

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Community Affairs offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

Section 2. Chapter 23770, Laws of Florida, 1947; chapters 27289 and 27290, Laws of Florida, 1951; chapter 28542, Laws of Florida, 1953; chapter 30074, Laws of Florida,

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1 1955; chapter 57-467, Laws of Florida; chapter 59-756, Laws of
2 Florida; chapter 61-1590, Laws of Florida; chapter 77-494,
3 Laws of Florida; sections 2, 3, 4, and 5 of chapter 79-435,
4 Laws of Florida; chapter 81-337, Laws of Florida; section 5 of
5 chapter 85-200, Laws of Florida; section 5 of chapter 86-286,
6 Laws of Florida; and section 8 of chapter 90-264, Laws of
7 Florida, relating to the West Coast Inland Navigation District
8 of Florida, are codified, reenacted, amended, and repealed as
9 herein provided.

10 Section 3. District boundaries.--The Counties of Lee,
11 Charlotte, Sarasota, and Manatee, are hereby created into and
12 incorporated, for the purposes of this act, into an
13 independent multi-county special tax district of the State of
14 Florida known as the "West Coast Inland Navigation District,"
15 hereinafter referred to as the district. Such district shall
16 function and operate by and through its board of
17 commissioners, hereinafter referred to as the board. However,
18 the district services and projects may be provided by
19 interlocal agreement within adjoining coastal counties.

20 Section 4. Definitions.--The term "inland waterway"
21 includes those portions of the inland waterway as designated
22 by the Federal River and Harbor Act of 1945 within district
23 boundaries, any body of water connected with the inland
24 waterway, and any other body of water which the board finds
25 makes a significant contribution or has the potential to make
26 a significant contribution to waterway traffic or waterborne
27 commerce in the area served.

28 Section 5. District powers and authority.--
29 (a) It is the purpose and intent of this act that the
30 board of said district do and perform all things requisite,
31 necessary, or desirable within district boundaries to comply

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1 with the requirements and conditions imposed upon "local
2 interests," by the Congress of the United States of America,
3 in its River and Harbor Act approved March 2, 1945, as said
4 act has been and may be from time to time amended, authorizing
5 the improvement and construction, under direction of the
6 Secretary of the Army and supervision of the Chief of
7 Engineers, of an inland waterway in accordance with report
8 submitted by letter of Secretary of War, dated June 22, 1939,
9 Document No. 371, House of Representatives, 76th Congress, 1st
10 Session entitled, "Intracoastal Waterway from Caloosahatchee
11 River to Withlacoochee River, Florida," and all reports
12 subsequent thereto relating to any change, modification, or
13 expansion of said initial report. In order that said Secretary
14 of the Army and Chief of Engineers may accomplish the work of
15 improvement, adopted and authorized by said act of Congress as
16 the same may from time to time be amended, said board of said
17 district is authorized to obtain by donation, purchase, or
18 condemnation and convey without cost to the United States, the
19 necessary rights-of-way for said project together with
20 suitable areas for the deposit of spoil material in connection
21 with the work and its subsequent maintenance, all as
22 contemplated and required by the Congress of the United
23 States, and those acting by its authority. Nothing herein
24 contained shall be construed to prohibit said board from
25 expending such sums of money as in its discretion may be
26 deemed proper for any purpose authorized, contemplated, or
27 required to carry out any work authorized by any acts of
28 Congress.

29 (b) The district may act as a local interest sponsor
30 for any "Section 107, River and Harbor Act of 1960," project
31 authorized and undertaken by the U.S. Army Corps of Engineers,

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1 and in this regard may comply with any or all conditions
2 imposed on local interests as part of such project.

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

10 (d) The district may furnish assistance and support to
11 member counties in planning and carrying out public navigation
12 projects of a purely local or regional nature. Such assistance
13 and support, if financial in nature, shall be granted only
14 after a finding by the board that such project contributes to
15 public navigation in the area in which it is located.

