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A bill to be entitled

An act relating to Indian River and Brevard Counties; codifying, amending, and reenacting special acts relating to the Sebastian Inlet Tax District; providing for a governing body; providing powers and duties; providing for construction and maintenance of an inlet between the Indian River and the Atlantic Ocean; authorizing the levy of taxes; providing severability; providing applicability; repealing chapters 7976 (1919), 8901 (1921), 12259 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-329, 78-470, 82-307, and 88-535, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Sebastian Inlet Tax District, also known as the Sebastian Inlet 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.

Section 2. Chapters 7976 (1919), 8901 (1921), 12259 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-329, 78-470, 82-307, and 88-535, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Sebastian Inlet Tax District is reenacted, and the charter for the district is re-created and reenacted to read:



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31 Section 1. A special taxing district is hereby created to
 32 be known as the Sebastian Inlet Tax District, to consist so much
 33 of Brevard and Indian River Counties, Florida as is described
 34 and embraced in the following boundaries, to-wit:

35
 36 All of the Third Commissioner's District of Brevard
 37 County and that part of the Fourth Commissioner's
 38 District of Brevard County, Florida, bounded on the
 39 north by the township line between Township Twenty-
 40 five (25) , and Township Twenty-six (26) and all of
 41 that part of Indian River County, Florida, which
 42 comprised and made up the First Commissioner's
 43 District of Saint Lucie County, Florida, as located
 44 and established upon the passage of Chapter 7976, Laws
 45 of Florida, Special Acts of 1919 aforesaid.

46
 47 Section 2. A governing body of said Sebastian Inlet Tax
 48 District, to be known and designated as the "Board of
 49 Commissioners of Sebastian Inlet Tax District," shall be
 50 composed of five members, who shall have been and shall be
 51 elected as provided by law. Said governing body shall have all
 52 the powers of a body corporate, including the power to sue and
 53 be sued as a corporation in said name in any court; to contract;
 54 to adopt and use a common seal and alter the same at pleasure;
 55 to purchase or otherwise acquire, own, hold, lease, sell,
 56 mortgage, and convey or otherwise dispose of such real estate
 57 and personal property as said Board may deem proper to carry out
 58 the purposes of this act; to appoint during its pleasure a Chief
 59 Engineer, a Consulting Engineer, and such agents and employees
 60 as said Board may require or deem advisable; and to borrow money



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61 and to issue negotiable promissory notes or bonds therefor to
62 enable it to carry out the provisions of this act.

63 Section 3. (a) Members of the Board shall be elected at
64 the general election held in November of each even-numbered
65 year. The terms of office of such Board members shall be for 4
66 years and until their successors are duly elected and qualified.
67 Each member shall be a qualified elector and resident within the
68 District; however, three members, or a majority, of the Board
69 shall reside in the county within the District's boundaries with
70 the larger population. Two members shall reside in the other
71 county. All candidates for office shall stand for election in
72 all precincts of the District.

73 1. The terms of the Board members shall be staggered, with
74 three Board members standing for election in one general
75 election for a 4-year term, and two Board members shall be
76 elected 2 years later at the general election for a 4-year term.

77 2. Newly elected Board members shall take office at the
78 next regularly scheduled meeting of the Board, or, if that
79 meeting is not planned within 30 days after the election, then a
80 special meeting shall be called for the purpose of seating the
81 new members of the Board and providing them with an orientation.

82 (b) Board members shall be elected on a nonpartisan basis
83 by a majority of the qualified electors of the District voting
84 at the election to be held in both Indian River and Brevard
85 Counties as follows:

86 1. Any candidate for membership on the Board shall qualify
87 as provided by law. The ballots shall be in the form for
88 general elections as provided by law.

89 2. The election officials of each voting district or
90 precinct within the Sebastian Inlet Tax District shall conduct



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91 the election of the members of the Board of Commissioners of the
92 District at the time of conducting such general election. Each
93 voter who is qualified to vote in each such general election in
94 the respective election districts or precincts situated within
95 the boundaries of the Sebastian Inlet Tax District and who
96 resides within the boundaries of such District shall be entitled
97 to cast a ballot for the election of members of the Board of
98 Commissioners of said Sebastian Inlet Tax District.

