

**WEST COAST INLAND NAVIGATION
DISTRICT**

WATERWAY DEVELOPMENT PROGRAM

INFORMATION AND FUNDING GUIDELINES

WEST COAST INLAND NAVIGATION DISTRICT
RULE 16s-1, FLORIDA ADMINISTRATIVE CODE
GENERAL AND PROCEDURAL RULES

SUMMARY OF RULE

Through adoption of the rule, the public will be provided with complete and concise information of WCIND's structure or organization, the method of its operations, and the methods whereby the public may obtain information or make submissions or requests. This information will provide assistance to the public when dealing with WCIND and will expedite handling of District matters on behalf of the public.

WEST COAST INLAND NAVIGATION DISTRICT
RULE 16S-1, FLORIDA ADMINISTRATIVE CODE
GENERAL AND PROCEDURAL RULES

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE

The rule implements the provisions of Section 120.53 (1) (a), Florida Statutes, which provide that each agency made subject to the Florida Administrative Procedures Act (Chapter 120, Florida Statutes) shall adopt rules describing its organization, stating the general course and method of its operations, and the methods whereby the public may obtain information or make submissions or requests. The primary purpose of this rule is to inform the public of the nature of the agency's business, operations, delegation of authority, internal organization and other related matters. Amendments to Section 374.976, Florida Statutes, adopted during the 1990 session of The Florida Legislature make West Coast Inland Navigation District (WCIND) SUBJECT TO THE Florida Administrative Procedures Act. Therefore, the rule will bring WCIND in compliance with the requirements of Section 120.53 (1) (a), Florida Statutes.

WEST COAST INLAND NAVIGATION DISTRICT
RULE 16S-1, FLORIDA ADMINISTRATIVE CODE
GENERAL AND PROCEDURAL RULES

SUMMARY OF HEARING

No hearing was requested. Therefore, no hearing was held.

WEST COAST INLAND NAVIGATION DISTRICT

CHAPTER 16S-1

GENERAL AND PROCEDURAL RULES

16S-1.001	The District
16S-1.002	The Agency Head.
16S-1.003	General Description of District Organization and Operations.
16S-1.004	General Information Concerning District.
16S-1.005	Statutory Chapters and Rules.
16S-1.006	Public Information and Inspection of Records.
16S-1.007	Agency Clerk.

16S-1.001 The District

- (1) West Coast Inland Navigation District, also referred to as WCIND, was created pursuant to Chapter 23770, Laws of Florida, 1947. WCIND is an independent, multi-county special taxing district composed of the Counties of Manatee, Sarasota, Charlotte and Lee.
- (2) WCIND was created to implement the requirements and conditions imposed upon “local interests”, by the Congress of the United States of America, in its river and Harbor Act approved March 2, 1945, authorizing the improvement and construction of an inland waterway from the Caloosahatchee River, Florida, to the Anclote River, Florida. Part 211 of Title 33 – Navigation and Navigable Waters, of the Code of Federal Regulations, contains current regulations of the Corps of Engineers, Department of the Army, governing the Corps’ activities in connection with Federal civil works projects like the Intracoastal Waterway from the Caloosahatchee River, Florida to Anclote River, Florida. These Federal regulations provide that no land shall be acquired on account of the United States except under a law authorizing such acquisition. (The Federal law authorizing the project is the River and Harbor Act approved by the Congress of the United States of America, on March 2, 1945.) The

Federal regulations require local cooperation for civil works projects, meaning that local (non-Federal) interests are required to provide without cost to the United States, all lands, easements and rights-of-way for the construction of the projects. WCIND is authorized to obtain by donation, purchase or condemnation and convey without cost to the United States, the necessary rights of way for said project together with suitable areas for the deposit of spoil material in connection with the work and its subsequent maintenance, all as contemplated and required by the congress of the United States, and those acting by its authority.

- (3) WCIND is also responsible for undertaking programs intended to alleviate problems associated with its waterway, and is empowered and authorized to carry out waterway development projects specified in Sections 374.975 and 374.976, Florida Statutes.

Specific Authority 374.976 (2) FS.

Law Implemented 120.53 (1) (a) FS.

History New 11-11-1990.

- (1) The Agency Head of WCIND is a governing body known as the “Board of Commissioners of West Coast Inland Navigation District”. It is comprised of four members, each of whom is an elected County Commissioner of the County he or she represents on said Board, and selected in each instance by the several County Boards from the membership thereof. Each member’s term of office is for one year or until such time the member county appoints a successor.

