GIWW, the WCIND introduced programs to improve and maintain public channels connected to the GIWW, as well as waters that make a significant contribution to waterway traffic or commerce. The WCIND was also allowed to assist member counties in planning and implementing navigation projects, waterway research, erosion and accretion studies, and environmental restoration projects complementary to and adding value to channel maintenance activities.



Mandate further expanded in 1989



To support a greater diversity of waterway-related activities, the WCIND's mission was further expanded to include the promotion of inlet management and the posting and maintenance of channel markers and manatee-protection speed zone signs. The WCIND also started to initiate programs to encourage boating safety and environmental stewardship through the dissemination of boater and waterway guides and resource maps. Recent legislation now allows the WCIND to partner with counties adjacent to its four-county region.

Accomplishments

WCIND goals for its 2017-2021 strategic plan were organized within six priority areas. The priority areas and their goals are summarized below, and the accomplishments are discussed in the text that follows.

WCIND Priority areas and goals for 2017-2021

Waterways and Anchorages

- Maintain safe, navigable, and accessible waterways and anchorages.
- Lead the derelict-vessel issues within its boundaries.
- Respond rapidly to emergency situations affecting waterway safety and navigation.

Waterway Access Points and Land-Based Infrastructure

- Ensure the safety and security of WCIND properties and ancillary infrastructure.
- Promote adequate and safe access to District waterways.

Interagency Coordination

- Position the District to receive State and Federal permits in a timely fashion.
- Coordinate with local, state, and federal legislators to maintain support for district programs and activities.
- Collaborate with law enforcement and emergency providers to protect and safeguard the coastline and inland waterways.
- Promote partnerships with governmental organizations to facilitate waterway planning and management.

Project Management, Planning, and Resources

- Position the District to receive the maximum amount of Federal and State funds.
- Maximize WCIND financial capabilities.
- Ensure that the WCIND has resources to fulfill its responsibilities as local sponsor.
- Maintain currency in knowledge and information.
- Promote a planning framework.
- Optimize and modernize District processes.

Inlets

- Maintain safe navigation through District inlets.
- Maximize the longevity of inlet navigation improvements.

Education

- Promote safe boating and navigation.
- Promote community recognition that dredged material is a valuable reusable resource.
- Promote environmental stewardship within the coastal boating community.
- Promote dissemination of positive information regarding the District's projects and accomplishments.

From 2016 to 2021, the WCIND administered almost \$24 million, which supported 260 projects within the four-county District area.

Policies and procedures were established in the following areas:

- Purchasing
- Surplus property disposal
- Executive director expenditure and contracting authority
- Investment
- Property use
- Travel rates
- Dredge material management (a 50-year plan, the first in District history)

Significant accomplishments include the following:

Florida Administrative Code Section 66A-2

The District completed rule changes to [Florida Administrative Code section 66A-2](#), which governs the Waterway Development Programs that the WCIND administers. The revised rule took effect on March 3, 2021. This revision was the culmination of nearly three years of collaborative effort to help guide the WCIND's future waterways programs.



Engagement with Congress and the Federal Government

It is critical that Southwest Florida's representatives in Washington recognize the importance of waterways to the region's economic health and understand the District's role in maintaining those waterways for safe navigation and a healthier environment. Though the COVID-19 crisis prevented in-person meetings, congressional support for District projects was maintained via phone calls and e-mails.

- Funding requests were made for dredging of the GIWW in Manatee County, repair of the Venice jetty (Casey's Pass), and real estate issues in Sarasota County.
- In cooperation with the US Coast Guard and USACE, priority dredge areas were identified in the GIWW and passes for all District waters.
 - The Venice Inlet dredge was completed with federal funding.
 - The District is working with USACE on priority sections of the GIWW in Manatee County.
 - At the request of the WCIND, the USACE conducted a second full survey of the entire GIWW from Lee through Hillsborough counties. Obtaining this data on a regular basis is critical in maintaining the usefulness and accuracy of the DMMP. To date these efforts have been undertaken using funds left over from other federal projects in the District.

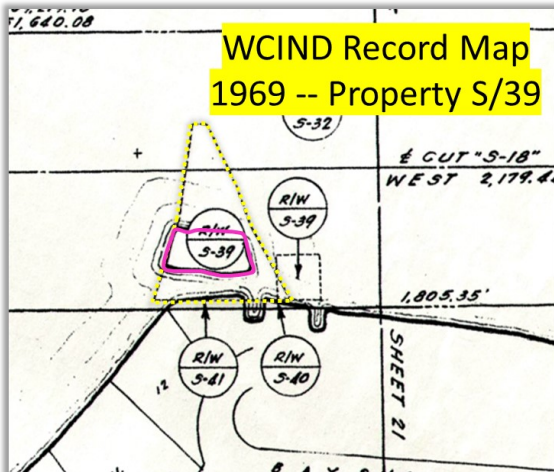


Relationships with Law Enforcement Agencies and the Marine Industries Associations

The District continues to maintain strong relationships with the law enforcement agencies within its boundaries. It has also worked to create strong ties with the businesses that rely on the waterways, including through the Southwest Florida Marine Industries Association and the Tampa Bay Marine Industries Association. Efforts to strengthen these relationships have included co-hosting and sponsoring numerous training and outreach meetings throughout the District's area of operation.

50-Year Planning and the Dredge Material Management Plan

The District continues to benefit from the DMMP for planning on a 50-year horizon. This includes shoaling rate projections and an inventory of all district properties and spoil easements. This data is used in long-range planning not only by the District but by the USACE as well. District staff meet annually with consultants and the USACE to see if there are data needs to ensure continued productive use of the plan. In 2021, the District initiated an update to the DMMP to coincide with the five-year strategic plan update.



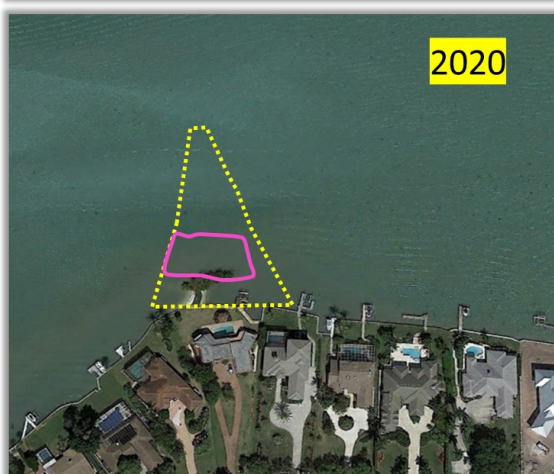
Resolution of Property Encroachments

Since its inception in 1947, throughout its member counties, the District has purchased property and secured easements necessary for the creation and maintenance of the GIWW. Some of these were obtained before digital technology was available, and many adjacent homeowners either are unaware of the District property boundaries and easements or have been misinformed about them. The WCIND has undertaken an initiative to identify and address all property encroachment issues in the District. In 2020, the District resolved all easement issues in Charlotte County and initiated resolution of such issues in Sarasota County.



Addressing Right of Way/Encroachment Issues

The District is cataloging and surveying all of its upland properties to help address current and future encroachment issues presented by changes to the land boundaries of waterfront properties subject to constant natural alterations of shorelines. To further facilitate property management, the board has adopted new policies and procedures for the management of its properties and the disposal of surplus properties. To this end, past deeds and plats are being reviewed to map and ensure survey accuracy. District staff have termed this effort "forensic surveying," as the process requires the confirmation of historical survey lines and property platting.



Appointment to the Board of Directors of the Florida Association of Special Districts

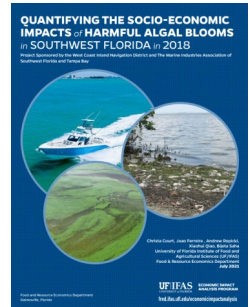
The WCIND has been a member of the Florida Association of Special Districts for a number of years.



The mission of the Association is to unify and strengthen special-purpose government through education, the exchange of ideas, and active involvement in the legislative process. The WCIND's management staff has completed the Certified District Manager training. On April 8, the Association appointed the WCIND Executive Director as a Director at large.

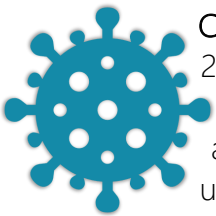
Economic Impact Analysis of Red Tide and Blue-Green Algae

The District has partnered with the University of Florida Institute of Food and Agricultural Sciences, Food and Resource Economics Department, and the Southwest Florida Marine Industries Association to evaluate the economic impact of harmful algal blooms on the local marine-based economy. The report, titled [Quantifying the Socio-economic Impacts of Florida's Harmful Algal Blooms in 2018](#), was released in August of 2021.



Interagency Partnerships

The District maintains strong working relationships with other agencies and organizations that play a role in the planning, management, and facilitation of District operations, in addition to working with the USACE and its own member counties. The District engages with the Florida Fish and Wildlife Conservation Commission on derelict and abandoned boat removal. It supported artificial-reef cleanup efforts undertaken by the Florida Department of Environmental Protection's Charlotte Harbor Aquatic Preserve Office for the National Oceanic and Atmospheric Administration, which removed approximately 3,000 pounds of debris from four reefs. The District also cooperated with the Florida Department of Transportation to explore options for redesigning and replacing the aging bridge over Big Carlos Pass in a manner that best preserves the integrity of the navigational channel permitted and maintained by the District and Lee County. To aid this effort, the District is supporting the collection of bathymetric data and hydrodynamic modeling of the pass to discern the effects of shifting channel location on its long-term stability.



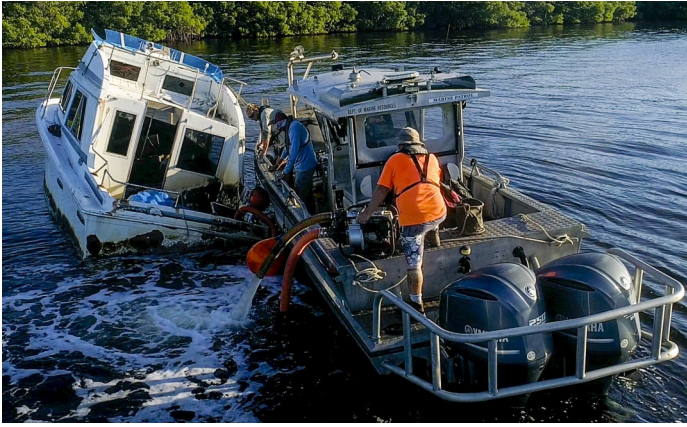
COVID-19 Response

2019 operations were significantly impacted by the outbreak of COVID-19. At the suggestion of the governor and based on Centers for Disease Control guidelines, in-person meetings and office operations were suspended for several weeks. The WCIND met this challenge by using technology to enable virtual meetings and remote work processes. Options were researched and a remote meeting service was used to facilitate meetings of the District governing board, consistent with Governor DeSantis's Executive Orders 20-69 and 20-112. The District also equipped all staff with the technology needed to work from home. The District was able to provide uninterrupted service during all phases of the pandemic without an increase in budget, despite the use of new technology and processes.

New Legal Counsel

The District retains private legal counsel to advise on waterway management issues. The selection of the District's attorney is under the purview of the Board, which reviews and renews legal council contracts annually in accordance with the provisions of Section 287.059, Florida Statutes, and Chapter 2-37, Florida Administrative Code.





Derelict and Abandoned Vessels

The District continues to coordinate Derelict and Abandoned vessel removal at the request of member counties and the Florida Fish and Wildlife Conservation Commission. This has become one of the most successful District programs of late. In the past 4 years the District has removed over 100 derelict or abandoned vessels in District Waters. WCIND has also leveraged grant opportunities to the greatest extent possible with nearly \$500,000 in grant funding received to date for derelict and abandoned vessel removals.

Venice Marine Enforcement Center

In partnership with the City of Venice and Sarasota County, WCIND worked with adjacent landowners to improve access and expand the operational footprint of the Venice Marine Enforcement Center. The air-space agreement with Florida Department of Transportation was expanded to include areas under the adjacent bridge and a land swap with the adjacent private landowner was completed to provide the District more space for law enforcement vessels on the in-water portion of the property. A new office building was constructed creating a regional Marine Law Enforcement Center by creating office and meeting space for Venice Police Department, Sarasota County Sheriff's Office and the Florida Fish and Wildlife Conservation Commission.

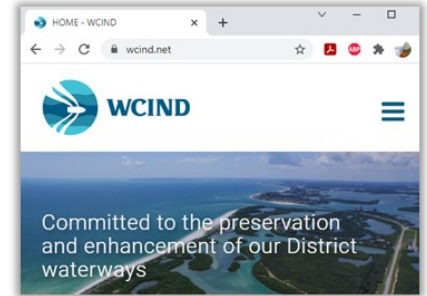


Position Restructure

In an effort to bolster staff development and retain institutional knowledge, the Project Manager position was transitioned to Assistant Executive Director.

New Branding Strategy and Website

The WCIND branding strategy and website were updated in an effort to increase public awareness regarding its mission and work in Southwest Florida. Efforts were made to ensure that the American with Disabilities Act (ADA) guidelines were included in both the branding strategy and our website.



Technological Advances



The District has endeavored to adopt new technologies that improve efficiency, transparency, and customer response. These have included a new GIS platform, new record-keeping software, and a new phone system to replace the existing 20-year old system. In response to the COVID-19 crisis, the District is employing multiple technological strategies to not only maintain daily work flow but also facilitate board meetings and other public meetings that meet the state's legal requirements. The District is also initiating a new automated billing system that will save staff time and integrate processes with its auditor and accountant.

GIS Database

The WCIND has an extensive collection of hard-copy maps from the Florida Department of Environmental Protection (FDEP) and the USACE. This project digitized the paper map collections into geo-referenced layers to create a digital GIS database.

Operational Equipment Upgrades

The District is moving towards balancing its equipment usage and depreciation schedules to maintain a reliable fleet of vehicles, vessels, and other equipment. The last five years have seen the replacement of two of the District's 10-year-old trucks and the addition of a smaller, more fuel-efficient vehicle to the District fleet.

Efforts to Fund a New Operations Facility

Since its inception in 1947, the WCIND has never owned a facility that meets its operational needs. Instead, it has operated out of rented space or has purchased existing buildings designed for other purposes. Due to its age and space limitations, the current office building is no longer adequate to meet the District's operational needs. It was constructed in 1965 as a print shop. Every District Board meeting, regional training, and state-required public meeting must be held in rented or borrowed space, subject to availability and additional cost. The District is seeking \$2 million from the State of Florida for construction of a new operations facility. This action has the support of all four-member County BOCCs, and the District has received letters of support from the Florida Association of Special Districts, the Marine Industries Association of Florida, the Southwest Florida Marine Industries Association, and the Tampa Bay Marine Industries Association. The funding request was presented to all four legislative delegations. Senator Joe Gruters and Florida Representative Adam Botana are sponsoring the funding request.



District accomplishments span the areas of navigation, marine law enforcement, boating recreation, boating safety/education, environmental education, and environmental protection, as summarized in Figure 2.