99 3. Upon the closing of the polls in each election district
100 or precinct, the officials conducting such elections shall tally
101 the votes cast for members of the Board of Commissioners of the
102 Sebastian Inlet Tax District. The vote shall be canvassed in the
103 manner provided by general law.

104 (c) Before he or she assumes office, each Board member
105 shall be required to give to the Sebastian Inlet Tax District a
106 good and sufficient surety bond in the sum of \$2,000 conditioned
107 for the faithful performance of the duties of his or her office
108 and said bond to be approved by and filed with the Clerk of the
109 Circuit Court of Brevard County. Said bond shall be recorded in
110 the minutes of said Board of Commissioners of said Sebastian
111 Inlet Tax District. The failure of any person so elected as a
112 member of the Board of Commissioners of the Sebastian Inlet Tax
113 District to give such bond within 30 days after his or her
114 election as such shall create a vacancy as to such Board member.
115 In such event or in the event of any vacancy on said Board of
116 Commissioners of the Sebastian Inlet Tax District, whether by
117 resignation, death, removal from the District, or otherwise,
118 within 30 days after the existence of such vacancy, the Governor
119 of the State of Florida shall appoint a Board member as provided
120 by law to fill such vacancy, who shall serve for the remainder



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121 of such expired term and who shall give bond as hereinbefore
122 provided.

123 (d) All meetings shall be open to the public. The Board
124 shall conduct all meetings in accordance with chapter 286,
125 Florida Statutes. In addition, notice of the meetings shall be
126 sent to the news media at least 7 days in advance, stating the
127 time, date, location, and purpose of the meeting. A majority of
128 the members may convene in special session when called by a
129 majority of the members or the chair. Actions taken at special
130 meetings shall have the same force and effect as if taken at a
131 regular meeting. Two days' written notice of the time and
132 purpose of a special meeting shall be given to all members and
133 the news media. The minutes of the meeting shall set forth the
134 facts regarding the procedure in calling the meeting and the
135 reason therefor and shall be signed either by the chair or by a
136 majority of the members. Upon due public notice, regular or
137 special meetings of the Board shall be held at any appropriate
138 public place in the District which is readily accessible to the
139 general public; however, at least 50 percent of the number of
140 meetings of the Board held each year shall be held in Indian
141 River County.

142 (e) All bookkeeping and accounting of the District shall
143 meet the requirements imposed by law for special districts.

144 (f) All purchasing and bidding shall be in accordance with
145 the procedures used by the Brevard County Board of
146 Commissioners.

147 Section 4. As soon as practicable after this act becomes a
148 law, the Board holding over or after they have been duly elected
149 or appointed and have qualified, they shall meet and organized
150 by the election, from among their number, of a chair, a vice-



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151 chair, a secretary/treasurer. Three members of the Board shall
152 constitute a quorum. The affirmative vote of two members shall
153 be necessary to transact business. The chair and all members of
154 the said Board present shall vote at meetings of the Board as
155 provided by law.

156 Section 5. The members of the Board shall each receive the
157 sum of \$3,600 per year commencing October 1, 2003. The salary
158 shall be paid in monthly installments as compensation for
159 servicing on the Board, but Board members shall not be reimbursed
160 for any travel expenses inside the boundaries of the District.
161 The members of the Board shall be reimbursed for per diem and
162 travel expenses outside the boundaries of the District in
163 accordance with the law.

164 The members of the Board shall set their own compensation
165 for each fiscal year commencing October 1, 2004, provided the
166 Board shall not increase its members' compensation for any
167 fiscal year by a percentage greater than the percentage the
168 Consumer Price Index for Urban Wage Earners and Clerical Workers
169 (CPI-W) increased from the date of the commencement of the
170 fiscal year when the Board members last received an increase in
171 their compensation. In the event the U.S. Department of Labor no
172 longer publishes the Consumer Price Index, the Board must use a
173 similar published standard to set any increase in its
174 compensation.