- (2) In addition to its designated WCIND Board member, each member county shall also designate an alternate member who is authorized to attend all board meetings and other District-approved activities and participate in board deliberations, but who shall not be authorized to vote except in case of the absence of the designated board member. Each designated alternate shall be an elected County Commissioner of the County he or she represents on the District Board, selected in each instance by several County Boards from the membership thereof. Each alternate member’s term of office is for one year or until such time as the member county appoints a successor.

Specific Authority 374.976 (2) FS.

Law Implemented 120.53 (1) (a) FS.

History New 11-11-1990.

16S-1.003 General Description of District Organization and Operations.

- (1) The District is comprised of the Board, the Executive Director and District staff. The internal organizational structure of the District is reflected graphically in Figure 1-1.

WEST COAST INLAND NAVIGATION DISTRICT
ORGANIZATIONAL CHART

GOVERNING BOARD

EXECUTIVE DIRECTOR

DISTRICT STAFF

Figure 1-1

(2) The Governing Board. The functions, duties and responsibilities of the Board are described in Rule 16S-1.001.

(3) The Executive Director. The District shall have an Executive Director, and the Board shall employ some qualified person to act in such capacity and by resolution shall define the qualifications, term and duties of such office. The Executive Director is the chief executive officer of the District. He is responsible for the overall management and review of the District programs, including the coordination of Board activities and the implementation of Board decisions and directives, as well as providing general direction and guidance by allocating organization resources and reviewing organizational performance. His duties and responsibilities include the overall management and supervision of all District staff.

Specific Authority 374.976 (2) FS.

Law Implemented 120.53 (1) (a) FS.

History New 11-11-1990.

16S-1.004 General Information Concerning District. The principal office of WCIND is located at 200 East Miami Avenue, Venice, Florida 34285, with telephone number of (941) 485-9401. All WCIND records, publications, forms and documents are available at the above-referenced location during the office hours from 8:00 A.M. to 4:00 P.M., Monday through Friday, except holidays.

Specific Authority 374.976 (2) FS.

Law Implemented 120.53 (1) (a) FS.

History New 11-11-1990 .

16S-1.005 Statutory Chapters and Rules. The statutes and rules affecting the operation of WCIND include:

Chapter 23770, Laws of Florida 1947.

Chapter 27289, Laws of Florida 1951.

Chapter 27290, Laws of Florida 1951.

Chapter 28542, Laws of Florida 1953.

Chapter 30074, Laws of Florida 1955.

Chapter 57-467, Laws of Florida 1957.

Chapter 59-756, Laws of Florida 1959.

Chapter 61-1590, Laws of Florida 1961.

Chapter 77-494, Laws of Florida 1977.

Chapter 79-435, Laws of Florida 1979.

Chapter 81-337, Laws of Florida 1981.

Chapter 85-200, Laws of Florida 1985.

Chapter 86-282, Laws of Florida 1986.

Chapter 98-526 Laws of Florida 1998

374.976 FS.

374.975 FS.

374.976 FS.

Specific Authority 374.976 (2) FS.

Law Implemented 120.53 (1) (a) FS.

History New 1-11-1998 .

16S-1.006 Public Information and Inspection of Records. All WCIND documents, publications or recorded actions shall be public records and available for inspection and copying at WCIND's principal office. Copies of such records shall be available at a charge for the cost of copying such records.

Specific Authority 374.976 (2) FS.

Law Implemented 120.53 (1) (a) FS.

History New 11-11-1990.

16S-1.007 Agency Clerk. The Executive Director of WCIND shall be the Agency Clerk and as such shall be the official custodian of the minute books, records, maps, seal, and other properties and records of the District. Such officer shall be authorized to affix the official seal of the District to its legal documents and to certify copies of any official proceedings of the District.

Specific Authority 374-976 (2) FS.

Law Implemented 120.53 (1) (a) FS.

History New 11-11-1990.

WEST COAST INLAND NAVIGATION DISTRICT
RULE 16S-2, FLORIDA ADMINISTRATIVE CODE
WCIND WATERWAY DEVELOPMENT PROGRAM

SUMMARY OF RULE

The rule sets forth policy statements, application requirements, eligibility requirements, conditions and procedures for obtaining financial assistance from West Coast Inland Navigation District (WCIND) for projects intended to alleviate problems associated with its waterway, as authorized by Section 374.976, Florida Statutes. Through adoption of the rule, applicants will be provided with complete and concise information of the program. This information will provide assistance to applicants when dealing with the District and will expedite handling of District matters on behalf of the applicants. Pursuant to Section 374.761, Florida States. WCIND is subject to supervision and control by the Division of Resource Management of the Department of Natural Resources (DNR). Therefore, this rule has been modeled after DNR Rules for the Florida Boating Improvement Program, Chapter 16D-5, Part III, F.A.C.