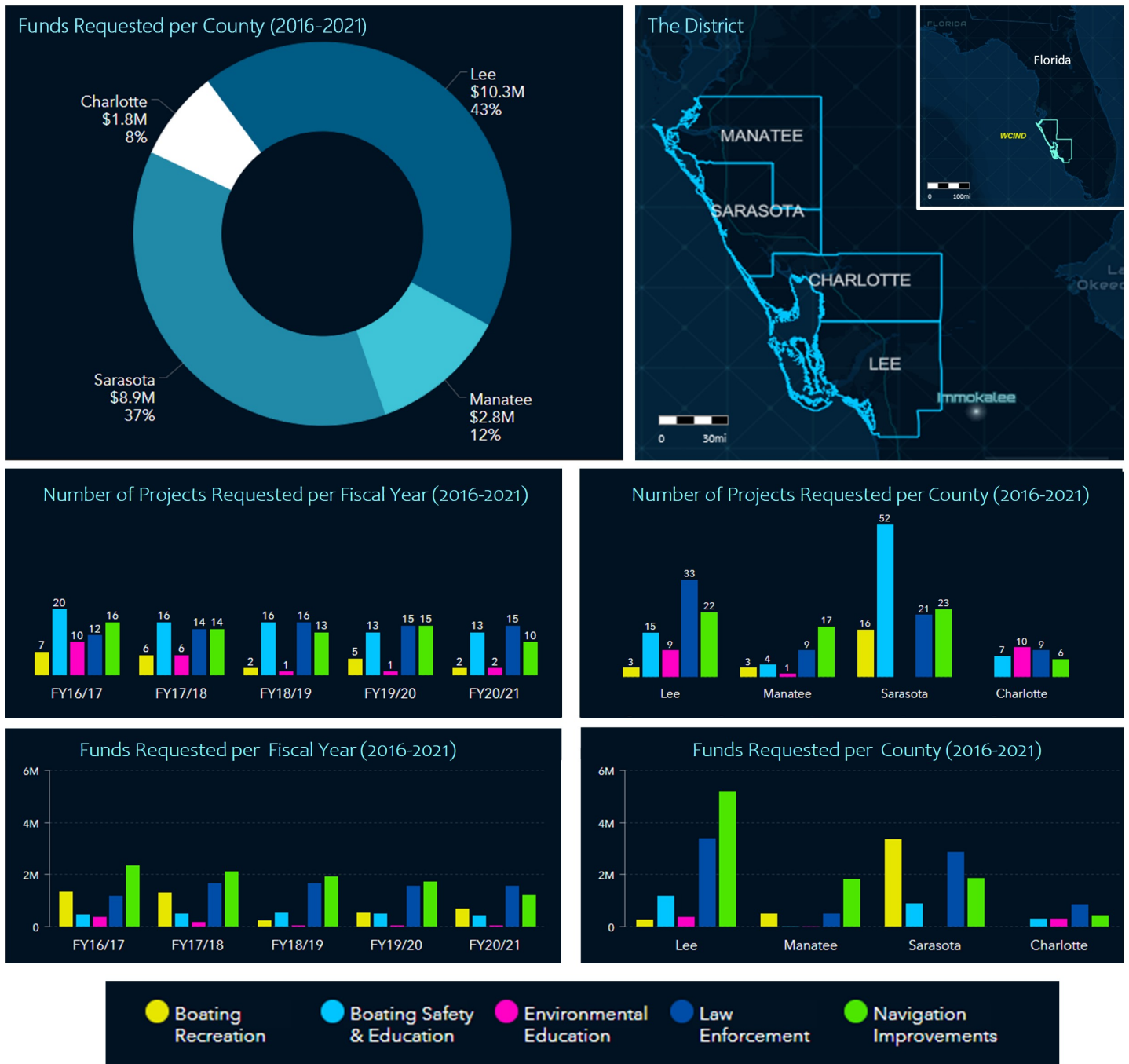
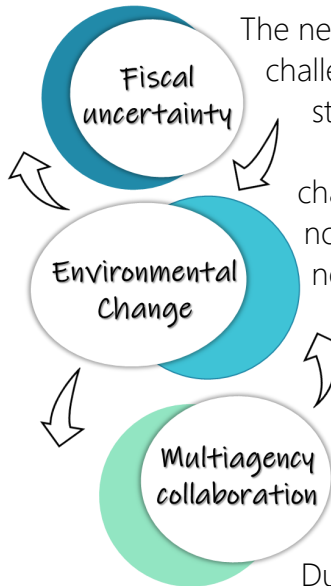


Figure 2. Projects requested per county and fiscal year. For additional detail, click on the graph to go to its interactive version.

Opportunities for 2022 — 2027



The next five years undoubtedly will hold many challenges and opportunities for local, regional, and state agencies as they continue to manage our vital Southwest Florida waterways. Many challenges can be anticipated, while some may not be. The previous strategic plan certainly did not contemplate a worldwide epidemic that nearly shut down the global economy.

Expected challenges include continued fiscal uncertainty associated with changing political ideologies in the United States, the unknown complexities of environmental change, and the dynamics of collaborating with agencies that have differing mandates and scales of interest.

The key to creating a Strategic Plan with the resiliency to be successful when faced with anticipated and unanticipated challenges is to integrate flexibility and collaboration.

During this next planning period, the WCIND will continue to work in collaboration with partners and stakeholders to overcome economic and bureaucratic hurdles and maximize the efficiency and effectiveness of joint programming.

During the next five years...

the WCIND will work with its partners to implement creative, bold, and integrative approaches to overcome future challenges and to fulfill its mission.

The District's coastal waterways and infrastructure, along with the funding provided for their management, constitute a public trust managed by the WCIND and its Board of Commissioners. To sustain that trust and maintain the clarity of the WCIND mission will require continued institutional transparency and a thorough accounting of financial benefits and costs. The WCIND, by managing and operating projects efficiently and conscientiously, has demonstrated its ability to help improve the region's economic and environmental sustainability by continuing to maintain its waterways. The WCIND will continue efforts initiated under the previous strategic plan to document and publicize the cost savings, improved safety, and environmental and economic benefits that stem from its efforts.

The District will continue to seek out opportunities to collaborate not only with its member counties but also with trade associations, municipalities, and agencies within the District, state-wide agencies, and other organizations that have similar or complementary missions.

Under the previous strategic plan, the WCIND made it a priority to explore alternative ways to augment its traditional funding source: the assessed millage contributions of member counties. This effort succeeded as the WCIND received both federal and state grant funding. As the political and environmental landscape in Florida continues to evolve, the WCIND will continue seeking supplementary funding to add value to its planned programs.

The WCIND will continue to focus on its legislated purpose: facilitating the planning, management, and maintenance of the GIWW and its associated network of critical navigational infrastructure. To do so will require accurate and up-to-date information about biophysical and socioeconomic conditions that pertain to the District. The WCIND often relies on scientists and other professionals for advice as it develops plans, makes decisions, and creates policy. In doing so, it works with collaborators who use current and proven scientific methods. Examples include the following:

- The Geographic Information System Project —The District has collaborated with the University of Florida for the creation of a GIS platform that allows District staff to better manage all aspects of District operations. This system is continually updated with new data as it becomes available.
- Dredge Material Management Assessment —The WCIND also worked with one of the state’s most well-respected engineering firms to develop the Dredge Material Management Plan (DMMP), which allows the District to plan for maintenance of the GIWW on a 50-year horizon. This plan includes shoaling rate projections and an inventory of all District properties and spoil easements. This data is used in long-range planning not only by the District but by the USACE as well. District staff meet annually with consultants and the USACE to see if there are data needs to ensure continued productive use of the plan. Updates to the DMMP will coincide with the five-year strategic plan update. The WCIND will continue to rely on sound information provided by qualified scientists and professionals.

High quality, scientifically based information is an important resource that enables the WCIND to achieve its goals with greater confidence, accuracy, and efficiency.

To make effective decisions, the WCIND and its partners must collaborate in ways that promote effective communication and establish positive, long-term working relationships. While the numerous benefits that derive from constructive collaboration are difficult to assess, ignoring the important role these efforts play would undermine the ability of institutions to serve their constituencies effectively. The WCIND’s multi-county composition provides it with a unique and important role among local, state, and federal agencies that allows it to respond to local needs while coordinating with broader-scale concerns. During the next five years, the WCIND will continue to work to improve the efficiency of all District activities and processes to meet the goals and objectives of local, state, and federal agencies. The WCIND welcomes potential partnerships from agencies with an interest in working together to achieve shared goals.

The continued prosperity of the District depends on the ability of the WCIND and its partners to efficiently manage critical coastal resources, such as navigation channels and waterway access points, while addressing important security and safety issues and ecological concerns. While economic and environmental changes are not always predictable, it is probable that disturbances will occur that are widespread, sudden, or even catastrophic. This was the case with the COVID-19 pandemic, which also had the unexpected effect of increasing public demand on District waterways. Boat ownership and use of waterways expanded to historically high levels, further reinforcing the fact that safe and effective navigation and public access to area waterways are undeniably vital to the District’s economic and cultural welfare.

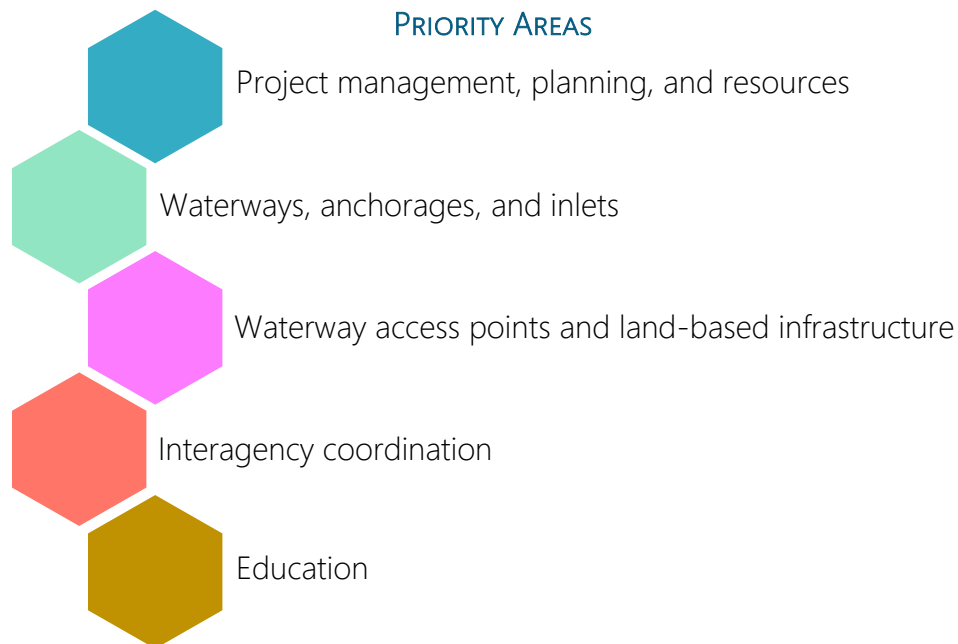
Resiliency determines the extent to which the District can recover from and adapt to change so that the coastal infrastructure remains functional, productive, and ecologically viable. By increasing its resiliency as an institution, the WCIND will improve its ability to adapt to changes. Taken together, the above elements of creative thinking, alternative funding strategies, sound scientific information, positive collaborative relationships, and benefits accounting will strengthen the WCIND’s resiliency and its ability to manage adaptively.

Priority Areas

Since its inception, the District has served Southwest Florida as the local sponsor for the construction, maintenance, and operation of the GIWW to facilitate public boating and navigation. The tremendous growth in Southwest Florida requires that the District also provide leadership in waterway resource-based stewardship and comprehensive waterway planning.

The District's priority areas reflect a pro-active and comprehensive management approach to addressing the increasing number of boats, the diversity of water-based recreation, and their impacts on Southwest Florida's natural resources.

The 2022–2027 priority areas of the strategic plan have been updated to better fit the District's current and future needs.



Each of the five priority areas are described in depth in the following sections.



Priority Area 1

1

Project Management, Planning, and Resources

The WCIND regularly manages projects related to the maintenance and management of District waterways. As such, it has accumulated knowledge and experience about the idiosyncrasies of coastal permitting and how best to cost-effectively manage complex projects while minimizing costs. As a result, the WCIND often can often manage and complete projects with lower administrative cost than can private consultants, better serving the public interest.

During the next five years, WCIND staff, working with county, state, and federal agencies, will continue to monitor and strive to improve the District's management and planning processes. Furthermore, WCIND employees will continue to improve their capacity to manage coastal infrastructure projects and reduce costs.

The District will continue to work with its member counties and regional partners to demonstrate the beneficial role that properly managed waterways and waterway infrastructure can play in supporting regional and county-led efforts to support a healthy coastal environment and economy, and in strengthening resilience to new and growing threats from water quality hazards, such as harmful algal blooms, and from threats to maritime infrastructure from rising sea levels.

The WCIND relies on information to achieve its mission. It is imperative that the WCIND be accurately informed about changing biophysical and socioeconomic conditions that influence District counties, such as population and environmental changes that affect resource use. Scientific information is a critical component of a knowledge-based decision-making process. During the next five years, the WCIND will continue to increase its knowledge about advances in dredging and waterway management methods and techniques. In addition, since economic conditions and waterway environments continually change, the WCIND recognizes the need to meet periodically with its partners to review its strategic plan and update it as needed.

The WCIND's statutory authority to harness financial resources allows to fulfill its legislative mandate. Maximizing the efficient use of monetary assets is an important service provided to the public by the WCIND. The WCIND will monitor and evaluate the time and cost associated with its projects and activities, work to broaden the basis for cost-sharing projects, and search for new funding sources and partnerships to offset project costs.

1. PROJECT MANAGEMENT, PLANNING, AND RESOURCES –GOALS AND STRATEGIES

1.1 Position the District to make the most of federal and state funding opportunities.

1.1.1 Document the economic benefits derived from commercial and recreational boating and related activities in the region.

1.1.1.1 Support appropriate District-wide economic studies to determine the benefits derived from maintaining and enhancing public waterways and infrastructure for recreational and commercial boating and attendant activities.

1.1.1.2 Publish and distribute reports highlighting the benefits of District projects..

1.1.1.3 Work with the USACE and federal legislative representatives to fund GIWW project through federal appropriations or other federal funding programs.

1.1.2 Ensure the financial efficiency, added value, and improved quality of District services.

1.1.2.1 Monitor, evaluate, and reduce the time and cost associated with WCIND projects and activities.

1.2 Maximize the WCIND's ability to finance projects and activities.

1.2.1 Broaden the basis for cost sharing on WCIND projects and activities.

1.2.1.1 Identify and seek out existing and potential federal and state funding mechanisms for WCIND projects and activities.

1.2.1.2 Identify the federal and state legislative and/or administrative history of existing statutory and administrative funding mechanisms to establish the basis for the exclusion (or inclusion) of WCIND projects and activities.

1.2.1.3 Determine and seek appropriate changes in statutory language or administrative interpretations that will accommodate funding of WCIND projects and activities.

1.2.2 Ensure that the financial efficiency, added value, and improved quality of District services.

1.2.2.1 Monitor, evaluate, and reduce the time and cost associated with WCIND projects and activities.

1.3 Ensure that the WCIND has the resources to fulfill its responsibilities as local sponsor.

1.3.1 Implement dredged-material best management practices and planning.

1.3.1.1 Continue to use and update the DMMP.

1.3.1.2 Evaluate future waterway dredging and upland resource needs using the DMMP.

1.3.1.3 Identify and evaluate local, state, and federal processes that affect WCIND operational capabilities and activities.

1.3.1.4 Work with external agencies and other partners to improve processes that affect WCIND operational capabilities.

1.4 Maintain currency in information that is relevant to the WCIND mission.

1.4.1 Research and gather information about current conditions (biophysical and socioeconomic) that are relevant to the district.

1.4.1.1 Evaluate District and member County need for baseline inventory features including: (a) boat locations and characteristics; (b) channel bathymetry; (c) signs; (d) boating and waterway infrastructure; and (e) bio-physical waterway characteristics.

1.4.1.2 Acquire current parcel and shoreline information from member counties, and compile contemporary digital imagery from water management districts, member counties, and other sources.

1.4.2 Incorporate advances in methods and techniques related to dredging and waterway management.

1.4.2.1 Use the most advanced methodologies and technologies available in data collection and analysis to generate regional waterway management analyses.