175 Section 6. It shall be the duty of said Board of
176 Commissioners of Sebastian Inlet Tax District to construct,
177 improve, widen or deepen, and maintain the inlet between the
178 Indian River and the Atlantic Ocean. With character, manner of
179 construction of said inlet shall be determined by said Board of
180 Commissioners with the approval and recommendation of the Chief



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181 Engineer, and said Board is further authorized to do all acts
182 and things proper, necessary, or convenient for the aforesaid
183 purposes. The opening and maintenance of such inlet or waterway
184 connecting the waters of the Atlantic Ocean with the waters of
185 the Indian River within the Sebastian Inlet Tax District are
186 hereby found and declared to be for public purposes and to be
187 necessary for the use of shipping and for transportation and for
188 the extension of commerce of the State of Florida and of said
189 District, and also to be necessary for the maintenance of the
190 health of the inhabitants of the territory embraced in the said
191 District and for the convenience, comfort, and welfare of the
192 said District and the inhabitants thereof. The District is
193 authorized to conduct such programs and projects as it finds
194 necessary or convenient for beach renourishment, erosion
195 control, environmental protection, navigation, boating,
196 recreation, and public safety for the operation and maintenance
197 of the inlet and the waters of the Atlantic Ocean and Indian
198 River Lagoon adjacent thereto.

199 Section 7. The Board shall elect a Chief Engineer. The
200 depth, width, character, and manner of improvement and
201 construction of said inlet or waterway shall be determined by
202 said Board upon the approval and recommendation of the Chief
203 Engineer of the Board. The Board, in setting the depth of the
204 inlet, shall consider the impact on navigation from the
205 Intracoastal Waterway to the Atlantic Ocean.

206 Section 8. The said Board shall have the power and
207 authority to hold, control, and acquire by gift or purchase, for
208 the use of the District, any real or personal property and to
209 condemn any lands or easements needed for the purposes of the
210 District. Said Board is authorized to exercise the right of



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211 eminent domain and institute and maintain condemnation
212 proceedings as prescribed by the laws of Florida.

213 Section 9. The Board of Commissioners of Sebastian Inlet
214 Tax District is hereby authorized and empowered to levy upon all
215 of the real and personal taxable property in said District a
216 special tax not exceeding 1 1/2 mills on the dollar for the year
217 1977, and for each and every year thereafter, to be used solely
218 for the purpose authorized and prescribed by this act. Said levy
219 shall be made each year, not later than September 30 of each
220 year by resolution of the Board, or a majority thereof, duly
221 entered at large upon its minutes. Certified copies of such
222 resolution executed in the name of the Board by its chair and
223 secretary and under its corporate seal shall be made and
224 delivered to the Board of County Commissioners of Indian River
225 County, to the Board of County Commissioners of Brevard County,
226 and to the Chief Financial Officer of the State of Florida not
227 later than September 30 of each and every year thereafter. It
228 shall be the duty of the Board of County Commissioners of Indian
229 River County and the Board of County Commissioners of Brevard
230 County to order the assessment and collection of taxes levied by
231 the Board of Commissioners of the District within the respective
232 counties in the manner provided by law for regular property
233 taxes in the county. Proceeds of such taxes shall be paid within
234 the time and in the manner prescribed by law to the treasurer of
235 the Board. All such taxes shall be held by the treasurer for
236 the credit of the Board and paid out by him or her as provided
237 herein.

238 Section 10. Said Board is hereby authorized and empowered,
239 in order to provide for the work prescribed by this act and to
240 pay the expenses incident to all such work or any other expense



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241 necessary in carrying out the general purposes of this act, to
 242 borrow money, temporarily, from time to time for a period of
 243 time not exceeding 2 years at any one time, and to issue its
 244 promissory notes therefor upon such terms and at such rates of
 245 interest as said Board may deem advisable. Any note so made and
 246 issued may be paid out of the proceeds of the bonds authorized
 247 to be issued by this act or out of any other revenues or funds
 248 of said Board, and said notes shall be a charge upon all of the
 249 revenue and property of said Board. In case of an injury by
 250 storm or otherwise to any of the works of this District, thereby
 251 causing an emergency which must be met at once in order to
 252 protect or reconstruct such works, said Board is authorized to
 253 borrow money under the terms prescribed above in order to meet
 254 such emergency.

