

1                   A bill to be entitled  
2           An act relating to Lee, Charlotte, Sarasota,  
3           and Manatee Counties; providing for  
4           codification of special laws regarding special  
5           districts pursuant to chapter 97-255, Laws of  
6           Florida, relating to the West Coast Inland  
7           Navigation District, a special tax district of  
8           the State of Florida composed of the Counties  
9           of Lee, Charlotte, Sarasota, and Manatee;  
10          providing legislative intent, and codifying and  
11          reenacting chapter 23770, Laws of Florida,  
12          1947; chapters 27289 and 27290, Laws of  
13          Florida, 1951; chapter 28542, Laws of Florida,  
14          1953; chapter 30074, Laws of Florida, 1955;  
15          chapter 57-467, Laws of Florida; chapter  
16          59-756, Laws of Florida; chapter 61-1590, Laws  
17          of Florida; chapter 77-494, Laws of Florida;  
18          sections 2, 3, 4, and 5 of chapter 79-435, Laws  
19          of Florida; chapter 81-337, Laws of Florida;  
20          section 5 of chapter 85-200, Laws of Florida;  
21          and section 5 of chapter 86-286, Laws of  
22          Florida; providing additional powers; providing  
23          for the repeal of section 8 of chapter 90-264,  
24          Laws of Florida; providing for repeal of all  
25          prior special acts related to the West Coast  
26          Inland Navigation District; providing an  
27          effective date.

28  
29   Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Pursuant to chapter 97-255, Laws of  
 2 Florida, this act constitutes the codification of all special  
 3 acts relating to the West Coast Inland Navigation District. It  
 4 is the intent of the Legislature in enacting this law to  
 5 provide a single, comprehensive special act charter for the  
 6 district, including all current legislative authority granted  
 7 to the district by its several legislative enactments and any  
 8 additional authority granted by this act. It is further the  
 9 intent of this act to preserve all district authority,  
 10 including the authority to annually assess and levy against  
 11 the taxable property in the district a tax not to exceed 0.2  
 12 mills on the dollar of assessed valuation.

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

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

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

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

12 Section 5. District powers and authority.--

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

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

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

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

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

31

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

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

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

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

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

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

18 Section 7. Governance.--

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

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

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

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

23 Section 8. Property acquisition.--

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

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

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

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

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



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

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

7 Section 9. Eminent domain.--

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

31

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

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

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

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

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

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

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

6 Section 14. Bridge construction.--

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

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

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

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

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

14 Section 16. Studies.--

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

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

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

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

24 Section 18. Administrative procedures.--The district  
 25 is authorized to prosecute in behalf of itself or others any  
 26 administrative procedures necessary to be followed to carry  
 27 out any of the activities authorized or contemplated by this  
 28 act and to pay the reasonable expenses thereof, including, but  
 29 not limited to, any bulkhead line and dredge and fill  
 30 procedures required by law to be completed. The district may  
 31

1 contract with other agencies or public or private persons to  
2 perform any such activities in its behalf.

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

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

20 Section 21. Depository.--

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

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

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

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

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

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

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

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

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

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