16 (e) The district is authorized to participate with any
17 local, state, or federal agencies in research, study, or test
18 programs as to the impact, both physical and biological, of
19 waterway construction, maintenance, and operation, including,
20 but not limited to, erosion, accretion, and marine and
21 shoreline vegetation.

22 (f) The district is authorized to assume sponsorship,
23 or to act with other agencies, in environmental restoration
24 and enhancement projects, seeking to protect, restore, and
25 enhance water quality, aquatic habitat, and other marine
26 oriented conservation and environmental values in the
27 navigable waters in the district. Such activities may include
28 studies and work to restore damage to the aquatic environment
29 caused by construction or maintenance of navigation channels,
30 harbors, or similar works.

31 (g) The district is authorized to create advisory

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1 bodies and to assist local governments in the development of
2 county and multi-county anchorage management programs.

3 (h) The district is authorized to enter into
4 interlocal agreements with adjoining coastal counties to
5 implement the purposes and projects authorized by this act,
6 chapter 374, Florida Statutes, and applicable general law
7 within the boundaries of the cooperating county or counties.
8 The agreement shall also make provision for the continued
9 construction or maintenance of district projects within a
10 cooperating county or counties in the event an agreement is
11 terminated.

12 Section 6. Governing board.--A governing body of said
13 district is hereby created and shall be known as the "Board of
14 Commissioners of West Coast Inland Navigation District," and
15 shall be composed of four members who shall be qualified
16 electors residing in said district, each of whom shall
17 respectively be a member of the board of county commissioners
18 of the county incorporated in the district each commissioner
19 represents on said board, and selected in each instance by the
20 several county boards from the membership thereof. Said board
21 shall have all the powers of a body corporate, including the
22 power to sue and be sued as a corporation in its name; to make
23 contracts; to adopt and use a common seal and to alter the
24 same; to buy, acquire, by eminent domain, sell, own, lease,
25 and convey such real estate or interest therein, and personal
26 property as said board may deem proper to carry out the
27 provisions of this act; to appoint and employ such engineers,
28 attorneys, agents, and employees as said board may require; to
29 borrow money and issue negotiable promissory notes, and other
30 evidences of indebtedness therefor to enable it to carry out
31 the provisions of this act, and generally to do and perform

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1 all things necessary to accomplish the purposes of this act.

2 Section 7. Governance.--

3 (a) The elected officers of said board shall be:

4 Chair, vice chair, secretary and treasurer; provided, however,
5 that no one person shall hold more than one such office at the
6 same time. Said officers shall be elected annually from said
7 board by the members thereof. Three members of the board shall
8 constitute a quorum. The affirmative vote of three members
9 shall be necessary to the transaction of business. The chair
10 shall have the right to vote. Special meetings may be called
11 at any time by the chair or any other two commissioners. Each
12 member county may, in addition to its designated commission
13 member, designate an alternate commission member who shall be
14 authorized to attend all board meetings and other district
15 approved activities and participate in board deliberations,
16 but who shall not be authorized to vote except in case of the
17 absence of the designated member. Each designated alternate
18 commission member shall be a member of the board of county
19 commissioners of the county incorporated in the district the
20 alternate commission member represents on the district board.

21 (b) The board may from time to time provide for the
22 office of executive director and when such office is provided
23 for may employ some qualified person to act in such capacity,
24 and by resolution shall define the term and duties of such
25 office. The executive director when so appointed shall be the
26 assistant secretary of the board and as such shall be the
27 official custodian of the minute books, records, maps, seal,
28 and other properties and records of the district. Such officer
29 shall be authorized to affix the official seal of the district
30 to its legal documents and to certify copies of any official
31 proceedings of the district.

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1 (c) The district is authorized to pay all reasonable
2 expenses incurred by its board members or designated alternate
3 members in the fulfillment of their duties as members of the
4 board, but no member of said board or designated alternate
5 member shall receive any compensation beyond reimbursement for
6 reasonable expenses.

7 Section 8. Property acquisition.--

8 (a) The district shall obtain by gift, donation,
9 purchase, or condemnation and shall furnish to the United
10 States or to the state all required right-of-way as the said
11 board shall determine necessary pursuant to requirements of
12 the United States for constructing and maintaining said inland
13 waterway for the route of construction of said inland waterway
14 as designated and requested from time to time by the Corps of
15 Engineers, U.S. Army, or other proper state or federal agency.

