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CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

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, an independent special 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



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29 relating to the Sebastian Inlet Tax District, also known as the
30 Sebastian Inlet District. It is the intent of the Legislature in
31 enacting this law to provide a single, comprehensive special act
32 charter for the district, including all current legislative
33 authority granted to the district by its several legislative
34 enactments and any additional authority granted by this act.

35 Section 2. Chapters 7976 (1919), 8901 (1921), 12259
36 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-
37 329, 78-470, 82-307, and 88-535, Laws of Florida, are codified,
38 reenacted, amended, and repealed as herein provided.

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

42 Section 1. A special taxing district is hereby created to
43 be known as the Sebastian Inlet Tax District, an independent
44 special district, to consist so much of Brevard and Indian River
45 Counties, Florida as is described and embraced in the following
46 boundaries, to-wit:

47
48 All of the Third Commissioner's District of Brevard
49 County and that part of the Fourth Commissioner's
50 District of Brevard County, Florida, bounded on the north
51 by the township line between Township Twenty-five(25) ,
52 and Township Twenty-six (26) and all of that part of
53 Indian River County, Florida, which comprised and made up
54 the First Commissioner's District of Saint Lucie County,
55 Florida, as located and established upon the passage of



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56 Chapter 7976, Laws of Florida, Special Acts of 1919
57 aforesaid.

58
59 Section 2. A governing body of said Sebastian Inlet Tax
60 District, to be known and designated as the "Board of
61 Commissioners of Sebastian Inlet Tax District," shall be
62 composed of five members, who shall have been and shall be
63 elected as provided by law. Said governing body shall have all
64 the powers of a body corporate, including the power to sue and
65 be sued as a corporation in said name in any court; to contract;
66 to adopt and use a common seal and alter the same at pleasure;
67 to purchase or otherwise acquire, own, hold, lease, sell,
68 mortgage, and convey or otherwise dispose of such real estate
69 and personal property as said Board may deem proper to carry out
70 the purposes of this act; to appoint during its pleasure a Chief
71 Engineer, a Consulting Engineer, and such agents and employees
72 as said Board may require or deem advisable; and to borrow money
73 and to issue negotiable promissory notes or bonds therefor to
74 enable it to carry out the provisions of this act.

75 Section 3. (a) Members of the Board shall be elected at
76 the general election held in November of each even-numbered
77 year. The terms of office of such Board members shall be for 4
78 years and until their successors are duly elected and qualified.
79 Each member shall be a qualified elector and resident within the
80 District; however, three members, or a majority, of the Board
81 shall reside in the county within the District's boundaries with
82 the larger population. Two members shall reside in the other



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83 county. All candidates for office shall stand for election in
84 all precincts of the District.

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

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

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

98 1. Any candidate for membership on the Board shall qualify
99 as provided by law. The ballots shall be in the form for
100 general elections as provided by law.

101 2. The election officials of each voting district or
102 precinct within the Sebastian Inlet Tax District shall conduct
103 the election of the members of the Board of Commissioners of the
104 District at the time of conducting such general election. Each
105 voter who is qualified to vote in each such general election in
106 the respective election districts or precincts situated within
107 the boundaries of the Sebastian Inlet Tax District and who
108 resides within the boundaries of such District shall be entitled
109 to cast a ballot for the election of members of the Board of
110 Commissioners of said Sebastian Inlet Tax District.



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111 3. Upon the closing of the polls in each election district
112 or precinct, the officials conducting such elections shall tally
113 the votes cast for members of the Board of Commissioners of the
114 Sebastian Inlet Tax District. The vote shall be canvassed in the
115 manner provided by general law.

116 (c) Before he or she assumes office, each Board member
117 shall be required to give to the Sebastian Inlet Tax District a
118 good and sufficient surety bond in the sum of \$2,000 conditioned
119 for the faithful performance of the duties of his or her office
120 and said bond to be approved by and filed with the Clerk of the
121 Circuit Court of Brevard County. Said bond shall be recorded in
122 the minutes of said Board of Commissioners of said Sebastian
123 Inlet Tax District. The failure of any person so elected as a
124 member of the Board of Commissioners of the Sebastian Inlet Tax
125 District to give such bond within 30 days after his or her
126 election as such shall create a vacancy as to such Board member.
127 In such event or in the event of any vacancy on said Board of
128 Commissioners of the Sebastian Inlet Tax District, whether by
129 resignation, death, removal from the District, or otherwise,
130 within 30 days after the existence of such vacancy, the Governor
131 of the State of Florida shall appoint a Board member as provided
132 by law to fill such vacancy, who shall serve for the remainder
133 of such expired term and who shall give bond as hereinbefore
134 provided.