WEST COAST INLAND NAVIGATION DISTRICT
RULE 16S-2, FLORIDA ADMINISTRATIVE CODE
WCIND WATERWAY DEVELOPMENT PROGRAM

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE

On October 28, 1988, West Coast Inland Navigation District (WCIND) adopted rules (not under Chapter 120, Florida Statutes) creating the WCIND Waterway Development Program to implement provisions of Section 374.976, Florida Statutes. This statute directs WCIND to undertake programs designed to alleviate problems associated with the District's waterway. The purpose of this rule is to implement 1990 revisions to Section 374.976, Florida Statutes, which provide that any navigation district which sponsors a program pursuant to the statute shall adopt rules under the Florida Administrative Procedures Act (Chapter 120, Florida Statutes) describing its program. Therefore, this rule will bring WCIND in compliance with the requirements of the 1990 amendments to Section 374.976, Florida Statutes.

WEST COAST INLAND NAVIGATION DISTRICT
RULE 16S-2, FLORIDA ADMINISTRATIVE CODE
WCIND WATERWAY DEVELOPMENT PROGRAM

SUMMARY OF HEARING

No hearing was requested. Therefore, no hearing was held.

DEPARTMENT OF NATURAL RESOURCES
WEST COAST INLAND NAVIGATION DISTRICT
CHAPTER 16S-2
WCIND WATERWAY DEVELOPMENT PROGRAM

- 16S-2.001 Purpose.
- 16S-2.002 Definitions.
- 16S-2.003 Policy.
- 16S-2.004 Application Requirements.
- 16S-2.005 Project Eligibility.
- 16S-2.006 Project Design Criteria.
- 16S-2.007 Funding Conditions.
- 16S-2.008 Accountability.

16S-2.001 Purpose. The purpose of this rule is to set forth policy statements, application requirements, eligibility requirements, conditions and procedures for obtaining financial assistance from West Coast Inland Navigation District (WCIND) for projects intended to alleviate problems associated with its waterway, as authorized by Section 374.976, Florida Statutes.

Specific Authority 374.976 (2) FS.

Law Implemented 374.976 FS.

History New 11-11-1990 .

16S-2.002 Definitions. The terms used in this Rule are defined as follows:

- (1) "APPLICATION" means a formal request for financial assistance consisting of a complete proposal with required supporting documentation submitted by the County.
- (2) "DISTRICT" means the West Coast Inland Navigation District or WCIND.
- (3) "LIASON AGENT" means the officially designated representative of the Board of County Commissioners who is authorized to act on behalf of the County on all matters related to participation in the Program.
- (4) "PROJECT" means a planned undertaking consisting of eligible Program facilities, improvements or expenses for the use and benefit of the general public.
- (5) "PROJECT AGREEMENT" means an executed contract between the District and the County setting forth mutual obligations regarding financial assistance from the District for a project.

Specific Authority 374.976 (2) FS.

Law Implemented 374.976 FS.

History New 11-11-1990.

16s-2.003 Policy. The following constitutes the policy of the Board of Commissioners of the West Coast Inland Navigation District pertaining to administration of the program:

- (1) Financial assistance may be made available for the use of member counties for any purpose authorized by the provision of Section 374.976, Florida Statutes.
- (2) WCIND shall not provide funding for projects subject to finding by the Florida Boating Improvement Program (FBIP Program) of the Florida Department of Natural Resources (DNR) under Chapter 16D-5, Part III, F.A.C., unless no funds are available to the County under the FBIP program at the time of filing of an application. In this regard, WCIND will rely upon advice from DNR that no funds are available to the County under the FBIP program at the time of filing of an application, either because DNR has not received an annual appropriation by the Legislature or because the funds balance

in the member county's account at DNR has been previously committed to or earmarked for other projects (meaning that DNR and the member county have entered into one or more written project agreements which will use up all remaining funds in the county's account).

(3) Member Counties must submit applications for program funds to the WCIND Board, and individual projects will be approved in accordance with these rules and regulations.

(4) WCIND and the appropriate county shall enter into a written project agreement prior to the release of moneys by WCIND.

(5) Any county may, at its discretion, authorize approved program funding for use by municipal governments within the county for any projects meeting the requirements of this program. However, for program administration and accountability, the county shall continue to be responsible to WCIND for the proper use and management of program funds.

Specific Authority 374.976 (2) FS.

Law Implemented 374.976 FS.

History New 11-11-1990.