1.4.3 Consolidate information relevant to WCIND activities and operations, and transfer it into modern, useable format (e.g., aerial imagery, charts, deeds, files, maps, surveys, and parcels).

1.4.3.1 Maintain and update relevant geo-spatial data.

1.4.4 Acquire historical photography and documents to support project planning and permit applications.

1.4.4.1 Determine waterway conditions (pre-development shoreline, improved and natural canal systems) from historical photography, and digitize into geo-spatial data layers.

1.4.4.2 Scan historical permits into the District's geographic information management system.

1.4.5 Coordinate the distribution and acquisition of geographic information with member and adjacent counties and stakeholder agencies.

1.4.5.1 Catalog and make available a resource center and clearing-house to member and adjacent counties.

1.4.5.2 Include boater safety information, regional waterway management GIS data, and historical waterway information in on-line and/or catalogued information resources.

1.4.5.3 Update existing publications as interactive online resources (e.g., historical geography of southwest Florida waterways series; anchoring guides) for community outreach and education.



1.5 Integrate the goal of beneficial environmental outcomes into dredged material management decisions.

1.5.1 Continue to optimize the beneficial re-use of dredged material where economically, environmentally, and logistically feasible.

1.5.1.1 Work with member counties, regional partners, and research institutions to review priorities for beneficial re-use applications, and formalize the decision process for determining when and where to deploy dredged material.

1.5.2 Work with member counties, state and regional partners, and research institutions to identify, map, and strategically address nutrient-enriched sediments (legacy nutrients), if requested.

1.5.2.1 Cooperate with research institutions to investigate the costs and benefits of nutrient-enriched material removal, re-use, and disposal in Southwest Florida.

1.6 Maximize environmental benefits that can result from regional waterway management.

1.6.1 Explore the potential to modify dredge cut depth, width, contours, and timing to enhance water quality improvement and environmental benefits.

1.6.1.1 Research and measure the environmental, economic, and logistical costs and benefits of different channel cut designs and schedules across the regional waterway system, including permitting considerations.

1.6.1.2 Consider water circulation outcomes, such as enhanced flushing, that may be beneficial to local ecosystems, aquaculture, or other elements of project development and design.

1.6.1.3 When feasible, continue to schedule dredge projects to occur within ecological windows of opportunity, and monitor the literature for advances in the science as it relates to optimizing ecological windows.

1.7 Integrate waterway management into regional coastal resilience/hazard-reduction Planning.

1.7.1 Engage in regional climate resilience planning efforts as they relate to waterways and waterway infrastructure.

1.7.1.1 Cooperate with those member counties and regional partners conducting vulnerability assessments to ensure consideration of the effects of sea level rise and climate change on WCIND and member county waterway infrastructure.

1.7.1.2 Partner with research institutions to research the dredging channel network designs best able to mitigate the impacts of storm surge and sea level rise impacts on local infrastructure and natural systems.

Priority Area 2

2

Waterways, Anchorages, and Inlets

Recreational boating and fishing make significant contributions to the southwest Florida economy, but depend on healthy, high-quality environments and safe and adequate access to navigable waters.

The WCIND is mandated to maintain, enhance, and, where necessary, modify waterway infrastructure by engaging in activities that include channel dredging, marking channels, and removing derelict vessels and submerged hazards (e.g., broken pilings, rocks, and debris). The WCIND also helps to maintain ancillary structures linked to waterways, such as jetties, groins, bridges, channel markers, and signs.

The regional waterway management framework used by the WCIND helps it increase waterway accessibility and navigability, while maintaining environmental quality.

The WCIND strategy is to identify, on a regional basis, where dredging can improve navigable access and minimize negative impacts to submerged resources. Surgical dredging enhances navigation, safety, and resource protection by removing only the amount of material necessary to allow safe passage for a portion of the local fleet of vessels.

The WCIND will continue to sponsor projects that maintain safe navigation through District inlets and maximize the longevity of inlet navigation improvements. Efforts also will be made to increase understanding about new inlet management methods that help to maximize their longevity.

The WCIND also responds to emergency situations affecting waterway safety and navigation by reestablishing navigation markers and removing debris.



2. WATERWAYS, ANCHORAGES, AND INLETS –GOALS AND STRATEGIES

2.1 Maintain safe, navigable, and accessible waterways, inlets, and anchorages.

2.1.1 Install and maintain channel markers and manatee zone signs.

2.1.1.1 Assist counties with navigation improvement programs and permitting of signs and channels.

2.1.2 Maximize the effectiveness of channel markers and other aids to navigation.

2.1.2.1 Work with counties, the Florida Fish and Wildlife Conservation Commission, USACE, and the US Coast Guard to examine the effectiveness of the spatial layout and locations of aids to navigation, speed zones, and channel enhancements to improve safety, and boater compliance, and to reduce impacts to seagrass.

2.1.3 Perform waterway dredging efficiently, and enhance environmental compatibility when able.

2.1.3.1 Assist Counties with waterway dredging projects as requested.

2.1.3.2 Coordinate GIWW dredging needs with federal partners to ensure the GIWW remains safe and navigable.

2.1.3.3 When feasible, use methods, technology, and equipment that help minimize the environmental impacts of dredging, and monitor the literature and industry best practices for advances to improve ecological function.

2.1.4 Implement general navigation improvements.

2.1.4.1 Assist counties with navigation improvement projects as requested.

2.1.5 Provide information to member counties regarding the development of mooring, anchorage, and harbor management programs.

2.1.5.1 Encourage efforts to ensure that mooring fields, anchorages, and harbors are managed in a consistent manner.

2.1.5.2 Provide technical assistance to member counties in applying for special anchorage designations by the U.S. Coast Guard, where appropriate.

2.2 Position the WCIND to assist member counties with derelict-vessel issues within its boundaries.

2.2.1 Remove derelict vessels in a timely fashion as requested by member Counties.

2.2.1.1 Maintain a list of qualified contractors for removal operations District-wide.

2.2.1.2 Work with partners to find effective ways to reduce the number of derelict and abandoned vessels in district waters.



2.2.2 Maintain a working knowledge of the rules and regulations relevant to anchorages, and to derelict and abandoned vessel.

2.2.2.1 Provide training and information to all District law enforcement personnel on rules, regulations, and best management practices regarding derelict and abandoned vessels.

2.2.2.2 Continue to develop and refine rapid vessel removal procedures for each member county.



Longboat Key Police
YourObserver.com

2.3 Respond rapidly to emergency situations affecting waterway safety and navigation.

2.3.1 Assist coastal communities to prepare for and recover from natural disasters and other waterway-related emergencies.

2.3.1.1 Identify risk and vulnerability of anchorages, waterways, and inlets to the impacts of large-scale hazards through DMMP assessment.

2.3.1.2 Assess the applicability of FEMA assistance programs, and implement reimbursement procedures.

2.3.1.3 Ensure the District has reserved funds to respond rapidly to clear and repair waterway systems in the event of a major storm or other large-scale event that impacts navigability.

2.4 Assist member counties in maintaining safe navigation through District inlets where appropriate.

2.4.1 Document inlets conditions and associated beach erosion from existing public survey sources.

2.4.1.1 Review existing and alternative state-of-the-art methods to better link inlet management with beach renourishment and to identify those design guidelines where the benefits are the most cost-effective and mutually reinforcing.

2.4.2 Ensure that inlet and beach renourishment efforts conducted by the District reflect a coordinated regional approach and account for natural tidal processes.

2.4.2.1 Work with District partners to coordinate inlet management and associated monitoring efforts.

2.5 Maximize the longevity of inlet navigation improvements carried out by the District.

2.5.1 Adopt inlet management techniques proven to increase the longevity of navigation projects.

2.5.1.1 Utilize and share a feasibility study on 10 of the inlets in the WCIND to evaluate the potential development of flood shoal sand traps within the inlet systems considered eligible for cost sharing by the FDEP.

2.5.1.2 Attend Florida Shore and Beach Preservation Agency meetings and other applicable seminars and conferences on beach renourishment to maintain institutional knowledge of best practices and innovation.

Priority Area 3

Waterway Access Points and Land-based Infrastructure



The WCIND continually works with its member counties and partners to maintain safe navigational access to public marinas, boat ramps, and docks. In order to maintain District waterways, the WCIND relies on land-based infrastructure that includes spoil islands, upland properties, and pipeline easements. The upland properties serve as secure and safe locations to store and maintain equipment.

Fundamental to a viable waterway transportation system are locations to provide boaters with safe access to waterways from the land.

The District also helps maintain ancillary infrastructure connected to the waterway system, such as weirs, jetties, groins, bridges, and signs. The public waterway access points within the District and the WCIND's land-based and ancillary infrastructure are important elements of a regional waterway management framework.

The District's will continue to meet the responsibilities of its legislative mandates to keep the region's waterways and ancillary infrastructure open and safe for commercial traffic, and for the continued use and enjoyment of thousands of pleasure boaters.



3. WATERWAY ACCESS POINTS AND LAND-BASED INFRASTRUCTURE –GOALS AND STRATEGIES

3.1 Ensure the safety and security of WCIND properties and ancillary infrastructure.

3.1.1 Identify, prioritize, and manage the safety and security needs of District properties and ancillary infrastructure.

3.1.1.1 Maintain accurate records of deeds, property sales, transfers, and other relevant transactions for all district properties.

3.1.1.2 Continually assess the safety and security needs of District properties and ancillary infrastructure.

3.1.1.3 Evaluate options for and legal restrictions on improving site security and safety (e.g., review city and county ordinances with respect to fencing, lighting, setbacks, and variances).

3.1.1.4 Enlist law enforcement services to patrol District properties when needed.

3.1.2 Maintain District properties and ancillary infrastructure.

3.1.2.1 Remove debris and trash, and reduce other potential hazards (e.g., control mosquitoes, by clearing invasive or tall vegetation).

3.1.2.2 Respond quickly to adjacent landowners' requests for information and clarification.

3.2 Promote adequate and safe access to District waterways and appropriate land-based facilities.

3.2.1 Identify safety and security issues and requirements for District properties as they relate to public access and recreational use.

3.2.1.1 Evaluate liability and Americans with Disabilities Act requirements for public access to District properties.

3.2.2 Evaluate the suitability of District properties for public recreation.

3.2.2.1 Evaluate legal issues related to opening District properties for recreational use.

3.2.2.2 Identify properties that could accommodate recreational use, and identify uses that are most appropriate to selected sites.

3.2.2.3 Coordinate with USACE to identify possible surplus properties and follow Board Policy for disposition of surplus property.

3.2.3 Continue incorporating the District archival information (scanned or electronic) into a GIS database.

3.2.3.1 Maintain an inventory of District properties, including spoil islands, showing property boundaries and physical and biological characteristics.

3.2.3.2 Link geo-referenced infrastructure data layers with scanned archival information.

3.2.4 Continue to seek funding for a new District Operations Center.

3.2.4.1 Coordinate with member counties on seeking funding through the State of Florida Budget.

3.2.4.2 Seek federal funding opportunities.

3.2.4.3 Work to find innovative funding alternatives.

Priority Area 4

Interagency Coordination



A high level of coordination between the District and local, state, regional and federal entities will be maintained and enhanced to ensure that waterway management efforts provide long-term security for protection of public investments and natural environments.

Achieving sustainable use of District waterways requires a level of coordination among agencies that transcends political boundaries, bureaucratic hurdles, and narrow agency jurisdictions.

The WCIND is authorized to enter cooperative agreements with federal, state, and local partners. As such, it coordinates closely with federal, regional, state, and local partners to sustain its essential navigation functions and, where possible, enhance coastal environments. Proper and timely coordination with partner and collaborating organizations strengthens the ability of the WCIND to facilitate waterway planning and management activities.

Important elements of a coordinated regional management approach for sustainable waterways include anticipating the need for coordination, identifying and establishing common goals among coordinating entities, and negotiating appropriate protocols.

Coastal security (of its properties and waterway infrastructure) is a priority goal of interagency cooperation for the WCIND. The security of inland waterways and ancillary infrastructure is of special significance to the State of Florida, given the geographic location, extent, and porous nature of the coastline. Coastal communities, ports, and inland waterways must be protected from both natural and human-induced events. The WCIND will continue to collaborate with law enforcement and emergency providers to protect and safeguard District waterways.

To facilitate security and address other planning priorities, the WCIND will require coordinated legislative support with stakeholders, decision-makers and collaborating management agencies at local, state, and federal levels. Without such support, the WCIND will not be able to fulfill its legislative mandate.



4. INTERAGENCY COORDINATION –GOALS AND STRATEGIES

4.1 Position the District to receive State and Federal permits in a timely fashion.

4.1.1 Pursue opportunities to increase the number of projects that qualify for a general permit or permit exemptions.

4.1.1.1 Use historical photography and documents to support permit applications.

4.1.1.2 Continue to work with the FDEP and USACE to seek opportunities for general permits and for streamlining permits for recurring District activities.

4.1.1.3 Continue to work with state and federal partners to streamline the permitting process.

4.1.2 Promote cooperative agreements with similarly situated agencies and waterway districts to establish the economic rationale for elevating recreational boating to a high-priority issue for federal authorization of and cost sharing on waterway management projects.

4.1.2.1 Coordinate with the USACE to allow the District to supplement, and be reimbursed for funding of, federally authorized projects, or to substitute local funding for those designed/permitted projects that maybe under-funded or un-funded.

4.2 Coordinate with local, state, and federal legislators to maintain support for district programs and activities.

4.2.1 Communicate the needs of the District and its member Counties to Federal and State lawmakers.

4.2.1.1 Maintain an active Contributed Funds Agreement with the USACE in Jacksonville (five-year cycle).

4.2.1.2 Work with the USACE and federal legislative representatives to fund GIWW projects through federal appropriations or other federal funding programs.

4.3 Collaborate with law enforcement and emergency providers to protect and safeguard the coastline and inland waterways.

4.3.1 Implement a data-driven process to support collaboration.

4.3.1.1 Identify and prioritize waterway and related infrastructure that requires protection or is a hazard or security risk.

4.3.1.2 Coordinate (meet) with relevant federal, state, regional, and local agencies to identify security and safety issues and needs and to establish a collaborative framework for implementing steps to ensure the security of District coastline and inland waterways.

4.3.1.3 Host Law Enforcement forums to disseminate information and promote inter-agency communication regarding derelict vessels, safety issues, and navigation priorities.



4.4 Promote partnerships with governmental and non-governmental organizations to facilitate waterway planning and management.

4.4.1 Encourage member and adjacent counties, and other appropriate governmental entities, to incorporate Regional Waterway Management into their comprehensive planning efforts.

4.4.1.1 Promote cooperative agreements with Florida Inland Navigation District and other similarly situated navigation districts to promote common goals, such as enhanced access to federal funding, and cost-sharing opportunities.

4.4.1.2 Explore partnerships with Glades and Hendry counties to improve the navigability, environment, and management of the Okeechobee Waterway and Upper Caloosahatchee River systems.

4.4.1.3 Initiate discussions with Collier County to stimulate future county participation in District programs.

4.4.2 Seek agreements with USACE and FDEP to evaluate and prioritize sediment management and inlet management projects.

4.4.2.1 Pursue "Cooperative Funds Agreement" or CFA to allow the District to participate in federally authorized project management.

4.4.3 Strengthen ties with local boating groups and Marine Industries Associations.

4.4.3.1 Promote environmental stewardship and safe boating through partnerships with the Southwest Florida Marine Industries Association, Tampa Bay Marine Industries Association, Florida Marine Contractors Group, Coastal Conservation Association, and other similar organizations.

4.4.4 Coordinate the distribution and acquisition of geographic waterway information with member and adjacent counties and stakeholder agencies.