16 (b) The district shall acquire by gift, donation,
17 purchase, or condemnation, and shall furnish to the United
18 States required areas for the deposit of spoil material in
19 connection with the work of improving, constructing, and
20 maintaining the aforementioned waterway as requested from time
21 to time by the Corps of Engineers, U.S. Army, or other proper
22 federal agency.

23 (c) The district shall obtain by gift, donation,
24 purchase, or condemnation and shall furnish to the United
25 States, any property, property rights, easement and interest
26 in property, outside of said right-of-way and designated spoil
27 areas that may be necessary for the construction, maintenance,
28 and operation of said canal to be constructed and maintained
29 within said right-of-way by the United States.

30 (d) The district is authorized to acquire and obtain
31 by gift, donation, purchase, or condemnation and to transfer

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1 to the United States such lands, easements, rights-of-way, and
2 spoil disposal areas as may be required to effectuate the
3 purpose and intent of all acts of the United States Congress
4 as heretofore, or hereafter, enacted for the further
5 improvement of said intracoastal waterway, with a view to
6 providing a project depth of 12 feet, more or less, referred
7 to the plane of local mean low water, and a width appropriate
8 to said depth and such other improvements as may be authorized
9 and adopted by the Congress, from time to time, and in
10 connection with the subsequent maintenance of said waterway,
11 as so improved.

12 (e) The district is authorized to contract for the
13 purchase of any property acquired by it and to pay the
14 purchase price therefor in installments or deferred payments
15 upon such terms as the board shall determine; said contract
16 may provide for payment of interest as provided by general
17 law.

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

22 Section 9. Eminent domain.--

23 (a) The district is authorized to exercise the right
24 of eminent domain, and may condemn for the use of said
25 district or other proper public agencies all lands, easements,
26 rights-of-way, areas for deposit of spoil material, and
27 property rights of every description required for the public
28 purposes and powers of said district herein granted. The
29 district is authorized to secure possession of lands,
30 easements, rights-of-way, areas for deposit of spoil material,
31 and other property rights, prior to final judgment pursuant to

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1 the procedure hereinafter provided. Such condemnation
2 proceedings shall be maintained by and in the name of the West
3 Coast Inland Navigation District, a special taxing district
4 under the laws of the State of Florida, and the procedure
5 shall be that prescribed in chapters 73 and 74, Florida
6 Statutes, and any other procedure as otherwise from time to
7 time is provided by law; and said district and its board is
8 hereby vested with authority to pay any judgment or
9 compensation awarded in any such proceedings out of any funds
10 available for such purposes. The district is authorized to
11 condemn lands owned by public utility companies and
12 governmental agencies, provided no condemnation action may be
13 maintained against a state or federal agency without the
14 consent of such agency.

15 (b) In the event the property sought to be condemned
16 is in more than one county, the suit may be instituted in
17 either county, but required notice shall be published in all
18 counties affected.

19 (c) The delegation of the power of eminent domain as
20 herein provided shall not be held to be an exclusive right to
21 accomplish the purposes herein outlined and nothing herein
22 provided shall be construed as prohibiting any other federal
23 or state agency from exercising such powers as they
24 respectively hold to carry out any of the purposes of this
25 act.

26 Section 10. Borrowing.--In order to defray current
27 expenses the district is authorized to borrow money for said
28 purposes; and to execute therefor the negotiable promissory
29 notes of the district, same to bear interest as provided by
30 general law.

31 Section 11. Property conveyed to U.S. Government.--The

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1 district is authorized to convey any property or property
2 rights it owns or possesses to the United States or any proper
3 federal agency for any purpose contemplated by this act, with
4 or without consideration, and upon such terms and conditions
5 as the board deems proper. The district is authorized to
6 furnish in connection therewith title evidence, title
7 insurance, hold harmless agreements, and such other assurances
8 as the United States may from time to time request.

