



1 A bill to be entitled
2 An act relating to Indian River and Brevard Counties;
3 codifying, amending, and reenacting special acts relating
4 to the Sebastian Inlet Tax District, an independent
5 special district; providing for a governing body;
6 providing powers and duties; providing for construction
7 and maintenance of an inlet between the Indian River and
8 the Atlantic Ocean; authorizing the levy of taxes;
9 providing severability; repealing chapters 7976 (1919),
10 8901 (1921), 12259 (1927), 18138 (1937), 18139 (1937),
11 22891 (1945), 63-910, 76-329, 78-470, 82-307, and 88-535,
12 Laws of Florida; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Pursuant to section 189.429, Florida Statutes,
17 this act constitutes the codification of all special acts
18 relating to the Sebastian Inlet Tax District, also known as the
19 Sebastian Inlet District. It is the intent of the Legislature in
20 enacting this law to provide a single, comprehensive special act
21 charter for the district, including all current legislative
22 authority granted to the district by its several legislative
23 enactments and any additional authority granted by this act.

24 Section 2. Chapters 7976 (1919), 8901 (1921), 12259
25 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-
26 329, 78-470, 82-307, and 88-535, Laws of Florida, are codified,
27 reenacted, amended, and repealed as herein provided.



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

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

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

47
48 Section 2. A governing body of said Sebastian Inlet Tax
49 District, to be known and designated as the "Board of
50 Commissioners of Sebastian Inlet Tax District," shall be
51 composed of five members, who shall have been and shall be
52 elected as provided by law. Said governing body shall have all
53 the powers of a body corporate, including the power to sue and
54 be sued as a corporation in said name in any court; to contract;
55 to adopt and use a common seal and alter the same at pleasure;



56 to purchase or otherwise acquire, own, hold, lease, sell,
57 mortgage, and convey or otherwise dispose of such real estate
58 and personal property as said Board may deem proper to carry out
59 the purposes of this act; to appoint during its pleasure a Chief
60 Engineer, a Consulting Engineer, and such agents and employees
61 as said Board may require or deem advisable; and to borrow money
62 and to issue negotiable promissory notes or bonds therefor to
63 enable it to carry out the provisions of this act.

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

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

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



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

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

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

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

105 (c) Before he or she assumes office, each Board member
106 shall be required to give to the Sebastian Inlet Tax District a
107 good and sufficient surety bond in the sum of \$2,000 conditioned
108 for the faithful performance of the duties of his or her office
109 and said bond to be approved by and filed with the Clerk of the
110 Circuit Court of Brevard County. Said bond shall be recorded in



111 the minutes of said Board of Commissioners of said Sebastian
112 Inlet Tax District. The failure of any person so elected as a
113 member of the Board of Commissioners of the Sebastian Inlet Tax
114 District to give such bond within 30 days after his or her
115 election as such shall create a vacancy as to such Board member.
116 In such event or in the event of any vacancy on said Board of
117 Commissioners of the Sebastian Inlet Tax District, whether by
118 resignation, death, removal from the District, or otherwise,
119 within 30 days after the existence of such vacancy, the Governor
120 of the State of Florida shall appoint a Board member as provided
121 by law to fill such vacancy, who shall serve for the remainder
122 of such expired term and who shall give bond as hereinbefore
123 provided.

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



139 public place in the District which is readily accessible to the
140 general public; however, at least 50 percent of the number of
141 meetings of the Board held each year shall be held in Indian
142 River County.

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

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

148 Section 4. As soon as practicable after this act becomes a
149 law, the Board holding over or after they have been duly elected
150 or appointed and have qualified, they shall meet and organized
151 by the election, from among their number, of a chair, a vice-
152 chair, a secretary/treasurer. Three members of the Board shall
153 constitute a quorum. The affirmative vote of two members shall
154 be necessary to transact business. The chair and all members of
155 the said Board present shall vote at meetings of the Board as
156 provided by law.