135 (d) All meetings shall be open to the public. The Board
136 shall conduct all meetings in accordance with chapter 286,
137 Florida Statutes. In addition, notice of the meetings shall be
138 sent to the news media at least 7 days in advance, stating the



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139 time, date, location, and purpose of the meeting. A majority of
140 the members may convene in special session when called by a
141 majority of the members or the chair. Actions taken at special
142 meetings shall have the same force and effect as if taken at a
143 regular meeting. Two days' written notice of the time and
144 purpose of a special meeting shall be given to all members and
145 the news media. The minutes of the meeting shall set forth the
146 facts regarding the procedure in calling the meeting and the
147 reason therefor and shall be signed either by the chair or by a
148 majority of the members. Upon due public notice, regular or
149 special meetings of the Board shall be held at any appropriate
150 public place in the District which is readily accessible to the
151 general public; however, at least 50 percent of the number of
152 meetings of the Board held each year shall be held in Indian
153 River County.

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

156 (f) All purchasing and bidding shall be in accordance with
157 the procedures used by the Brevard County Board of
158 Commissioners.

159 Section 4. As soon as practicable after this act becomes a
160 law, the Board holding over or after they have been duly elected
161 or appointed and have qualified, they shall meet and organized
162 by the election, from among their number, of a chair, a vice-
163 chair, a secretary/treasurer. Three members of the Board shall
164 constitute a quorum. The affirmative vote of two members shall
165 be necessary to transact business. The chair and all members of



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166 the said Board present shall vote at meetings of the Board as
167 provided by law.

168 Section 5. The members of the Board shall each receive the
169 sum of \$3,600 per year commencing October 1, 2003. The salary
170 shall be paid in monthly installments as compensation for
171 servicing on the Board, but Board members shall not be reimbursed
172 for any travel expenses inside the boundaries of the District.
173 The members of the Board shall be reimbursed for per diem and
174 travel expenses outside the boundaries of the District in
175 accordance with the law.

176 The members of the Board shall set their own compensation
177 for each fiscal year commencing October 1, 2004, provided the
178 Board shall not increase its members' compensation for any
179 fiscal year by a percentage greater than the percentage the
180 Consumer Price Index for Urban Wage Earners and Clerical Workers
181 (CPI-W) increased from the date of the commencement of the
182 fiscal year when the Board members last received an increase in
183 their compensation. In the event the U.S. Department of Labor no
184 longer publishes the Consumer Price Index, the Board must use a
185 similar published standard to set any increase in its
186 compensation.

187 Section 6. It shall be the duty of said Board of
188 Commissioners of Sebastian Inlet Tax District to construct,
189 improve, widen or deepen, and maintain the inlet between the
190 Indian River and the Atlantic Ocean. With character, manner of
191 construction of said inlet shall be determined by said Board of
192 Commissioners with the approval and recommendation of the Chief
193 Engineer, and said Board is further authorized to do all acts



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194 and things proper, necessary, or convenient for the aforesaid
195 purposes. The opening and maintenance of such inlet or waterway
196 connecting the waters of the Atlantic Ocean with the waters of
197 the Indian River within the Sebastian Inlet Tax District are
198 hereby found and declared to be for public purposes and to be
199 necessary for the use of shipping and for transportation and for
200 the extension of commerce of the State of Florida and of said
201 District, and also to be necessary for the maintenance of the
202 health of the inhabitants of the territory embraced in the said
203 District and for the convenience, comfort, and welfare of the
204 said District and the inhabitants thereof. The District is
205 authorized to conduct such programs and projects as it finds
206 necessary or convenient for beach renourishment, erosion
207 control, environmental protection, navigation, boating,
208 recreation, and public safety for the operation and maintenance
209 of the inlet and the waters of the Atlantic Ocean and Indian
210 River Lagoon adjacent thereto.

211 Section 7. The Board shall elect a Chief Engineer. The
212 depth, width, character, and manner of improvement and
213 construction of said inlet or waterway shall be determined by
214 said Board upon the approval and recommendation of the Chief
215 Engineer of the Board. The Board, in setting the depth of the
216 inlet, shall consider the impact on navigation from the
217 Intracoastal Waterway to the Atlantic Ocean.