4.4.4.1 Catalog and make available a resource center and clearinghouse to member and adjacent counties.

4.4.4.2 Ensure that on-line and/or digitally catalogued information includes boater safety, regional waterway management GIS data, and historical waterway information, if economically and technologically feasible.

4.4.5 Strengthen the collaborative partnership between the district and academic institutions.

4.4.5.1 Identify and collaborate with academic personnel who work on issues pertinent to and benefiting the WCIND.



Priority Area 5

5

Education

Education to promote safe boating and environmental stewardship is an important component of the WCIND's mandate and its programmatic activities.

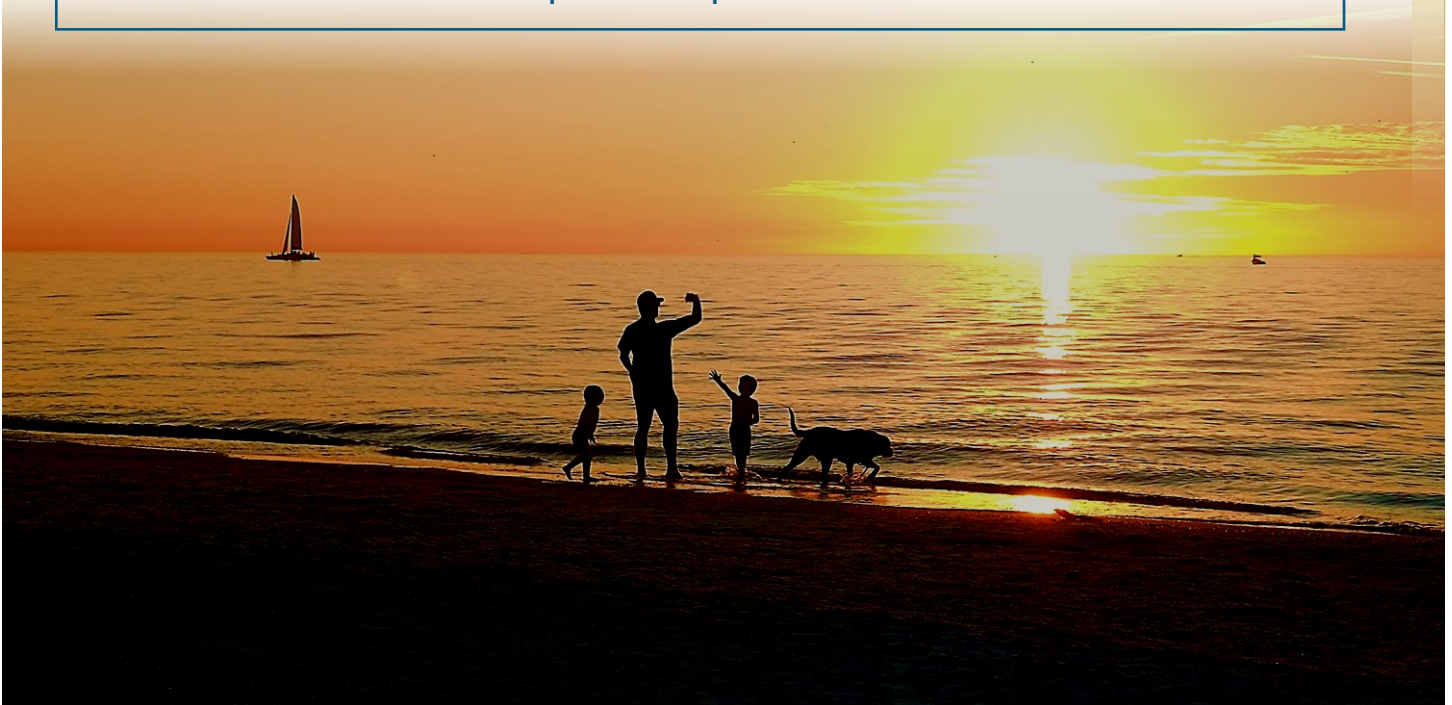
Programs that the WCIND sponsors stress the ecological aspects of waterways; promote efforts to encourage safe boating, environmental understanding, and stewardship; and encourage non-regulatory approaches to motivate voluntary compliance with existing regulations.

WCIND-sponsored actions related to this priority area include the following:

- Developing and installing boater education signs at public boating facilities;
- Distributing of products that promote safe boating and appreciation for waterway environments;
- Furthering the understanding of waterway development history and the safeguards needed to maintain a healthy environment and thriving coastal communities through safe and responsible navigation.

The WCIND will continue its efforts in this priority area by collaborating with partners and sharing resources.

The WCIND also distributes boating guides, waterway maps, and other resource and information publications with an emphasis on use and stewardship of our precious marine resources.



5. EDUCATION –GOALS AND STRATEGIES

5.1 Promote safe boating and navigation.

5.1.1 Increase public awareness of and access to existing waterway resource information.

5.1.1.1 Make regional waterway management and boater information available to the public through the development of web-based applications and mobile apps that allow waterway management atlases and boaters' guides to be displayed and downloaded from the internet.

5.1.1.2 Make boating safety and environmental information available to the public through a resource library of print and digital materials.

5.1.2 Evaluate the effectiveness of signs and navigation aid programs.

5.1.2.1 Assist in efforts to monitor the effectiveness of speed zones and channel enhancement in improving boater compliance and reducing seagrass impacts.

5.1.3 Support boating workshops for the public, resource managers, and policy-makers.

5.1.3.1 Sponsor and participate in waterway and anchorage management conferences.

5.2 Promote community recognition that dredged material is a valuable reusable resource.

5.2.1 Promote the distribution of information to the public that explains the positive aspects of dredging (i.e., to maintenance and enhancement of waterways and reduced environmental impact) and its many community uses.

5.2.1.1 Work to ensure that communications with the public and media outlets reflect a balanced view and a positive perspective of the nature of dredged material as a community resource.

5.2.2 Obtain regulatory agency feedback, and disseminate information to the general public, regarding upcoming dredging projects and waterway maintenance activities.

5.2.2.1 Develop a communication policy for notifying community members affected by upcoming WCIND projects.

5.2.2.2 Coordinate with appropriate regulatory agencies on upcoming dredging projects and waterway maintenance activities.

5.3 Promote environmental stewardship within the coastal and boating communities.

5.3.1 Increase public awareness of sensitive marine habitats through information dissemination including signage, public service announcements, and targeted literature.

5.3.1.1 Within each major estuary area, assist member counties in the development of signs designed for individual boat ramps and marinas showing how to avoid damage to local seagrass beds, as well as the locations of oyster beds and other fragile habitats, as requested by resource managers.

5.3.1.2 Work with member counties and marinas to place and maintain educational signs.





5.3.2 Develop educational products that foster environmental stewardship.

5.3.2.1 Determine need for an updated guide to District waterways that represents the waterways as a comprehensive regional transportation system.

5.3.2.2 Work with partner agencies to develop public service announcements for radio and/or TV that discuss boating safety tips and eco-friendly boating practices as requested by member counties.

5.3.3 Promote environmental stewardship to first-time boat buyers and boaters who are new to the coastal community.

5.3.3.1 Work with local marine industries to develop and promote new boater education programs and resources at boat shows and dealerships though.

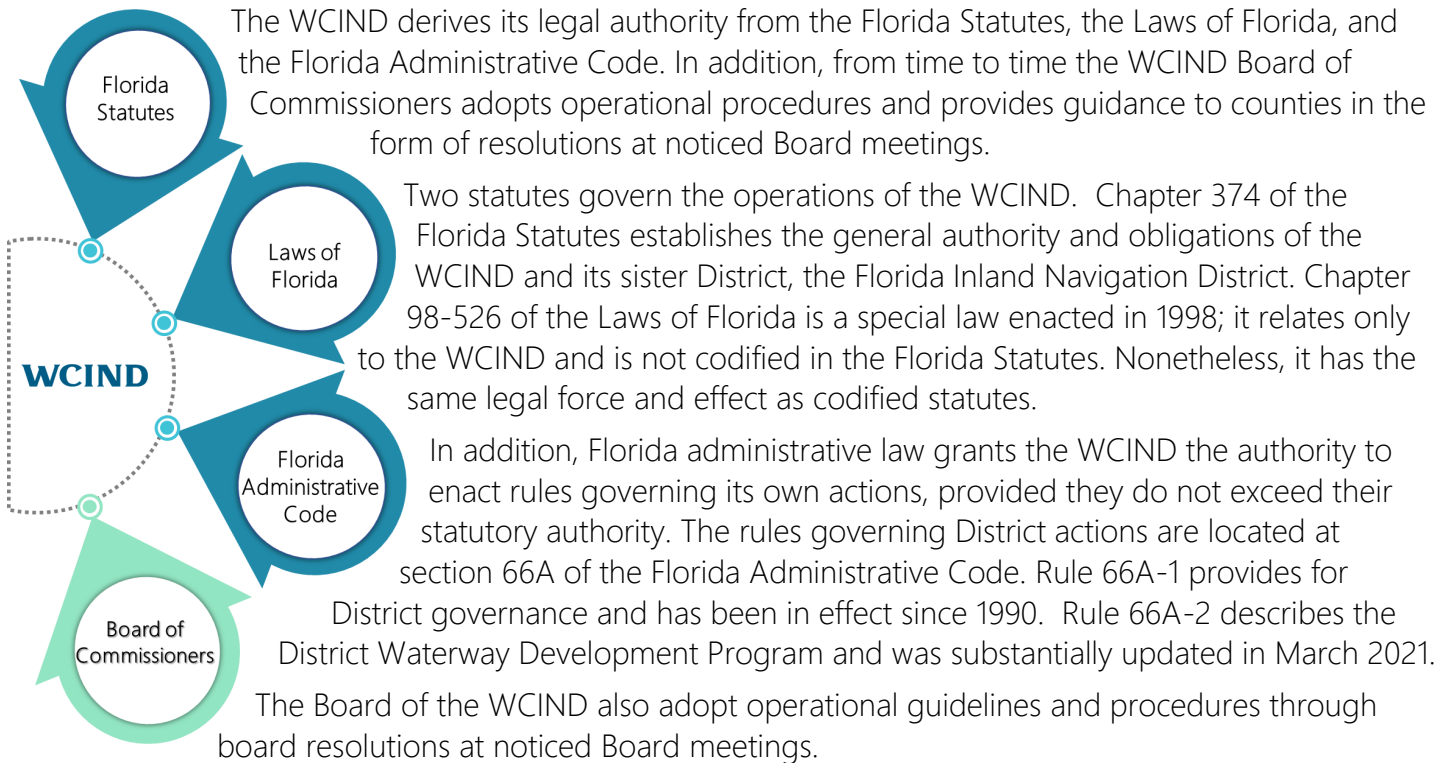
5.4 Promote awareness and understanding of District accomplishments and programming benefits.

5.4.1 Maintain open and accessible lines of communication with local media outlets and County Public Information Officer's.

5.4.1.1 Prepare media statements publicizing District projects.

5.4.1.2 Complete and distribute videos highlighting the District's purpose and function and county-specific projects.

Legislative Mandates



Each of these sources of legal authority is provided below.

I. FLORIDA STATUTES SECTION 374.975: NAVIGATION DISTRICTS; WATERWAYS DEVELOPMENT

Section 374.975, Florida Statutes (F.S.) serves as the authorizing statute for WCIND to serve as the “local sponsor” to federal projects associated with the nation’s inland waterways. In addition, Section 374.975 provides the authority to operate and maintain non-federal public navigation channels authorized by the State of Florida. This statutory authority is recounted verbatim from the statute below.

F.S. 374.975(1) The Legislature hereby recognizes the continuing need for inland navigation districts to undertake programs necessary to accomplish the purposes of construction, maintenance and operation of Florida’s inland waterways pursuant to s. 107 of the federal River and Harbor Act of 1960, 33 U.S.C. s. 577, and that it is in the public interest for inland navigation districts to operate and maintain the intracoastal waterway and any other public navigation channels authorized by the Board of Trustees of the Internal Improvement Trust Fund.

F.S. 374.975(2) The Legislature hereby directs all inland navigation districts to undertake, as outlined in this act, additional programs designed to

alleviate the problems associated with the districts’ waterways.

F.S. 374.975(3) The Florida Inland Navigation District and the West Coast Inland Navigation District are directed to develop long-range plans for maintenance of the intracoastal waterway and for spoil disposal.

History—s. 1, ch. 85-200; s. 29, ch. 87-225; s. 1, ch. 90-264; s. 16, ch. 95-146; s. 1, ch. 2008-40.

F.S. 374.976(1) Each inland navigation district is empowered and authorized to undertake programs intended to alleviate the problems associated with its waterway or waterways, including, but not limited to, the following:

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

b) It is the intent of the Legislature that the district may sponsor or furnish assistance and support to member counties and local governments within the district in planning and carrying out beach renourishment and inlet management projects. Such assistance and support, if financial in nature, shall be contributed only after a finding by the board that inlet management projects are a benefit to public navigation in the district and that the beaches to be nourished have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. Such projects will be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to s. 161.161. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

c) The district is authorized to aid and cooperate with the Federal Government; state; member counties; nonmember counties that contain any part of the intracoastal waterway within their boundaries; navigation districts; the seaports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; and local governments within the district in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects, directly related to the waterways. The district is also authorized to enter into cooperative agreements with the United States Army Corps of Engi-

neers, state, and member counties, and to covenant in any such cooperative agreement to pay part of the costs of acquisition, planning, development, construction, reconstruction, extension, improvement, operation, and maintenance of such projects.

d) The district is authorized to enter into cooperative agreements with navigation-related districts to pay part of the costs of acquisition of spoil disposal sites.

e) The district is authorized to enter into ecosystem management agreements with the Department of Environmental Protection pursuant to s. 403.075.

F.S. 374.976(2) A district that sponsors a program pursuant to this section shall adopt rules to govern the program, pursuant to chapter 120. At a minimum, such rules shall prohibit the encumbrance of funds for a project beyond 3 years following approval of the project and, except for funds provided to enhance public navigation, law enforcement on the waterways, or environmental education projects within its district, shall prohibit financial support unless matching funds are provided by the recipient of such financial support. The district may waive such rules for a project approved in a county that is recovering from a state of emergency declared under chapter 252.

F.S. 374.976(3) Except as provided in subsection (2), all financial assistance and support furnished by the Florida Inland Navigation District and the West Coast Inland Navigation District to member counties and local governments within the districts shall require matching funds. Such matching funds shall be clearly identified and enumerated as to amount and source. Such financial assistance and support, except as provided pursuant to paragraph (1)(a) and except for a project approved in a county that is recovering from a state of emergency under chapter 252, shall not exceed the proportional share of ad valorem tax collections from each county.

History—s. 2, ch. 85-200; s. 2, ch. 90-264; s. 80, ch. 93-120; s. 31, ch. 93-211; s. 141, ch. 96-320; s. 1, ch. 96-425; ss. 1, 2, ch. 98-326; s. 24, ch. 99-5; s. 174, ch. 99-13; s. 2, ch. 2008-40.

F.S. 374.977 The Fish and Wildlife Conservation Commission shall assume the responsibility for posting and maintaining regulatory markers for manatee protection speed zones as posted by the inland navigation districts pursuant to a rule adopted by the commission under s. 379.2431(2). The Fish and Wildlife Conservation Commission may

apply to inland navigation districts for funding under s. 374.976 to assist with implementing its responsibility under this section for maintaining regulatory markers for manatee protection speed zones.

History—s. 6, ch. 90-219; s. 3, ch. 90-264; s. 281, ch. 94-356; s. 6, ch. 2001-272; s. 3, ch. 2008-40; s. 37, ch. 2009-21.