9 Section 12. Ad valorem taxes.--The district may
10 annually assess and levy against the taxable property in the
11 district a tax not to exceed 0.2 mill on the dollar of
12 assessed valuation for each year, and the proceeds from such
13 tax shall be used by said board for all expenses of the
14 district including the purchase of right-of-way and other
15 property, and any other purpose authorized by this or any
16 other law.

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

20 Section 14. Bridge construction.--

21 (a) The district is authorized to assume and relieve
22 the United States from the cost and expense of construction,
23 reconstructing, maintaining, and operating any bridge over
24 said intracoastal waterway, whenever, in the judgment of said
25 board such action is necessary upon its part to fully comply
26 with the requirements and conditions imposed upon "local
27 interests" by said River and Harbor Act of the United States,
28 approved March 2, 1945, in accordance with the report
29 submitted June 14, 1939, in House Document No. 371, 76th
30 Congress, first session, as amended and expanded. The expense
31 therefor may be paid as a necessary expense of the district;

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1 provided, however, that the district shall not be required to
2 pay the cost of maintenance of any bridges within its borders
3 nor bear the cost of bridge tenders for such bridges, except
4 by special agreement. Said board is authorized to contract
5 with the board of county commissioners of any county in the
6 district to the end that said board of county commissioners,
7 shall assume the responsibility for the construction,
8 reconstruction, maintenance, and operation of any such bridge.
9 Each board of county commissioners is hereby authorized to
10 enter into such a contract with the board of commissioners of
11 said district and such a contract shall be binding upon said
12 county and district.

13 (b) Whenever the district assumes the responsibility
14 for constructing or reconstructing, altering, or modifying any
15 bridge, including necessary appurtenances and approaches, such
16 responsibility may be met either directly or through contract
17 with any other public agency or agencies and any funds of the
18 district paid out pursuant to such a contract shall be deemed
19 to be for a proper public purpose.

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

24 Section 15. Delegation.--Any delegable act authorized
25 to be performed by the district may be performed by any other
26 public or private agency by agreement with the district upon
27 such terms as the parties shall agree.

28 Section 16. Studies.--

29 (a) In order to carry out the purpose and intent of
30 any laws that heretofore have been, or hereafter may be
31 enacted by the United States Congress authorizing and

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1 directing the Secretary of the Army to make examinations,
2 surveys, and studies of the intracoastal waterway from
3 Caloosahatchee River to Anclote Key, Florida, or other Florida
4 West Coast Waterways, the district is authorized to collect,
5 compile, and to furnish to the Secretary of the Army, the
6 Secretary's officers and agents, appropriate information on
7 the counties within the district's boundaries bearing on the
8 advantages, benefits, and increased usefulness that may be
9 expected to accrue to the public and to the counties traversed
10 by said waterway by reason of any improvement or extension
11 thereof, that has previously been or may subsequently be
12 authorized by said United States Congress.

13 (b) The district is authorized to expend its funds for
14 publicizing to other governmental agencies the completion by
15 the United States of all or any portion of the intracoastal
16 waterway and related waterways and its availability and
17 utility to water craft, and to distribute information as to
18 route, channel, depth, and facilities of said waterway and
19 such other information and data as may, in the opinion of the
20 board, be desirable or useful to give the public full
21 information regarding said waterway and to promote its use in
22 navigation.

23 Section 17. Dredging.--The district is authorized to
24 pay all or part of the cost of dredging performed on the
25 waterway by the United States, to construct dikes,
26 bulkheads, and levees, to construct ditches and pipelines for
27 the control of water discharged by dredges, to reconstruct,
28 modify, or relocate bridges, docks, wharfs, and other
29 structures, including water and sewer lines and appurtenances,
30 electric and telephone lines and appurtenances, gas
31 transmission and distribution lines and appurtenances, or to

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1 pay for same, and to do all other work or things which, in the
2 judgment of the board shall be proper and necessary to produce
3 economies in meeting the conditions imposed on local interests
4 by the United States Congress in the several acts authorizing
5 and directing the improvement and maintenance of the
6 intracoastal waterway.