218 Section 8. The said Board shall have the power and
219 authority to hold, control, and acquire by gift or purchase, for
220 the use of the District, any real or personal property and to
221 condemn any lands or easements needed for the purposes of the



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222 District. Said Board is authorized to exercise the right of
223 eminent domain and institute and maintain condemnation
224 proceedings as prescribed by the laws of Florida.

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



250 Section 10. Said Board is hereby authorized and empowered,
 251 in order to provide for the work prescribed by this act and to
 252 pay the expenses incident to all such work or any other expense
 253 necessary in carrying out the general purposes of this act, to
 254 borrow money, temporarily, from time to time for a period of
 255 time not exceeding 2 years at any one time, and to issue its
 256 promissory notes therefor upon such terms and at such rates of
 257 interest as said Board may deem advisable. Any note so made and
 258 issued may be paid out of the proceeds of the bonds authorized
 259 to be issued by this act or out of any other revenues or funds
 260 of said Board, and said notes shall be a charge upon all of the
 261 revenue and property of said Board. In case of an injury by
 262 storm or otherwise to any of the works of this District, thereby
 263 causing an emergency which must be met at once in order to
 264 protect or reconstruct such works, said Board is authorized to
 265 borrow money under the terms prescribed above in order to meet
 266 such emergency.

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

273 Section 12. It shall be the duty of the Board of
 274 Commissioners of Sebastian Inlet Tax District to use every
 275 reasonable means to maintain, protect, and preserve any and all
 276 of the works constructed by said Board, and for such purposes



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277 the said Board is authorized to use funds derived from taxes
278 assessed and collected for Sebastian Inlet Tax District.

279 Section 13. Whoever shall willfully damage any ditch,
280 canal, levee, inlet, waterway, jetty, or other work established
281 or constructed under this act or who shall fill in or obstruct
282 the flow of water in any inlet, canal, or waterway, or remove
283 any earth, stone, or other material from the banks of any canal,
284 inlet, waterway, revetment, or ditch without having first
285 obtained permission in writing from said Board to remove such
286 material, shall be deemed guilty of a misdemeanor, and upon
287 conviction thereof, shall be fined not exceeding \$1,000 or
288 imprisoned in the county jail not longer than 6 months, or both
289 such fine and imprisonment, in the discretion of the Court.

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

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

298 Section 16. All work performed and materials furnished for
299 the construction of said inlet and for the maintenance of said
300 inlet shall be let by contract in accordance with the general
301 laws of the State of Florida governing acquisition of
302 professional engineering services, the purchase of commodities,
303 and the construction and maintenance of public works. The Board
304 shall have the right to reject any and all bids. Each contractor



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305 shall be required to give a surety bond in form and amount to be
306 approved by the Board, with a responsible surety company thereon
307 as surety. The Board, however, as a public authority, is
308 authorized to exempt any person entering into a contract with
309 the District for the construction of any buildings or public
310 works, or for the repair of any buildings or public works, from
311 the requirements for payment, performance, and surety bonds in
312 the manner and the amounts which are authorized by law for other
313 public authorities to exempt their contractors from bond
314 requirements.

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

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

322 (b) The Board shall make a record of the offers. After
323 obtaining and recording such offers, the Board, with at least
324 three of five members concurring, shall award the contract to
325 the lowest responsible bidder of those solicited. The Board
326 shall then notify all local news media which commonly cover the
327 area within the District of the type and nature of the emergency
328 and what actions the Board has taken to rectify the emergency.

329 Section 17. The Board is authorized to vacate any easement
330 or transfer fee simple interest in any real property which it
331 holds to any unit of local, state, or federal government. Prior
332 to such vacation or transfer, the Board shall conduct a public



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333 hearing and determine if it is in the public interest to
334 authorize the vacation or transfer. At such hearing, the Board
335 shall consider what effect, if any, the vacation or transfer
336 shall have on public access to the inlet for fishing and
337 recreation purposes and what action best serves the public
338 health, safety, and welfare.

339 Section 4. Except as otherwise provided in this act, in
340 the event of a conflict of any provision of this act with
341 provisions of any other act, the provisions of this act shall
342 control to the extent of the conflict.

343 Section 5. Chapters 7976 (1919), 8901 (1921), 12259
344 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-
345 329, 78-470, 82-307, and 88-535, Laws of Florida, are repealed.

346 Section 6. This act shall take effect upon becoming a law.
347