II. LAWS OF FLORIDA: CHAPTER 98-526

Chapter 98-526 of the Laws of Florida was enacted in 1998 as a Special Act of the Florida Legislature. The law repeals, replaces and consolidates a series of prior Special Acts and, in addition to serving as local sponsor for the federal Intracoastal Waterway, provides expanded authority to WCIND to undertake projects and programs related to waterway management in the District, including those with no federal nexus. Chapter 98-526 establishes WCIND as Special Taxing District under Florida law and establishes the governance framework for the District.

L.O.F. 98-526(5)(a) It is the purpose and intent of this act that the board of said district do and perform all things requisite, necessary, or desirable within district boundaries to comply with the requirements and conditions imposed upon "local interests," by the Congress of the United States of America, in its River and Harbor Act approved March 2, 1945, as said act has been and may be from time to time amended, authorizing the improvement and construction, under direction of the Secretary of the Army and supervision of the Chief of Engineers, of an inland waterway in accordance with report submitted by letter of Secretary of War, dated June 22, 1939, Document No. 371, House of Representatives, 76th Congress, 1st Session entitled, "Intracoastal Waterway from

Caloosahatchee River to Withlacoochee River, Florida," and all reports subsequent thereto relating to any change, modification, or expansion of said initial report. In order that said Secretary of the Army and Chief of Engineers may accomplish the work of improvement, adopted and authorized by said act of Congress as the same may from time to time be amended, said board of said district is authorized to obtain by donation, purchase, or condemnation and convey without costs to the United States, the necessary rights-of-way for said project together with suitable areas for the deposit of spoil material in connection with the work and its subsequent maintenance, all as contemplated and required by the Congress of the United States, and those acting by its authority. Nothing herein contained shall be construed to prohibit said board from expending such sums of money as in its discretion may be deemed proper for any purpose authorized, contemplated, or required to carry out any work authorized by any acts of Congress.

L.O.F. 98-526(5)(b) The district may act as a local interest sponsor for any "Section 107, River and Harbor Act of 1960," project authorized and undertaken by the U.S. Army Corps of Engineers, and in this regard may comply with any and all conditions imposed on local interests as part of such project.

L.O.F. 98-526(5)(c) The district may act as a local sponsor of any beach nourishment project in the district approved and undertaken by the U.S. Army Corps of Engineers and/or Florida Department of Environmental Protection or its successor, provided the board of commissioners of the district shall first find that such project, is a benefit to public navigation in the district.

L.O.F. 98-526(5)(d) The district may furnish assistance and support to member counties in planning and carrying out public navigation projects of a purely local or regional nature. Such assistance and support, if financial in nature, shall be granted only after a finding by the board that such project contributes to public navigation in the area in which it is located.

L.O.F. 98-526(5)(e) The district is authorized to participate with any local, state, or federal agencies in research, study, or test programs as to the impact, both physical and biological, of waterway construction, maintenance, and operation, including, but not limited to, erosion, accretion, and marine and shoreline vegetation.

L.O.F. 98-526(5)(f) The district is authorized to assume sponsorship, or to act with other agencies, in environmental restoration and enhancement projects, seeking to protect, restore, and enhance water quality, aquatic habitat, and other marine oriented conservation and environmental values in the navigable waters in the district. Such activities may include studies and work to restore damage to the aquatic environment caused by construction or maintenance of navigation channels, harbors, or similar works.

L.O.F. 98-526(5)(g) The district is authorized to create advisory bodies to assist local governments in the development of county and multi-county anchorage management programs.

L.O.F. 98-526(5)(h) The district is authorized to enter into interlocal agreements with adjoining coastal counties to implement the purposes and projects authorized by this act, chapter 374, Florida Statutes, and applicable general law within the boundaries of the cooperating county or counties. The agreement shall also make provision for the continued construction or maintenance of district projects within a cooperating county or counties in the event an agreement is terminated.

L.O.F. 98-526(8)(a) The district shall obtain by gift, donation, purchase, or condemnation and shall furnish to the United States or to the state all required right-of-way as the said board shall determine necessary pursuant to requirements of the United States for constructing and maintaining said inland waterway for the route of construction of said inland waterway as designated and requested from time to time by the Corp of Engineers, U.S. Army, or other proper state or federal agency.

L.O.F. 98-526(8)(b) The district shall acquire by gift, donation, purchase, or condemnation, and shall furnish to the United States required areas for the deposit of spoil material in connection with the work of improving, constructing, and maintaining the aforementioned waterway as requested from time to time by the Corp of Engineers, U.S. Army, or other proper federal agency.

L.O.F. 98-526(8)(c) The district shall obtain by gift, donation, purchase, or condemnation and shall furnish to the United States, any property, property rights, easement, and interest in property, outside of said right-of-way and designated spoil areas that may be necessary for the construction, maintenance, and operation of said canal to be constructed and maintained within said right-of-way by the United States

L.O.F. 98-526(8)(d) The district is authorized to acquire and obtain by gift, donation, purchase, or condemnation and to transfer to the United States such lands, easements, rights-of-way, and spoil disposal areas as may be required to effectuate the purpose and intent of all acts of the United States Congress as heretofore, or hereafter, enacted for the further improvement of said intracoastal waterway, with a view to providing a project depth of 12 feet, more or less, referred to the plane of local mean low water, and a width appropriate to said depth and such other improvements as may be authorized and adopted by the Congress, from time to time, and in connection with the subsequent maintenance of said waterway, as so improved.

L.O.F. 98-526(8)(e) The district is authorized to contract for the purchase of any property acquired by [the District] and to pay the purchase price therefor in installments or deferred payments upon such terms as the board shall determine; said contract may provide for payment of interest as provided by general law.

L.O.F. 98-526(8)(f) The funds to be used for the purchase of right-of-way, spoil areas and other property shall be obtained by said board either

from a tax levy or levies as hereinafter provided, or borrowed upon its obligations as herein provided.

L.O.F. 98-526(9)(a) The district is authorized to exercise the right of eminent domain, and may condemn for the use of said district or other proper public agencies all lands, easements, rights-of-way, areas for deposit of spoil material, and property rights of every description required for the public purposes and powers of said district herein granted. The district is authorized to secure possession of lands, easements, rights-of-way, areas for deposit of spoil material and other property rights, prior to final judgment pursuant to the procedure hereinafter provided. Such condemnation proceedings shall be maintained by and in the name of the West Coast Inland Navigation District, a special taxing district under the laws of the State of Florida, and the procedure shall be that prescribed in chapters 73 and 74, Florida Statutes, and any other procedure as otherwise from time to time is provided by law; and said district and its board is hereby vested with authority to pay any judgment or compensation awarded in any such proceedings out of any funds available for such purposes. The district is authorized to condemn lands owned by public utility companies and governmental agencies, provided no condemnation action may be maintained against a state or federal agency without the consent of such agency

L.O.F. 98-526(14)(a) The district is authorized to assume and relieve the United States from the cost and expense of construction, reconstructing, maintaining, and operating any bridge over said intracoastal waterway, whenever, in the judgment of said board such action is necessary upon its part to fully comply with the requirements and conditions imposed upon "local interests" by said River and Harbor Act of the United States, approved March 2, 1945, in accordance with the report submitted June 14, 1939, in House Document No. 371, 76th Congress, first session, as amended and expanded. The expense therefor may be paid as a necessary expense of the district; provided, however, that the district shall not be

required to pay the cost of maintenance of any bridges within its borders nor bear the cost of bridge tenders for such bridges, except by special agreement. [The WCIND] board is authorized to contract with the board of county commissioners of any county in the district to the end that said county board of county commissioners shall assume responsibility for the construction, reconstruction, maintenance, and operation of any such bridge. Each board of county commissioners is hereby authorized to enter into such a contract with the board of commissioners of said district and such a contract shall be binding upon said county and district.

L.O.F. 98-526(14)(c) The district is authorized to exercise the power of eminent domain in securing any lands and rights-of-way necessary for any bridge or bridge approach roads and the procedure shall be as herein otherwise provided.

L.O.F. 98-526(16)(a) In order to carry out the purpose and intent of any laws that heretofore have been, or hereafter may be enacted by the United States Congress authorizing and directing the Secretary of the Army to make examinations, surveys, and studies of the intracoastal waterway from Caloosahatchee River to Anclote Key, Florida, or other Florida West Coast Waterways, the district is authorized to collect, compile, and to furnish to the Secretary of Army, the Secretary's officers or agents, appropriate information on the counties within the district's boundaries bearing on the advantages, benefits, and increased usefulness that may be expected to accrue to the public and to the counties traversed by said waterway by reason of any improvement or extension thereof, that has previously been or may subsequently be authorized by said United States Congress.

L.O.F. 98-526(16)(b) The district is authorized to expend its funds for publicizing to other governmental agencies the completion by the United States of all or any portion of the intracoastal waterway and related waterways and its availability and utility to water craft, and to distribute information as to route, channel, depth, and facilities of

said waterway and such other information and data as may, in the opinion of the board, be desirable or useful to give the public full information regarding the waterway and to promote its use in navigation.

L.O.F. 98-526(17) The district is authorized to pay all or part of the cost of dredging performed on the waterway by the United States, to construct dikes, bulkheads, and levees, to construct ditches and pipelines for the control of water discharged by dredges, to reconstruct, modify, or relocate, bridges, docks, wharfs, and other structures, including water and sewer lines and appurtenances, electric and telephone lines and appurtenances, gas transmission and distribution lines and appurtenances, or to pay for same, and to do all other work or things which, in the judgment of the board shall be proper and necessary to produce economies in meeting the conditions imposed on the local interests by the United States Congress in the several acts authorizing and directing the improvement and maintenance of the intracoastal waterway.

L.O.F. 98-526(18) The district is authorized to prosecute on behalf of itself or others any administrative procedures necessary to be followed to carry out any of the activities authorized or contemplated by this act and to pay the reasonable expenses thereof, including, but not limited to, any bulkhead line and dredge and fill procedures required by law to be completed. The district may contract with other agencies or public or private persons to perform any such activities on its behalf.



L.O.F. 98-526(21)(c) The district is authorized to enter into agreements with the Department of Transportation, the board of county commissioners of any county in the district, or both, or any other person, corporation, or agency, federal, state or local, public, or private in connection with financing, alteration, and construction of any bridge structure or bridge approach or roadway or other structure and said parties are hereby specifically authorized to enter into such agreements with each other respecting responsibility for acquisition of right-of-way, for construction and maintenance of any bridge structure and approach required to be provided or modified because of the construction of the intracoastal waterway.



III. FLORIDA ADMINISTRATIVE CODE SECTION 66A-2: WCIND WATERWAY DEVELOPMENT PROGRAM

The procedures included in section 66A-2 of the Florida Administrative Code relate exclusively to the WCIND. Chapter 66A-2, F.A.C., was originally adopted in 1990 and was subject to one small change to its Project Eligibility requirements from a 1994 amendment. The most recently accepted revisions to the rule were completed nearly 25 years ago. The goal of the current revision effort is to update the Waterway Development Program (WDP) to reflect the amendments to its governing statute, Section 374.976, Florida Statutes over the past 25 years and to create policy changes that better suit the needs of the member Counties and the District at large. The process of updating and reworking Chapter 66A-2, Florida Administrative Code (F.A.C.), required over 18 months of work to reach final draft status. Multiple in-depth workshops were conducted with County staff to ensure that all needs and concerns were addressed.

The major improvements to the F.A.C. include the elimination of inconsistencies and limits on member county use of funds as permitted by section 374.976(1)(c) of Florida statutes. The revisions also clarified the Countywide Navigation Improvement Fund (CNIF) and incorporated existing policy into a standardized funding program to include a formal application and approval process for projects funded outside of the annual TRIM/budget hearings. This will allow member counties to utilize their CNIF dollars in all five project categories (public navigation, boater recreation, environmental education, boater safety and education, and marine law enforcement). The revisions also included an expansion of the definitions of projects permitted under the five project categories and improving the overarching definition section of the F.A.C.

F.A.C. 66A-2.001 Purpose Pursuant to Section 374.976, F.S., the West Coast Inland Navigation District (WCIND) is authorized to undertake additional programs intended to alleviate the problems associated with its waterways. The purpose of this Rule Chapter is to set forth WCIND's policies and procedures implementing such program, which shall be known hereafter as WCIND'S Waterway Development Program (WDP or the Program).

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976 (1)-(3) FS. History—New 11-11-90, Formerly 16S-2.001, Amended 3-3-21.

F.A.C. 66A-2.0011 Scope The provisions of this rule chapter implement the additional programs intended to alleviate problems associated with WCIND's waterways under Section 374.976, F.S. Nothing herein shall be construed to limit WCIND's authority to administer programs under its codified special act charter in Chapter 98-526, Laws of Florida, or otherwise restrict any other powers granted to WCIND thereunder.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976 (1)-(3) FS. History—New 3-3-21.

F.A.C. 66A-2.002 Definitions The terms used in this rule chapter are defined as follows:

(1) "Acquisition" means the act of obtaining with Program funds equipment, intangible property, supplies, real property, activities and services necessary to plan and carry out a project under this rule.

(2) "Application" means a member county's formal request for Program funds on the specified form with required supporting documentation.

(3) "Board" means the Board of Commissioners of WCIND.

(4) "Budget-Cycle Funding" or "Budget-Cycle" means the time period between January 1st and June 15th when project applications may be submitted to WCIND for approval and appropriation of project funds by the Board during the TRIM hearing or budget approval process for the upcoming fiscal year beginning on October 1st.

(5) "Capital Improvement" means the addition, improvement, modification or alteration of real property that materially increases its value or useful life.

(6) "Construction" means the carrying out of any altering, building, clearing, demolishing, dredging, excavating, filling and related activities of any facility or real property.

(7) "County Navigation Improvement Fund" or "CNIF" means the total unencumbered balances of reserve funds assigned to each member county in an adopted budget. Each member county CNIF reserve fund balance available is its unexpended proportional share of ad valorem tax revenues carried over from past fiscal years, including excess funds from completed projects, plus such unobligated revenues from the current fiscal year.

(8) "Development" in the context of capital improvements, means the act of physically improving real property or facilities thereon to increase its ability or capacity to serve waterway related purposes. In the context of intellectual property, "development" refers to the systematic use of scientific and technical knowledge in the design, testing, or evaluation of a potential new product or service (or of an improvement in an existing product or service) to meet specific performance requirements or objectives.

(9) "Equipment" means non-consumable and nonexpendable, tangible personal property having a per-unit cost of \$5,000 or more and a useful life beyond one year.

(10) "Executive Director" means the Executive Director of the WCIND.

(11) "Extension" means to increase the size or capacity or make an addition to an existing facility. In the context of time, "extension" refers to the additional time granted to a member county to complete a project agreement or satisfy a condition or requirement under this Rule Chapter.

(12) "Facility" means all or any portion of a capital improvement established to be used exclusively for

purposes directly related to WCIND waterways as set forth in this Rule Chapter.

(13) "Fiscal Year" means WCIND fiscal year, October 1st – September 30th.

(14) "In-Kind Contribution" means the value of a non-cash contribution provided by a member county or third-party to meet a project's match funding requirement.

(15) "Intangible Property" means property having no physical existence such as trademarks, copyrights, or patents, having a per-unit cost of \$5,000 or more and a useful life beyond one year.

(16) "Intellectual Property" means a copyrightable intangible property that was developed with Program funds, or for which ownership was acquired with Program funds.

(17) "Liaison Agent" means the person officially designated by a member county who is authorized to act on its behalf on matters related to participation in the Program.

(18) "Maintenance" means the activities necessary to keep facilities or equipment in a condition to serve their intended purposes. Maintenance activities include routine, recurring custodial services, minor repairs and other non-routine actions which occur on a less frequent basis through any give fiscal year.