255 Section 11. All work done under the provisions of this
 256 act, both in construction and maintenance, shall be carried on
 257 under the supervision of a competent Chief Engineer to be
 258 employed by said Board, and no money shall be paid out for any
 259 such work to any contractor or subcontractor until such work has
 260 been inspected and approved by the Board's Chief Engineer.

261 Section 12. It shall be the duty of the Board of
 262 Commissioners of Sebastian Inlet Tax District to use every
 263 reasonable means to maintain, protect, and preserve any and all
 264 of the works constructed by said Board, and for such purposes
 265 the said Board is authorized to use funds derived from taxes
 266 assessed and collected for Sebastian Inlet Tax District.

267 Section 13. Whoever shall willfully damage any ditch,
 268 canal, levee, inlet, waterway, jetty, or other work established
 269 or constructed under this act or who shall fill in or obstruct
 270 the flow of water in any inlet, canal, or waterway, or remove



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271 any earth, stone, or other material from the banks of any canal,
272 inlet, waterway, revetment, or ditch without having first
273 obtained permission in writing from said Board to remove such
274 material, shall be deemed guilty of a misdemeanor, and upon
275 conviction thereof, shall be fined not exceeding \$1,000 or
276 imprisoned in the county jail not longer than 6 months, or both
277 such fine and imprisonment, in the discretion of the Court.

278 Section 14. Any clause or section of this act which for
279 any reason may be declared invalid may be eliminated from this
280 act, and the remaining portion or portions shall be and remain
281 in full force and valid as if such invalid clause or section had
282 not been incorporated therein.

283 Section 15. The Chief Engineer, any Consulting Engineer,
284 and any agent or employee of the Board of Commissioners or
285 District may be removed at any time by the Board.

286 Section 16. All work performed and materials furnished for
287 the construction of said inlet and for the maintenance of said
288 inlet shall be let by contract in accordance with the general
289 laws of the State of Florida governing acquisition of
290 professional engineering services, the purchase of commodities,
291 and the construction and maintenance of public works. The Board
292 shall have the right to reject any and all bids. Each contractor
293 shall be required to give a surety bond in form and amount to be
294 approved by the Board, with a responsible surety company thereon
295 as surety. The Board, however, as a public authority, is
296 authorized to exempt any person entering into a contract with
297 the District for the construction of any buildings or public
298 works, or for the repair of any buildings or public works, from
299 the requirements for payment, performance, and surety bonds in
300 the manner and the amounts which are authorized by law for other



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301 public authorities to exempt their contractors from bond
302 requirements.

303 In the event of an emergency, the Board of Commissioners of
304 Sebastian Inlet Tax District is authorized to spend a sum not to
305 exceed \$15,000, utilizing the following procedure:

306 (a) The Board shall obtain at least three telephone bid
307 offers to perform such work or furnish such property from at
308 least three independent persons or business entities responsible
309 in the subject business endeavor under consideration; and

310 (b) The Board shall make a record of the offers. After
311 obtaining and recording such offers, the Board, with at least
312 three of five members concurring, shall award the contract to
313 the lowest responsible bidder of those solicited. The Board
314 shall then notify all local news media which commonly cover the
315 area within the District of the type and nature of the emergency
316 and what actions the Board has taken to rectify the emergency.

317 Section 17. The Board is authorized to vacate any easement
318 or transfer fee simple interest in any real property which it
319 holds to any unit of local, state, or federal government. Prior
320 to such vacation or transfer, the Board shall conduct a public
321 hearing and determine if it is in the public interest to
322 authorize the vacation or transfer. At such hearing, the Board
323 shall consider what effect, if any, the vacation or transfer
324 shall have on public access to the inlet for fishing and
325 recreation purposes and what action best serves the public
326 health, safety, and welfare.

327 Section 4. Except as otherwise provided in this act, in
328 the event of a conflict of any provision of this act with
329 provisions of any other act, the provisions of this act shall
330 control to the extent of the conflict.



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331 Section 5. Chapters 7976 (1919), 8901 (1921), 12259
 332 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-
 333 329, 78-470, 82-307, and 88-535, Laws of Florida, are repealed.
 334 Section 6. This act shall take effect upon becoming a law.