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

165 The members of the Board shall set their own compensation
166 for each fiscal year commencing October 1, 2004, provided the



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

176 Section 6. It shall be the duty of said Board of
177 Commissioners of Sebastian Inlet Tax District to construct,
178 improve, widen or deepen, and maintain the inlet between the
179 Indian River and the Atlantic Ocean. With character, manner of
180 construction of said inlet shall be determined by said Board of
181 Commissioners with the approval and recommendation of the Chief
182 Engineer, and said Board is further authorized to do all acts
183 and things proper, necessary, or convenient for the aforesaid
184 purposes. The opening and maintenance of such inlet or waterway
185 connecting the waters of the Atlantic Ocean with the waters of
186 the Indian River within the Sebastian Inlet Tax District are
187 hereby found and declared to be for public purposes and to be
188 necessary for the use of shipping and for transportation and for
189 the extension of commerce of the State of Florida and of said
190 District, and also to be necessary for the maintenance of the
191 health of the inhabitants of the territory embraced in the said
192 District and for the convenience, comfort, and welfare of the
193 said District and the inhabitants thereof. The District is
194 authorized to conduct such programs and projects as it finds



195 necessary or convenient for beach renourishment, erosion
196 control, environmental protection, navigation, boating,
197 recreation, and public safety for the operation and maintenance
198 of the inlet and the waters of the Atlantic Ocean and Indian
199 River Lagoon adjacent thereto.

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

207 Section 8. The said Board shall have the power and
208 authority to hold, control, and acquire by gift or purchase, for
209 the use of the District, any real or personal property and to
210 condemn any lands or easements needed for the purposes of the
211 District. Said Board is authorized to exercise the right of
212 eminent domain and institute and maintain condemnation
213 proceedings as prescribed by the laws of Florida.

214 Section 9. The Board of Commissioners of Sebastian Inlet
215 Tax District is hereby authorized and empowered to levy upon all
216 of the real and personal taxable property in said District a
217 special tax not exceeding 1 1/2 mills on the dollar for the year
218 1977, and for each and every year thereafter, to be used solely
219 for the purpose authorized and prescribed by this act. Said levy
220 shall be made each year, not later than September 30 of each
221 year by resolution of the Board, or a majority thereof, duly
222 entered at large upon its minutes. Certified copies of such



223 resolution executed in the name of the Board by its chair and
224 secretary and under its corporate seal shall be made and
225 delivered to the Board of County Commissioners of Indian River
226 County, to the Board of County Commissioners of Brevard County,
227 and to the Chief Financial Officer of the State of Florida not
228 later than September 30 of each and every year thereafter. It
229 shall be the duty of the Board of County Commissioners of Indian
230 River County and the Board of County Commissioners of Brevard
231 County to order the assessment and collection of taxes levied by
232 the Board of Commissioners of the District within the respective
233 counties in the manner provided by law for regular property
234 taxes in the county. Proceeds of such taxes shall be paid within
235 the time and in the manner prescribed by law to the treasurer of
236 the Board. All such taxes shall be held by the treasurer for
237 the credit of the Board and paid out by him or her as provided
238 herein.

239 Section 10. Said Board is hereby authorized and empowered,
240 in order to provide for the work prescribed by this act and to
241 pay the expenses incident to all such work or any other expense
242 necessary in carrying out the general purposes of this act, to
243 borrow money, temporarily, from time to time for a period of
244 time not exceeding 2 years at any one time, and to issue its
245 promissory notes therefor upon such terms and at such rates of
246 interest as said Board may deem advisable. Any note so made and
247 issued may be paid out of the proceeds of the bonds authorized
248 to be issued by this act or out of any other revenues or funds
249 of said Board, and said notes shall be a charge upon all of the
250 revenue and property of said Board. In case of an injury by



251 storm or otherwise to any of the works of this District, thereby
252 causing an emergency which must be met at once in order to
253 protect or reconstruct such works, said Board is authorized to
254 borrow money under the terms prescribed above in order to meet
255 such emergency.

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

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

268 Section 13. Whoever shall willfully damage any ditch,
269 canal, levee, inlet, waterway, jetty, or other work established
270 or constructed under this act or who shall fill in or obstruct
271 the flow of water in any inlet, canal, or waterway, or remove
272 any earth, stone, or other material from the banks of any canal,
273 inlet, waterway, revetment, or ditch without having first
274 obtained permission in writing from said Board to remove such
275 material, shall be deemed guilty of a misdemeanor, and upon
276 conviction thereof, shall be fined not exceeding \$1,000 or
277 imprisoned in the county jail not longer than 6 months, or both
278 such fine and imprisonment, in the discretion of the Court.



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

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

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

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



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

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

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

328 Section 4. Chapters 7976 (1919), 8901 (1921), 12259
329 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-
330 329, 78-470, 82-307, and 88-535, Laws of Florida, are repealed.

331 Section 5. This act shall take effect upon becoming a law.