16S-2.004. Application Requirements.

(1) All requests for funding shall be submitted to WCIND from January through May 31 of each year for consideration for funding during the following fiscal year commencing October 1 of the same year. Any requests for funding which are not received in WCIND's principal office by 4:00 P.M. on May 31 of each year shall not be considered for funding during the next fiscal year.

(2) Requests for funding shall be submitted to WCIND on the specified application form, Form #1, titled "WCIND WATERWAY DEVELOPMENT PROGRAM APPLICATION FORM", effective date 11-11-1990, which by this reference is incorporated into and made a part of this rule. Copies of the form can be obtained from the principal office of WCIND located at 200 East Miami Avenue, Venice, Florida 34285, with telephone number of (941) 485-9402. All WCIND records, publications, forms and

documents are available at WCIND's principal office during the office hours from 8:00 A.M. to 4:00 P.M., Monday through Friday, except holidays.

(3) The county shall approve each application by official resolution. A certified copy of such resolution shall be submitted with the application.

(4) WCIND shall review all applications for compliance with these rules and procedures, and with Section 374.976, Florida Statutes.

(5) WCIND shall reject applications from counties which have not met their obligations under the terms of previous project agreements.

Specific Authority 374.976 (2) FS.

Law Implemented 374.976 FS.

History New 11-11-1990.

16S-2.005 Project Eligibility.

(1) Moneys from the WCIND Waterway Development Program Fund shall be used only for projects authorized by the provisions of Section 374.976, Florida Statutes. Any facilities developed with the assistance of this program shall be for the use and benefit of the general public.

(2) Moneys from the WCIND Waterway Development Program Fund shall not be used for the following purposes:

(a) Land acquisition projects.

(b) Project-related pre-construction costs incurred for surveys, appraisals, engineering and architectural fees, permitting and utility fees.

(c) Planning studies to determine demand and need for facilities or improvements eligible for funding by this program.

(d) Any tools, equipment, boats, motors, office furniture and supplies, law enforcement and safety equipment, contract labor and materials not used exclusively for the authorized project, in-house labor, equipment or other services, and operational or administrative costs.

Specific Authority 374.976. (2) FS.

Law Implemented 374.976 FS.

History New 11-11-1990.

16S-2.006 Project Design Criteria.

All facilities or improvements funded in whole or in part by this program shall be undertaken in accordance with plans and specifications prepared by or under the supervision and review of a registered, professional engineer.

Specific Authority 374.976 (2) FS.

Law Implements 374.976 FS.

History New 11-11-1990.

16S-2.007 Funding Conditions.

The following conditions shall apply to all funds distributed through the program:

(1) Except for funds provided to enhance public navigation, law enforcement on the waterways or environmental education projects within the District, WCIND is prohibited by Section 374.976 (2), Florida Statutes, from providing financial support unless matching funds are provided by the recipient of such financial support. "Matching funds" means that portion of a project not funded by WCIND, and such matching funds shall be clearly identified and enumerated as to amount and source on all applications for funding. Matching funds shall amount at least 50 percent of project costs. Matching funds may include cash, funds used for preliminary plans, the cost of the site (if specifically acquired for the project), and documented in kind contributions related to the project.

(2) On match funded projects, there is an annual funding cap established by Section 374.976 (3), Florida Statutes. During any budget year, WCIND financial assistance and support to each member county of the District for such projects shall not exceed the ad valorem tax collections from each county.

(3) Facilities funded in whole or in part by program funds shall be administered and made available to the general public on a non-exclusive basis without regard to race, color, religion, age, sex, or the political jurisdiction in which the user may reside.

(4) Each request for funding shall name a liaison agent who will be the officially designated representative of the Board of County Commissioners who is authorized to act on behalf of the county on all matters related to participation in the program.

(5) Prior to release of funds for approved projects, the county shall enter into a specified written project agreement with WCIND, Form #2, titled "WCIND WATERWAY DEVELOPMENT PROGRAM PROJECT AGREEMENT", effective date 11-11-1990, which by this reference is incorporated into and made a part of this rule. Copies of the form can be obtained from the principal office of WCIND located at 200 East Miami Avenue, Venice, FL 34285, with telephone number of (941) 485-9402. All WCIND records, publications, forms and documents are available at WCIND's principal office during office hours from 8:00 A.M. to 4:00 P.M., Monday through Friday, except holidays. The project agreement shall state the purposes and conditions of financial assistance by WCIND, the amount of funds approved for the project, and the project period. The county shall accept the terms and conditions of the project agreement prior to its execution by the applicant and WCIND.