(19) "Marine Law Enforcement" means law enforcement activities performed on WCIND waterways by any of the following: county sheriffs and their deputies; municipal police officers; or law enforcement officers, part-time law enforcement officers and auxiliary law enforcement officers as defined by Section 943.10, F.S.

(20) "Marine Fire Service" means fire suppression and prevention activities and related rescue response activities for the protection of life and property performed on WCIND waterways by a county, municipality, sheriff or special district. Marine fire service may be performed in conjunction with marine emergency medical services where the marine fire service provider is licensed to

perform the same under Chapter 401, F.S.

(21) "Match" means the value of cash, pre-agreement costs or in-kind contributions provided by a member county or third-party to pay its share of the project costs as required by this Rule Chapter.

(22) "Member County" means a county located within the taxing boundaries of the WCIND.

(23) "Net Ad Valorem Revenue" means WCIND's estimated net ad valorem revenues as adopted in its annual budget and calculated from subtracting applicable property appraiser and tax collector fees from the estimated ad valorem revenue.

(24) "Off Funding Cycle" or "Off-Cycle" means the time outside of the TRIM hearing or budget approval process when project applications may be submitted to WCIND for approval and appropriation of CNIF reserve funds by the Board at a regularly scheduled meeting.

(25) "Operations" means the activities necessary for facilities or equipment to function and produce desired results on a daily or frequent basis. Where appropriate context applies, operations means activities necessary to properly conduct marine law enforcement or boating safety and environmental education programs.

(26) "Overhaul" means the repair, rebuild and recondition of equipment at or near the end of the equipment's useful life that results in a new useful life of the equipment that is consistent with the extent of the overhaul.

(27) "Planning" means project planning phase activities, including feasibility analysis, design, studies, and other tasks required to prepare plans for eligible projects prior to construction, including environmental review, permitting and compliance tasks, and architectural, survey and engineering studies.

(28) "Post-Construction" means the monitoring, collection and analysis of physical or biological data, or similar activities required by state or federal permits on an annual or periodic basis following

the completion of the project's construction phase.

(29) "Primary Facility" means any facility which could stand alone and carry out its project purpose to relate directly to WCIND waterways, without a support facility.

(30) "Project" means a planned undertaking which includes one or more activities that have a common purpose that relates directly to WCIND waterways.

(31) "Project Agreement" means an executed contract between WCIND and a member county setting forth the terms and conditions of funding an approved Program project.

(32) "Real Property" means all lands, including improvements and fixtures thereon and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest, and right, legal or equitable, therein.

(33) "Reconstruction" means the act of constructing a previously existing facility again, which was demolished or destroyed in whole or in part by fire, casualty or natural disaster.

(34) "Regional and Administrative Efforts" means the regional and administrative expenses and contingencies budgeted annually for the purposes of providing the requisite local cooperation for the construction, maintenance and operation of the Gulf Intracoastal Waterway in accordance with Chapter 98-526, Laws of Florida. Regional and administrative efforts are budgeted and funded from the annual net ad valorem revenue in proportion to each member county's share of the same.

(35) "Specialized Instruction" means the act or practice of teaching a particular skill necessary to boat more safely or protect the marine environment or advising and informing students in a manner that develops an awareness of boating safety or waterway environments, and is performed on WCIND waterways. Specialized instruction is specific and exclusive to the boater safety or environmental education curriculum and is not included under member county or third-party

operator salaries.

(36) "Supplies" means all materials, fabricated parts and other items of tangible personal property other than equipment as defined above.

(37) "Support Facility" means a facility which could not stand alone and carry out its project purpose to relate directly to the waterways without the primary facility.

(38) "Third-Party Operator" means a local government or other entity which is provided Program funds under written contract with a member county to carry out all or part of an approved project in accordance with the project agreement.

(39) "TRIM Hearings" means the public hearings required by the Truth in Millage Act as codified in Chapter 200, F.S., to adopt WCIND's annual ad valorem tax millage rate and budget.

(40) "Upgrade" means improvements to equipment that are intended to materially improve its functional use or heighten the capabilities of its intended use. This term does not include overhauls of equipment.

(41) "Waterway Related Environmental Issues" means: the physical and biological impacts of waterway construction, maintenance, and operation, and related restoration and enhancement activities; the role of waterways within watershed ecosystems, watershed structure and functions, and the value and benefits of healthy watersheds; ecofriendly boating practices and the balance of the recreational, economic, and scenic values of such waters.

(42) "WCIND's Interest" means the interest that WCIND holds in any tangible or intangible property acquired with Program funds based upon WCIND's share in the costs of the original acquisition.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976 (1)-(3) FS. History—New 11-11-90, Formerly 16S-2.002, Amended 3-3-21.

F.A.C. 66A-2.003 Policy The following constitutes WCIND's policy pertaining to the administration of the additional programs undertaken pursuant to

Section 374.976, F.S:

(1) Waterway Development Program. This Program is established to alleviate problems associated with WCIND waterways and is implemented through member county projects directly addressing such problems related to navigability, recreational boater access, boater safety and the marine environment. Financial assistance may be furnished to member counties for the costs of planning and carrying out projects that meet the purposes of one or more of the following project categories:

(a) Public Navigation. The purpose of this project category is to benefit or enhance public navigation within WCIND.

(b) Boater Recreation. The purpose of this project category is to benefit or enhance access to WCIND waterways for recreational boaters.

(c) Environmental Education. The purpose of this project category is to benefit or enhance the marine environment in WCIND waterways and increase public awareness and knowledge of waterway related environmental issues.

(d) Boating Safety and Education. The purpose of this project category is to benefit or enhance safety on WCIND waterways and increase awareness and knowledge of safe boating practices and waterway regulations among WCIND's boating public.

(e) Marine Law Enforcement. The purpose of this project category is to benefit or enhance law enforcement on WCIND waterways for better protection of the boating public's health and safety and welfare, and the marine environment.

(2) Project Application and Approval. Member counties shall submit requests for funding to WCIND for each project on Form No. 1, "Funding Application," effective 2/23/21, which is incorporated herein by reference and available from <https://www.flrules.org/Gateway/reference.asp?No=Ref-12689>, in accordance with the require-

ments set forth in Rule 66A-2.004, F.A.C. The Board may approve applications complying with the provisions of this Rule Chapter and fund projects during annual budget-cycles or off-cycles.

(3) Project Agreement. Prior to reimbursement of funds for eligible project costs, the member county shall enter into a specified written project agreement with WCIND, Form No. 2, "Waterway Development Project Agreement," effective 2/23/21, which is incorporated herein by reference and available from <https://www.flrules.org/Gateway/reference.asp?No=Ref-12696>.

(4) Budget-Cycle Funding: Each fiscal year, the Board will allocate Program funds during the annual budget process based upon WCIND's overall goals, priorities, fiscal responsibilities, and operational needs for the upcoming fiscal year. Funds available to each member county will be

Waterway Development Projects Funding Match Ratios and Allocation Limits

Project Category	Match	Limits
Public Navigation	No Match	Up to 100%
Boater Recreation	50%	Up to 100%
Boating Safety and Education	50%	Up to 100%
Marine Law Enforcement	No Match	Up to 35%*
Environmental Education	No Match	Up to 25%*

* A waiver of the 35% and 25% limits may be granted by the Board when requested by a member county due to its total project needs and priorities exceeding the allocation limits in a budget cycle. Member counties shall request the waiver as part of the official Board of County Commissioners resolution approving the applications required by subsections 66A-2.004(1) and (2), F.A.C.

their proportional balances for county specific projects as allocated in any fiscal year budget. County specific project funds are calculated by subtracting WCIND's regional and administrative costs from net ad valorem tax revenue then adding any unused CNIF (County Navigation Improvement Fund) carried over from the prior fiscal year. Budget-cycle funding shall be available in the following Program Area match ratios and allocation limits:

(5) Off-Cycle Funding. During off-cycle funding of

any remaining fiscal year, the Board may fund additional county specific projects from the available CNIF reserve fund balances assigned to each member county. Off-cycle funding is intended to provide member counties with the flexibility to timely plan and carry out projects when local needs, priorities or opportunities arise outside of the budget-cycle application process. Off-cycle funding shall be subject to the same Program area match ratios and allocation percentage limits in the above table as applied to the member county's total available CNIF reserve fund balances at the time of the request, unless otherwise waived by the Board.

(6) **Interlocal Agreements.** WCIND may provide financial assistance, support or cooperation for projects that benefit or enhance public navigation and have multiple funding partners, including the U.S. Army Corps of Engineers, through an interlocal agreement pursuant to Chapter 163 or Section 374.976, F.S. WCIND staff will identify these projects and present them to the Board for approval during budget-cycles or off-cycles. With exception to the three-year funding encumbrance limit set forth in Section 374.976(2), F.S., interlocal agreement projects shall not be subject to the provisions of this rule chapter unless a member county is a party to an interlocal agreement and receives Program funds during any budget-cycle or off-cycle. In such instances, a member county shall only be subject to the three-year funding encumbrance limit, the matching funds requirements and the proportional share funding limits set forth in Sections 374.976(2) and (3), F.S.

(7) **Non-Compliance.** WCIND may terminate a project agreement and demand return of Program funds disbursed to member county or other remedial action for non-compliance with any of the terms of the project agreement or this rule chapter, if such non-compliance calls into question the ability of the member county or third-party operator to complete the project. Failure of a member county or third-party operator to comply with the provisions of this rule chapter or the project agreement may result in WCIND declaring the member

county or third-party operator ineligible for further participation in the Program until such time as the non-compliance has been remedied to the satisfaction of the Board.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976 (1)-(3) FS. History—New 11-11-90, Formerly 16S-2.003, Amended 3-3-21.

F.A.C. 66A-2.004 Application Requirements All member county requests for Program funds shall be submitted in accordance with the following application requirements:

(1) **Budget-Cycle Funding Applications.** Member counties shall submit a completed Form No. 1, "Funding Application," which is incorporated by reference in subsection 66A-2.003(2) F.A.C., for each budget-cycle funding request with supporting documents and an official Board of County Commissioners resolution approving such applications from January 1st through June 15th of each year to be considered at the Board's TRIM hearings and funding approval for the following fiscal year. Applications which are not received in WCIND's headquarters in paper or electronic format by 4:00 p.m. on June 15th of each year may be rejected from consideration at the TRIM hearings.

(2) **Off-Cycle Funding Applications.** Member counties shall submit a completed Form No. 1, "Funding Application," which is incorporated by reference in subsection 66A-2.003(2), F.A.C., for each off-cycle funding request no less than thirty (30) days prior to the next regularly scheduled meeting to be considered for funding approval by the Board. Applications which are not received in WCIND's headquarters in paper or electronic format by such date, may be rejected from consideration at the next regularly scheduled Board meeting. Supporting documents and an official Board of County Commissioners resolution approving the application need not be submitted with the completed application but must be submitted prior to the Board's consideration at its next regularly scheduled meeting.

(3) WCIND shall review all applications for compliance with this Rule Chapter and Section 374.976,

F.S., and may reject those that are found non-compliant. Additionally, WCIND may reject applications from member counties which have previously been found non-compliant with the provisions of this Rule Chapter or the terms of a previous project agreement pursuant to subsection 66A-2.003(7), F.A.C.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976 (1)-(3) FS. History—New 11-11-90, Formerly 16S-2.004, Amended 3-3-21.

F.A.C. 66A-2.0041 Disaster Relief Projects At a regular or special meeting, the Board may waive the requirements of this rule chapter and funding limitations in Section 374.976(3), F.S., to approve and fund disaster relief projects in member counties recovering from a storm event or natural disaster resulting in a state of emergency declared under Chapter 252, F.S.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976 (1)-(3) FS. History—New 3-3-21.

F.A.C. 66A-2.005 Project Eligibility Eligible project costs are only those costs associated with the specific types of projects and activities listed in Rules 66A-2.20051 through 66A-2.0055, F.A.C., for each project category, as long as the expenditures incurred by the member county are reasonable and necessary for the performance of an approved project. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

The following provisions set forth the general eligibility requirements of the Program.

(1) Ineligible Activities or Costs. Unless otherwise allowed by the eligibility requirements within a project category, the following costs are prohibited from Program funding or use as match funding:

- (a) Indirect, contingencies, miscellaneous, or reoccurring personnel related costs;
- (b) Member county in-house labor or other costs related to compensating employees, including salaries and wages, and fringe benefits costs;

(c) Operational, maintenance and administrative, utility, rent, taxes and insurance costs;

(d) Expenditures for equipment, materials and supplies, or services not used exclusively for an approved project;

(e) Expenditures for vehicles or overland transportation services;

(f) Expenditures for enclosed buildings or structures; and

(g) Civil air patrols.

(2) Match Funds: Applications for projects requiring matching funds shall clearly identify and enumerate the amount and source. Upon verification from the member county's records, the following sources may be utilized for match funds:

(a) Cash;

(b) Costs for preliminary plans incurred without WCIND financial assistance prior to a project's approval by the Board;

(c) Pre-agreement costs for real property acquisitions as described in subsection 66A-2.0071(3), F.A.C.

(d) In-kind Contributions. The value of the following in-kind contributions may be used as match funds:

1. Volunteer Services or Labor. Volunteer services or labor furnished by third-party professional and technical personnel, consultants, and other skilled and unskilled labor if the service is an integral and necessary part of an approved project and used exclusively for the project's purposes. Rates for third-party volunteer services must be consistent with those paid for similar work by the member county. In those instances, in which the required skills are not found in the member county, rates must be consistent with those paid for similar work in the labor market in which the member county competes for the kind of services involved. Unless otherwise agreed to, rates for third-party volunteer

services shall be determined by the U.S. Bureau of Labor Statistics State Occupational Employment and Wage Estimates report for Florida at the time of the application;

2. Equipment and Supplies. Equipment and supplies acquired without WCIND financial assistance during the duration of the project where such equipment and supplies are an integral and necessary part of an approved project and used exclusively for the project's purposes. The value of contributed equipment and supplies shall be based upon a receipt or equivalent documentation showing the actual purchase price or current value.

3. Real Property Value. The current fair market value of a project site acquired without WCIND financial assistance shall be based upon an appraisal dated no earlier than one year prior to the submission of the application. In lieu of obtaining an appraisal to establish the site's fair market value, a member county may use the assessed value of the project site supported by documentation of the current assessed value from the respective County Property Appraiser.

(3) Phasing of Projects. Applications may be submitted as a phased project with up to three phases, where Phase I includes the real property acquisition, Phase II includes the design, engineering and permitting activities, and Phase III includes the construction of the project. The description of the Phase II and III work shall be submitted along with the Phase I application for Board review.

(4) Eligibility Determination. Applications received by the application submission deadline will be reviewed by the Executive Director or his or her designee for project eligibility and compliance with this rule chapter. No additional information shall be accepted after the application submission deadline, unless specifically requested by the Executive Director for clarification of information provided in the application received by the published application submission deadline.

(5) The Executive Director will make recommendations for approval or denial of the project applications during the TRIM hearings or regular meeting, whichever is applicable.

(6) The Board will make all final decisions on the eligibility of a project or specific allowable project costs during the TRIM Hearings or regular meeting, whichever is applicable.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 11-11-90, Amended 8-15-94, Formerly 16S-2.005, Amended 3-3-21.

F.A.C. 66A-2.0051 Public Navigation Projects

(1) Public Navigation Facilities. Program funds may be used to pay direct costs incurred in connection with capital improvements resulting in public navigation facilities, including the cost of acquisition, planning, development, construction, reconstruction, extension, post-construction, operation, maintenance and related activities. Eligible public navigation facilities include:

(a) Primary Facilities.