7 Section 18. Administrative procedures.--The district
8 is authorized to prosecute in behalf of itself or others any
9 administrative procedures necessary to be followed to carry
10 out any of the activities authorized or contemplated by this
11 act and to pay the reasonable expenses thereof, including, but
12 not limited to, any bulkhead line and dredge and fill
13 procedures required by law to be completed. The district may
14 contract with other agencies or public or private persons to
15 perform any such activities in its behalf.

16 Section 19. Franchise.--No franchise or other
17 privilege pertaining to leasing, buying, building, operating,
18 or otherwise dealing with any business or establishment
19 relating to food, lodging, beverages, fuel, supplies, or other
20 services to people or waterborne vehicles and located on any
21 property owned by the district, shall be granted or contracted
22 for unless the same shall have first been advertised for bids
23 in each of the counties in the district. Such advertisement
24 shall appear in a newspaper of general circulation located and
25 published in the county in which such property is located and
26 shall appear one time at least 30 days prior to the date set
27 to hear and receive proposals upon such franchise or other
28 similar privilege.

29 Section 20. Tax exemptions.--All land or interest in
30 land, now or hereafter owned by the district, is exempted from
31 taxation of all kinds, including, but not limited to, special

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1 assessment and improvement taxes.

2 Section 21. Depository.--

3 (a) A bank or banks, or other depository to be
4 designated by the board, shall receive and be custodian of all
5 funds of said district. Such depository or depositories shall
6 give satisfactory security for the adequate protection of all
7 moneys to be deposited with it.

8 (b) The funds of the district shall be paid out only
9 upon warrant signed by the Treasurer and countersigned by the
10 chairor in the absence of the chair by the vice chair of the
11 board and have affixed thereto the corporate seal of the
12 district. No warrant shall be drawn or issued against funds of
13 said district except for a purpose authorized by this act, and
14 no such warrant shall be drawn or used unless the account or
15 expenditure for which the same is given in payment has been
16 approved by the board.

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

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

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1 Section 22. Liberal construction.--It is intended that
2 the provisions of this act shall be liberally construed for
3 accomplishing the work authorized and provided for or intended
4 to be provided for by this act, and where strict construction
5 would result in the defeat of the accomplishment of any part
6 of the work authorized by this act, and a liberal construction
7 would permit or assist in the accomplishment of any part of
8 the work authorized by this act, the liberal construction
9 shall be chosen.

10 Section 23. Invalidity.--If any section, subsection,
11 sentence, clause or phrase of this act is held to be
12 unconstitutional, such holding shall not affect the validity
13 of the remaining portions of the act, the Legislature hereby
14 declaring that it would have passed this act and each section,
15 subsection, sentence, clause, and phrase thereof, irrespective
16 of any other separate section; subsection, sentence, clause,
17 or phrase thereof, and irrespective of the fact that any one
18 or more other sections, subsections, sentences, clauses, or
19 phrases thereof may be declared unconstitutional.

20 Section 24. Chapter 23770, Laws of Florida, 1947;
21 chapters 27289 and 27290, Laws of Florida, 1951; chapter
22 28542, Laws of Florida, 1953; chapter 30074, Laws of Florida,
23 1955; chapter 57-467, Laws of Florida; chapter 59-756, Laws of
24 Florida; chapter 61-1590, Laws of Florida; chapter 77-494,
25 Laws of Florida; sections 2, 3, 4, and 5 of chapter 79-435,
26 Laws of Florida; chapter 81-337, Laws of Florida; section 5 of
27 chapter 85-200, Laws of Florida; section 5 of chapter 86-286,
28 Laws of Florida, and section 8 of chapter 90-264, Laws of
29 Florida, will be repealed 10 days after the effective date of
30 this act; provided the authority to levy and assess 0.2 mill
31 of ad valorem tax shall not be repealed.

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1 Section 25. This act shall take effect upon becoming a
2 law.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 1, line 18

8 remove from the title of the bill: all of said line

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10 and insert in lieu thereof:

11 sections 2, 3, 4, and 5 of chapter 79-435,

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