1. Public navigation channels;
2. Spoil material disposal areas;
3. Inlet management projects approved by the Board pursuant to Section 374.976(1)(b), F.S.;
4. Public navigation channel markers or other aids to navigation, including, but not limited to, signs, symbols, beacons, buoys, or lights; and
5. Other primary facilities as determined by the Board to benefit or enhance public navigation.

(2) Public Navigation Equipment. Program funds may be used to pay direct costs incurred in connection with enhancing waterway operation or maintenance capabilities, including acquisition, overhaul and upgrade of the following equipment:

(a) Vessels and appurtenant equipment, such as trailers, communication or navigation systems, sonar devices, lights and other similar vessel accessory apparatuses; Weather stations, sensors, gauges, data loggers, telemetry devices and related equipment providing real-time

waterway conditions of WCIND waterways; and

(b) Other equipment as determined by the Board to benefit or enhance public navigation.

(3) Public Navigation Intangible Property. Program funds may be used to pay direct costs incurred in connection with enhancing waterway operation or maintenance capabilities, including acquisition of intangible property and development of intellectual property, such as software applications and operating systems, and web-based information and applications, and other intangible property as determined by the Board to benefit or enhance public navigation.

(4) Public Navigation Hazards. Program funds may be used to pay direct costs incurred in connection with improving navigation safety, including planning, development, construction, post-construction and related activities necessary to remove abandoned or derelict vessels, and other navigation hazards or navigation safety activities on WCIND waterways as determined by the Board to benefit or enhance public navigation.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 3-3-21.

F.A.C. 66A-2.0052 Boater Recreation Projects

(1) Boater Recreation Facilities. Program funds may be used to pay direct costs incurred in connection with capital improvements resulting in boater recreation facilities, including the cost of acquisition, planning, development, construction, reconstruction, extension, post-construction and related activities. Eligible boater recreation facilities include:

(a) Primary Facilities.

1. Public docks, boat ramps and launching facilities, tie-up facilities, and mooring fields;
2. Public piers providing access to WCIND waterways for recreational boaters, canoers or kayakers;
3. Public canoe or kayak trails and launching facilities;
4. Spoil island or natural island restoration

within WCIND's waterways providing for boater access and recreational purposes; and

5. Other primary facilities as determined by the Board to benefit or enhance recreational boater access, except enclosed structures which are ineligible as primary facilities.

(b) Support Facilities.

1. Vehicle and trailer parking, boarding docks, wave attenuator or breakwaters, seawalls, restrooms, walkways, landscaping, security lighting and fencing, interpretive signs, handi-cap ramps and fish cleaning stations. Enclosed structures shall be limited to restrooms accessible by waterway users; and

2. Other non-enclosed support facilities as determined by the Board to benefit or enhance recreational boating access.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 3-3-21.

F.A.C. 66A-2.0053 Environmental Education Projects

(1) Environmental Education Facilities. Program funds may be used to pay direct costs incurred in connection with capital improvements resulting in environmental education facilities, including the cost of planning (except for feasibility analysis), development, construction, reconstruction, extension, post-construction and related activities. Eligible environmental education facilities include:

(a) Primary Facilities. Exhibits, demonstrations or interpretive sites constructed and installed within an existing educational facility which provide a range of environmental educational and interpretive programs, including aquariums, signs, kiosks, trails or walkways, wayside panels, static, interactive, multimedia or virtual displays, and other similar features which convey information about environmental education.

(b) Support Facilities.

1. Permanent appurtenances mounted or fastened to the existing educational facility to support the structural integrity of an installed

exhibits demonstration or interpretive site or required to connect to existing utility services; and

2. Other support facilities as determined by the Board installed and integrated into an exhibits demonstration or interpretive site which provides an interactive user experience and conveys information about environmental education.

(2) Environmental Education Equipment. Program funds may be used to pay direct costs incurred in connection with enhancing environmental education capabilities, including acquisition, overhaul and upgrade of audio visual equipment, specialized scientific equipment, and other equipment as determined by the Board to be integral to the curriculum and an enhancement of the environmental education experience.

(3) Environmental Education Intangible Property. Program funds may be used to pay direct costs incurred in connection with enhancing environmental education capabilities, including acquisition of intangible property and the development of intellectual property, such as software applications and operating systems, web-based information and applications, curricula, including instructional tools and materials, and other intangible property as determined by the Board to be integral to the curriculum and an enhancement of the environmental education experience.

(4) Environmental Education Instruction. Program funds may be used to pay direct costs incurred in connection with enhancing environmental education capabilities, including the acquisition of specialized instruction services and the following supplies:

1. Instructional materials for environmental education curriculum delivered via in-house classroom or on the water class instruction; and
2. Other supplies as determined by the Board to be integral to the curriculum and an enhancement of the environmental education experience.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 3-3-21.

F.A.C. 66A-2.0054 Boater Safety and Education Projects

(1) Boating Safety and Education Facilities. Program funds may be used to pay direct costs incurred in connection with capital improvements resulting in boating safety and education facilities, including the cost of planning (except for feasibility analysis), development, construction, reconstruction, extension, post-construction and related activities. Eligible boating safety and education facilities include:

(a) Primary Facilities.

1. Docks and lifts that enhance the capabilities of marine fire and rescue services;
2. Docks and lifts that enhance the capabilities of boating safety and education instruction; and
3. Signage at public docks, boat ramps and launch facilities that increases awareness of boating safety and educates the boating public.

(b) Support Facilities. Boarding docks, wave attenuator or breakwaters and seawalls.

(2) Boating Safety and Education Equipment. Program funds may be used to pay direct costs incurred in connection with the acquisition, overhaul and upgrade of the following equipment:

(a) Vessels and appurtenant equipment that enhance marine fire and rescue services capabilities, such as trailers, communication or navigation systems, sonar devices, lights, fire pumps, life-saving appliances, dive and rescue gear, hazardous materials response kits, and other similar vessel accessory apparatuses and onboard safety equipment;

(b) Vessels and appurtenant equipment that enhance boating safety and education capabilities, such as trailers, communication or navigation systems, lights, personal floatation devices, and other similar vessel accessory apparatuses and onboard safety equipment, and

non-motorized vessels, such as sailboats, canoes, kayaks, rowing sculls, paddles, and other similar non-motorized vessels accessories apparatus and safety equipment.

(3) Boating Safety and Education Intangible Property. Program funds may be used to pay direct costs incurred in connection with enhancing boating safety and education capabilities, including acquisition of intangible property and development of intellectual property, such as software applications and operating systems, web-based information and applications, curricula, including instructional tools and materials.

(4) Boating Safety and Education Instruction. Program funds may be used to pay direct costs incurred in connection with enhancing boating safety and education capabilities, including acquisition of specialized instruction services and acquisition of the following supplies:

(a) Instructional materials for curriculum delivered via in-house classroom or on the water instruction; and

(b) Other supplies as determined by the Board to be integral to the curriculum and an enhancement of the boating safety and education experience.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 3-3-21.

F.A.C. 66A-2.0055 Marine Law Enforcement Projects

(1) Marine Law Enforcement Facilities. Program funds may be used to pay direct costs incurred in connection with capital improvements resulting in marine law enforcement facilities, including the cost of planning (except for feasibility analysis), development, construction, reconstruction, extension, post-construction and related activities. Eligible marine law enforcement facilities are limited to docks lifts or similar primary facilities providing mooring and access for law enforcement vessels.

(2) Marine Law Enforcement Equipment. Program funds may be used to pay direct costs incurred in connection with enhancing marine law enforce-

ment capabilities, including acquisition, overhaul and upgrade of the following equipment:

1. Vessels and appurtenant equipment, such as trailers, communication or navigation systems, lights and similar vessel accessory apparatus and onboard safety equipment;

2. Other equipment as determined by the Board to enhance the capabilities of marine law enforcement.

(3) Marine Law Enforcement Patrols. Program funds may be used to pay direct costs incurred in connection with enhancing marine law enforcement capabilities, including acquisition of marine law enforcement personnel services performed on WCIND waterways (on the water hours, including overtime), and the acquisition of fuel and oil supplies.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 3-3-21.

F.A.C. 66A-2.006 Project Design Criteria

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976 FS. History—New 11-11-90, Formerly 16S-2.006, Repealed 3-3-21.

F.A.C. 66A-2.007 Funding Conditions The following constitute the general conditions for Program compliance:

(1) Three-Year Encumbrance Limit. Program funds shall not be encumbered for a project beyond three years following approval of a project (October 1 for budget-cycle projects and three years from the date of Board approval for off-cycle projects).

(2) Match Funds. With the exception of public navigation, marine law enforcement or environmental education projects, matching funds are required and shall be clearly identified and enumerated as to amount and source on all requests for funding. Member counties shall provide documentation verifying the amount and source of matching funds in accordance with subsection 66A-2.005(2), F.A.C.

(3) Site Dedication. Real property which is developed with Program funds shall be dedicated in accordance with the following:

(a) Public Lands. Member county and local government lands which are developed with Program funds shall be dedicated in perpetuity as a waterway development project site for the use and benefit of the general public. Lands which are under control of a member county or local government by lease agreement or other legally binding document, shall be dedicated as a waterway development project site for the use and benefit of the general public for a minimum of twenty-five (25) years from the completion date set forth in the project completion certificate. Member counties shall record such dedications within their respective public property records.

(b) Private Lands. Private lands of a third-party operator may be developed with Program funds for boater safety and education or environmental education projects as described in Rule 66A-2.005, F.A.C. In such instances, member counties shall provide safeguards to ensure that the project site located on the third-party operator's lands are operated and maintained for boater safety and education or environmental education purposes and opened to the general public for a minimum of twenty-five (25) years from the completion date set forth in the project completion certificate.

(4) Facilities Maintenance and Operation. Except as otherwise provided in this Rule Chapter, the member county shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable federal, state and local health standards. Project facilities shall be kept safe and in repair to prevent undue deterioration. The member county must have full legal authority and financial ability to operate and maintain the project facilities or, where appropriate, ensure that a third-party operator has such authority and ability.

(5) Legal Compliance and Assurances. Member

counties and third-party operator shall comply with all applicable state, federal and local laws, rules, and regulations or, where appropriate, ensure a third-party operator's compliance with the same. Applications must include copies of all applicable regulatory agency permits or authorizations demonstrating the project's compliance with all applicable federal, state and local laws, rules and regulations, including but not limited to, U.S. Army Corps of Engineers, Florida Department of Environmental Protection, and Florida Water Management Districts. Failure to include copies of such permits or authorizations may result in the rejection of the application. Member counties may re-apply for previously rejected projects upon obtaining the required permits or authorizations during any subsequent off-cycle or budget-cycle. Upon approval of an application, member counties shall ensure compliance with all permits and their conditions relating to the project's construction and post-construction monitoring.

(6) Project Accessibility. Notwithstanding facilities used exclusively for marine law enforcement or marine fire and rescue services, facilities funded in whole or in part by Program funds shall be accessible to the public on a non-exclusive basis without regard to age, gender, race, religion, marital status, disability, or ethnic group, and shall be open at hours comparable to similar state or local public facilities.

(7) User Fees. User fees may be charged for the use of facilities funded in whole or in part by Program funds. Discrimination based on residence, including preferential reservation, membership or annual permit systems, is prohibited except differences in user fees may be maintained on the basis of residence. User fees charged to nonresidents cannot exceed twice the amount charged to residents. Where there is no charge for residents, but a user fee is charged to nonresidents, nonresident user fees cannot exceed user fees charged for residents at comparable state or local public facilities. User fees based upon residence shall be set forth in the project agreement and only apply to the project areas as described therein.

(8) Third-Party Operators. A member county may authorize project funds for use by third-party operators. However, the terms and conditions of the project agreement are not assignable, and the member county shall remain responsible for Program administration and accountability as further set forth in this rule chapter. Member counties shall continue to be responsible to WCIND for the proper use and management of Program funds, equipment and facilities, and maintain oversight of third-party operators.

(9) Procurement Requirements. Member counties shall acquire professional services in compliance with Florida law, including Section 287.055, F.S., or ensure a third-party operator's compliance with the same. Additionally, member counties shall competitively procure acquisition of all goods and services exceeding \$5,000 for accomplishment of the project. Alternatively, a member county may utilize a state contract or equivalent procurement method within its approved purchasing policy for such acquisitions. Member counties shall ensure third-party operators procure goods and services in compliance with the requirements herein. Verification of such compliance shall be provided in a quarterly report.

(10) Valuation. Unless otherwise specified in this Rule Chapter, when determining the value of facilities, equipment, intellectual property or supplies, member counties may utilize the appropriate valuation methods under Generally Accepted Accounting Principles (GAAP) or Modified Accelerated Cost Recovery System (MACRS).

(11) Equipment. Title to equipment acquired with Program funds shall vest upon acquisition in the member county subject to the conditions and requirements of this Rule Chapter. All equipment shall be used exclusively for the waterway purposes as indicated in the project agreement. The equipment shall be operated, stored and maintained per the manufacturer's recommendations, and made available for inspection by WCIND staff upon request.

(a) Replacement or Disposition. When replacing

or disposing of equipment acquired in whole or in part with Program funds, member counties shall first make written request to WCIND using Form No. 7, "Property Disposal/Replacement Request," effective 2/23/21, which is incorporated herein by reference and available from <https://www.flrules.org/Gateway/reference.asp?No=Ref-12701>. WCIND will approve such requests in accordance with the following requirements:

1. Replacement. Member counties may trade-in or sell the equipment to be replaced, with its trade-in value or sale proceeds being used to offset the cost of the replacement equipment.

2. Disposition. Member counties may dispose of original or replacement equipment that is no longer needed for its project purpose or for any other use as approved by WCIND, in accordance with the following:

a. Equipment with a current per-unit fair market value of \$5,000 or less may be retained, sold, or otherwise disposed of without any further obligation to WCIND. Member counties shall record the details of dispositions of such equipment within its annual asset inventory, including the party receiving the equipment (if any), the date of disposition, the cash or value received (if any); or

b. Equipment with a current per-unit fair market value of more than \$5,000 may be retained or sold with WCIND's interest being refunded. Where such equipment is sold, WCIND may permit the member county to deduct and retain \$500 or ten percent of the proceeds, whichever is less, for its selling and handling costs. Member counties shall record the details of dispositions in the same manner as provided for in sub-subparagraph (11)(a)(2)1. above.

(12) Casualty Loss and Misused Property. When facilities, equipment or supplies are lost or damaged by fire, natural disaster or other casualty, the fair market value shall be calculated on the

basis of the condition of the facilities, equipment or supplies immediately before the loss or damage, irrespective of the extent of insurance coverage or insurance adjustment received. If any loss or damage to facilities, equipment or supplies results from abuse or misuse occurring with the member county's knowledge and consent, the member county shall either repair, reconstruct or replace such facilities, equipment or supplies at its own expense or refund WCIND's interest therein. If the lost or damaged facilities, equipment or supplies are covered by insurance, a member county shall apply all insurance proceeds to either the costs of repairing, reconstructing or replacing such facilities, equipment or supplies, or the refund of WCIND's interest therein.

(13) Intangible Property. Title to intangible property shall vest upon acquisition in the member county subject to the conditions and requirements of this rule chapter. All intangible property shall be used exclusively for the waterway purposes as indicated in the project agreement. Member counties may replace or dispose of intangible property in accordance with the provisions for equipment in paragraph (11)(a) above. Member counties may copyright any intellectual property created under the Program with the reservation of WCIND's royalty-free, nonexclusive and irrevocable right to reproduce, publish or otherwise use the intellectual property for WCIND purposes, and to authorize others to do so.

(14) Inventory. Member counties shall submit an annual asset inventory by June 15th of each year. The asset inventory shall track and detail, at minimum, each asset (facilities, equipment and intangible property) acquired with Program funds, the asset's current custodian, date acquired, acquisition cost, whether the asset is insured, and disposition details where applicable.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 11-11-90, Formerly 16S-2.007, Amended 3-3-21.

F.A.C. 66A-2.0071 Real Property Acquisitions The following constitutes the specific conditions proce-

dures and administrative requirement for real property acquisition projects.

(1) Eligible Projects. Real property acquisitions are limited to projects that provide for rights-of-way, spoil material disposal areas, environmental mitigation areas or other areas that may be necessary for completion of capital improvements resulting in future public navigation or boater recreation facilities or extension of existing public navigation or boater recreation facilities. Member counties shall have up to one year from the effective date of the project agreement to purchase the property. The Board may extend this period in accordance with subsection 66A-2.0072(2), F.A.C.

(2) Capital Improvements. The public navigation or boater recreation capital improvements proposed at the time of the acquisition shall be constructed on the property within seven (7) years of the acquisition date and dedicated to the public for such use in perpetuity upon completion. Failure to timely complete the capital improvements may result in WCIND at its sole discretion: requiring the member county to refund WCIND's interest as calculated in subsection (6) below; the conveyance of the property to WCIND; or extending the seven aforesaid (7) year time limit.

(3) Total Project Cost. Real property acquisitions projects are subject to the match ratios set forth in subsection 66A-2.003(4), F.A.C., and total project cost shall be upon based on either the negotiated purchase price or approved appraised value, whichever is lowest. If the negotiated purchase price or approved appraised value is greater than the project cost, the member county must pay the additional cost. Pre-agreement costs for appraisals, inspections, surveys (boundary and topographic) and title searches or opinions completed within one -year of the date of application may be detailed in the project agreement and used as match funds for a boater recreation project.

(4) Member counties shall include in the acquisition project application, the following supporting documentation:

(a) Appraisal. An appraisal prepared by an

appraiser certified under Chapter 475, F.S., shall be submitted which establishes the fair market value of the parcel(s) proposed for acquisition. If the property is \$500,000 or less in appraised value, one appraisal is required. If the property exceeds \$500,000 in appraised value, two appraisals are required. The appraisal(s) must be dated no earlier than six months prior to the submittal date of the application. If two appraisals are required for the project, the lower of the approved appraised values shall be the basis of the total project cost.

(b) Survey. A survey, certified, signed and sealed by a professional surveyor and mapper licensed under Chapter 472, F.S., shall be submitted which provides a legal description and sketch of the boundaries of the parcel(s) proposed for acquisition. The survey shall accurately portray the existing conditions and any known easements and encroachments. The survey shall be certified no earlier than six months prior to the submittal date of the application.

(c) Title Opinion. A title opinion prepared by a member of the Florida Bar or a licensed title insurer which covers the thirty-year period prior to the application submittal date and attests to the landowner's clear title with no liens, encumbrances or taxes against the property.

(5) Ownership. Title to land acquired with program funds shall vest in the member county at closing subject to such covenants and restrictions, and reversion, conveyance and termination clauses that are sufficient to ensure compliance with this Rule Chapter in perpetuity and any easements reserved for the benefit of WCIND. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants and restrictions in favor of WCIND which include, at a minimum, the time limit for completing the proposed capital improvements and public dedication requirements in subsection (2) above. Additionally, the deed shall contain a reversion, conveyance or termination clause that vests title to WCIND if any of the covenants or restrictions are violated by the member county or

by some third-party with the knowledge of the member county.

(6) Misused Real Property. If a member county violates the covenants and restrictions on the acquired property, the Board, at its discretion, may require the member county to take one of the following remedial actions:

(a) Convey the property to WCIND;

(b) Sell the property at public auction and refund WCIND's interest from the sale proceeds; or

(c) Retain the property for non-waterway related uses and refund WCIND's interest based upon the fair market value of the property at the time of the violation. Fair market value of the property, including any WCIND funded capital improvements thereon, shall be determined in the same manner as the total project costs in paragraph (4) (a) above.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 3-3-21.

F.A.C. 66A-2.0072 Project Administration The following constitutes the general requirements for the administration of the Program.

(1) Project Management. The Executive Director or his or her designee shall be the WCIND project manager responsible for monitoring the project agreements under the Program. The Executive Director or designated project manager shall also be responsible for approving all reimbursement requests. The Liaison Agent shall act on the member county's behalf in carrying out the terms and conditions of the project and project agreement. Payment of project costs shall be reimbursed as provided for in this rule chapter and in the project agreement.

(2) Time Extensions. All project agreements require a project to be completed within one year from the effective date of the project agreement. The completion date may be extended for good cause upon written request of the member county. However, in no event shall the completion date be extended beyond three years following the

effective date of the initial project agreement. Member county liaison agents shall submit a request for extension to WCIND no later than June 15 of fiscal year one or two of the approved project, whichever year is applicable, using Form No. 3, "Project Extension Request," effective 2/23/21, which is incorporated herein by reference and available from <https://www.flrules.org/Gateway/reference.asp?No=Ref-12697>. For purposes of this rule, "good cause" means an event beyond the control of the Member County, which prevents it from timely completing the project, including, but not limited to: acts of God (such as earthquakes, drought, fires, storms, and floods); war, hostilities, acts of terrorism, blockades or riots; strikes, lockouts, or other industrial disturbances; and title disputes, or other litigation. In review of time extension requests, the Board will take into consideration the current project status and progress, the nature of the causing event, and the ability of the member county to complete the project within one additional year.

(3) Failure to Timely Complete. If any project has not been completed within three years following approval of the project, all undisbursed Program funds shall no longer be encumbered for the project and WCIND shall place such funds into the member county's CNIF. Nothing in this rule chapter prohibits the member county from re-applying to WCIND for new funding for the project in a subsequent WCIND budget-cycle following expiration of the initial project agreement. Projects that fail to timely complete shall not be eligible for funding during the next available off-cycle.

(4) Agreement Modification. Any requested changes in the scope of the project or amount of financial assistance from WCIND must be submitted in writing to WCIND. All proposed changes to the project agreement must be submitted to WCIND in writing by the member county's Liaison Agent accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the Board, except that the Executive Director may approve a minor project

agreement amendment which does not change the approved project's category or the amount of financial assistance. Agreed changes shall be evidenced by a formal amendment to the project agreement utilizing Exhibit "G" of Form No. 2, "Waterway Development Project Agreement," which is incorporated by reference in subsection 66A-2.003(3), F.A.C.

(5) Agreement Termination. WCIND may unilaterally terminate the project agreement for breach of its terms and conditions or noncompliance with the provisions of this rule chapter should the member county fail to cure the breach or remedy the noncompliance within thirty (30) days after receiving written notice. If the member county fails to cure the breach, WCIND may require the member county to refund all funds previously reimbursed under the project agreement. Additionally, upon written request by either party, WCIND and the member county may mutually agree to terminate the project agreement.

(6) Project Reporting. The liaison agent shall submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall be submitted on Form No. 5, "Quarterly Status Report," effective 2/23/21, which is incorporated herein by reference and available from <https://www.flrules.org/Gateway/reference.asp?No=Ref-12699>, by the 15th calendar day after the end of each quarter and continue throughout the length of the project period until completion of the project. A final project report shall be submitted with the certificate of project completion form and shall include at a minimum: project summary, photo of completed project, final cost, project benefits to the waterway and location address.

(7) Payment Requests. For all projects, requests for disbursement of WCIND funds shall be made using Form No. 4, "Request for Payment Certificate," effective 2/23/21, which is incorporated herein by reference and available from [https://www.flrules.org/Gateway/reference.asp?](https://www.flrules.org/Gateway/reference.asp?No=Ref-12699)

[No=Ref-12698](#).

(8) Project Inspection. Upon reasonable request, the WCIND project manager or his or her designee shall have the right to inspect the project and all records relating to the project.

(9) Project Completion. WCIND shall be notified of completion of a project by the submission of Form No. 6, "Notification of Project Completion," effective 2/23/21, which is incorporated herein by reference and available from <https://www.flrules.org/Gateway/reference.asp?No=Ref-12700>, signed by the liaison agent, and co-signed by either the County Administrator or the County Financial Officer.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 3-3-21

F.A.C. 66A-2.008 Accountability The following procedures shall govern the accountability of Program funds:

(1) Member counties are responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as are necessary to properly account for all Program funds.

(2) Quarterly Reports: Member counties shall submit completed quarterly status reports to WCIND in accordance with subsection 66A-2.0071(6), F.A.C.

(3) Completion Certification: Final certification of project completion and supporting documents as outlined in subsection 66A-2.0071(9), F.A.C., shall be submitted to WCIND prior to final reimbursement of Program funds for each project.

(4) Auditing: All project records including project costs shall be available for review by WCIND or by an auditor selected by WCIND for 3 years after completion of the project.

(5) Project Records: The member county shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special

audit arise before the expiration of the three-year period, the member county shall retain all records until the final resolution of such matters. Records for real property, capital improvements and equipment must be retained for three years after disposition or replacement.

(6) Repayment: If it is found by WCIND or any state, county or independent auditor that funds had not been used in accordance with the project agreement, this Rule Chapter or Section 374.976, F.S., the member county shall be responsible for refunding the misused funds to WCIND. Payment of the refund shall include interest calculated from date of original County receipt of the funds, through date of WCIND's receipt of the refund at the same rate which would have been paid during said period for the funds if they have been invested in the State of Florida Local Government Surplus Funds Trust Fund (Florida PRIME).

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 11-11-90, Formerly 16S-2.008, Amended 3-3-21.

F.A.C. 66A-2.009 Acknowledgment Upon request, the member county shall erect a permanent sign, approved by WCIND, at an appropriate location on the project site which indicates WCIND's participation in the project. If the member county erects a temporary construction sign, this sign shall also recognize the WCIND's participation. If the final product of the project is a report, study or other publication, upon request, WCIND's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display or intellectual property, upon request, a statement acknowledging WCIND's participation in the project shall be contained in the display or intellectual property.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 3-3-21.

IV. WCIND BOARD ACTIONS

The first chart is a partial list of WCIND Board policy actions extracted from minutes of WCIND Board meetings for the past approximately 32 years. The second chart is a list of resolutions enacted by the Board after August 21, 2015. Prior to August 21, 2015, the Board relied on meeting minutes for recording of Board action. After August 21, 2015, the board enacted policies through formally numbered resolutions that created a more accessible means to record Board action.

1988 Created District pass maintenance fund with idea that Maintenance of inlets and passes was a District project rather than a member county project	In Effect <i>Status</i> Coastal inlet management fund established
January 18, 1991 Election of WCIND officers will occur at first meeting after seating of newly elected county commissioners in November of each year rather than at first meeting of the calendar year	In Effect <i>Status</i> Yearly recurrence
May 13, 1991 20% funding cap or guideline on a member county's list of projects concerning law enforcement on the waterways	Superseded <i>Status</i> F.A.C. 66A-2.003 (2021) Codified at F.A.C. 66A-2.0055 (2021)
January 31, 1992 Revision of waterway development program guidelines regarding disposal of equipment acquired with WCIND funds. F.A.C 66A-2.007(11)	In Effect <i>Status</i> F.A.C. 66A-2.002 (7) (2021) F.A.C. 66A-2.007 (11) (2021)
May 21, 1993 WCIND Maintenance Fund abandoned, and the County-wide Navigation Improvement Fund created	Codified <i>Status</i> F.A.C. 66A-2.003 (4)-(5) (2021)
December 22, 1993 25% funding cap on a member county's list of environmental education projects	In Effect <i>Status</i> Funding cap
December 22, 1993 WCIND Executive Director included in senior management service class of the Florida Retirement System	In Effect <i>Status</i>
May 27, 1994 Revision of rules for the Waterway Development Program	Superseded <i>Status</i> F.A.C. 66A-2 (2021)
May 26, 1995 Authorized initiation of Regional Waterway Management System	Codified <i>Status</i> F.A.C. 66A-2.003 (2021)
November 3, 1995 Established a standard operating procedure for emergency interim administration of WCIND in the event of the death of the Executive Director or other emergency event.	In Effect <i>Status</i> Under review

May 24, 1996

Established a policy regarding repayment of funding of county projects from District's contingency reserve funds. 3-year repayment period and \$1.5 million cap on funds available for emergency use

Status
Partially Superseded
Under review
F.A.C. 66A-2.0041 (2021)

November 1, 1996

Approved staff proposal to join Florida Association of Special Districts.

Status
In Effect
Still a member

July 25, 1997

Revised 20% funding cap established May 13, 1991 for projects regarding law enforcement on the waterways – allowing a member county to exceed the 20% cap

Status
Superseded
F.A.C. 66A-2.003 (2021)

May 30, 2003

Prequalification of professional consulting firms through competitive process to provide environmental and permitting services to the District

Status
Ongoing

April 30, 2004

WCIND retains the services of Washington, D.C. law firm to represent the District

Status
In Effect

March 30, 2009

Amended the WCIND Investment Policy to meet accounting requirements and Florida Statutes

Status
Superseded
Resolution 2018-01 (01/26/2018)

June 5, 2009

Law Enforcement funding increase from 25% to 30% due to activity demands and programmatic changes requiring additional funding

Status
Superseded
F.A.C. 66A-2.003 (2021)

March 31, 2013

Restrict district support of special event sponsorships pending full Board discussion and approval at the WCIND Board meeting

Status
In Effect

April 19, 2013

Sponsorships for workshops and special events which exceeds \$5,000.00 be brought to the Board

Status
In Effect

August 26, 2013

Backup material to be provided to the WCIND office two weeks prior to a board meeting unless it is an emergency

Status
In Effect

August 26, 2013

Delete or cancel the CNIF policy providing for a one-year delay before the Board can approve a member county's use of the CNIF funds for an expired waterway development program project

Status
In Effect
Incorporated into
F.A.C. 66A-2.004(2) (2021)

WCIND FORMAL RESOLUTIONS

August 21, 2015 Public Records Request Policy adopted with Resolution 2015-01	In Effect <i>Status</i>
August 21, 2015 Public Comments Policy adopted with Resolution 2015-02	In Effect <i>Status</i> Still a member
March 25, 2016 Executive Director Evaluation process adopted with Resolution 2016-01	In Effect <i>Status</i>
March 24, 2017 Executive Director's spending authorities adopted with Resolution 2017-01	Superseded <i>Status</i> Resolution 2021-05 (04/08/2021)
January 26, 2018 Investment Policy adopted with Resolution 2018-01	In Effect <i>Status</i> Five-year review cycle
August 17, 2018 Management and use of WCIND district property adopted with Resolution 2018-04	In Effect <i>Status</i>
June 21, 2019 GSA rates for travel expenses adopted with Resolution 2019-04	In Effect <i>Status</i>
April 4, 2020 WCIND Covid-19 procedures with Resolution 2020-01	In Effect <i>Status</i> Based upon Governor's orders
October 23, 2020 Submission and adoption of new F.A.C. 66A-2 rules with Resolution 2020-10	In Effect <i>Status</i> Codified F.A.C. 66A-2 (2021)
March 3, 2021 Revisions to F.A.C. 66A-2 adopted by Florida Department of State	In Effect <i>Status</i> Codified F.A.C. 66A-2 (2021)
April 8, 2021 Purchasing Procedure Policy with resolution 2021-05	In Effect <i>Status</i>
June 9, 2021 Real Property Disposition Policy and Procedure with Resolution 2021-07	In Effect <i>Status</i>

The background of the logo consists of three overlapping, wavy bands of color. The top band is a dark blue, the middle band is a medium blue, and the bottom band is a light blue. These bands curve upwards from left to right, creating a sense of movement and depth. The bottom of the logo is a solid white area where the text is located.

WCIND

West Coast Inland Navigation District

<https://www.wcind.net/>