(6) Any requested changes in the scope of the project, project period or amount of financial assistance from WCIND must be submitted in writing to WCIND. All such requests must document the reasons for requested changes, and requested changes involving increases in the amount of financial assistance by WCIND, or extension of the project must be accomplished by formal amendment to the existing project agreement. Such agreement shall be approved by the county prior to its execution by the parties.

(7) WCIND will terminate a project agreement for non-compliance with the terms of the project agreement or these rules. Failure to a county to comply with the provisions of a project agreement or these rules will result in WCIND declaring the county ineligible for further participation in the program until such time as the county complies with the terms of the project agreement.

(8) If any of the WCIND funds appropriated to a county are to be expended to acquire professional architectural, engineering, landscape architectural or land surveying services, the county shall comply with the requirements of the Consultant's Competitive Negotiation Act, under Section 287.055, et seq., Florida Statutes.

(9) WCIND is prohibited by Section 374.976 (2), Florida Statutes, from the encumbrance of its funds for a project beyond 3 years following approval of a project. "Approval of a project" means including funding for the project in WCIND's annual budget, and the effective date of approval of a project is October 1 of the fiscal year during which funding for a project first occurs. All project agreements between WCIND and a member county require a project to be completed within on year from the effective date of the

project agreement. The completion date may be extended for good cause upon written request of the recipient of WCIND funds, but in no event shall the completion date be extended beyond three years following approval of the project. For purposes of this rule, "good cause" means acts of God; strikes, lockouts, or other industrial disturbances; acts of public enemy, blockades, wars, insurrections, or riots; epidemics; landslides, earthquakes, fires, storms, floods, or washouts; arrests, title disputes, or other litigation; governmental restraints, either federal or state, civil or military; civil disturbances; explosions; inability to obtain necessary materials, supplies, labor or permits due to existing or future rules, regulations, orders, laws, or proclamations, either federal or state, civil or military. If any project has not been completed within three years following approval of the project, then all undisbursed WCIND funds shall no longer be encumbered for the project, provided, however, that nothing in this rule prohibits the applicant from re-applying to WCIND for new funding for the project in the second WCIND budget year following expiration of the initial project agreement, or thereafter.

Specific Authority 374.976 (2) FS.

Law Implemented 374.976 FS.

History New 11-11-1990.

16S-2.008 Accountability.

The following procedures shall govern the accountability of program funds:

(1) A county is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as are necessary to properly account for all program funds.

(2) For all projects, a specified Request for Payment Certificate is required for each disbursement of WCIND funds, Form #3, titled "WCIND WATERWAY DEVELOPMENT PROGRAM REQUEST FOR PAYMENT CERTIFICATE", effective date 11-11-1990, which by this reference is incorporated into and made a part of this rule.

Copies of the form can be obtained from the principal office of WCIND located at 200 East Miami Avenue, Venice, Florida 34285, with telephone number of (941)485-9402. All WCIND records, publications, forms and documents are available at WCIND's principal

office during office hours from 8:00 A.M. to 4:00 P.M., Monday through Friday, except holidays.

(3) For all projects, a specified **Certification of Project Completion form, signed by the liaison agent, and co-signed by either the County Administrator or the Clerk of the County Court, is required upon project completion, Form #4, titled "WCIND WATERWAY DEVELOPMENT PROGRAM CERTIFICATION OF PROJECT COMPLETION"**, effective date 11-11-1990, which by this reference is incorporated into and made a part of this rule. Copies of the form can be obtained from the principal office of WCIND located at 200 East Miami Avenue, Venice, Florida 34285, with telephone number of (941) 485-9402. All WCIND records, publications, forms and documents are available at WCIND's principal office during office hours from 8:00 A.M. to 4:00 P.M., Monday through Friday, except holidays.

(4) If it is found by any state, county or independent audit that funds have not been used in accordance with these rules and applicable laws, the county will be responsible for repayment of misused funds to WCIND.

Specific Authority 374.976 (2) FS

Law Implemented 374.976 FS.

History New 11-11-1990 .

WCIND'S CODIFIED SPECIAL ACT

98-526 LAWS OF FLORIDA 1998

Section 5. District Powers and Authority

- (a) WCIND is authorized to do all things within district boundaries to comply with requirements and conditions imposed on "local interests" by Congress in the River and Harbor Act approved March 2, 1945 including acquisition of right of way, dredged material disposal areas, and subsequent maintenance of the IWW.
- (b) WCIND may act as local interest sponsor for any Section 107 River and Harbor Act of 1960 project that is a benefit to public navigation in the district.
- (c) WCIND may act as local sponsor of any beach nourishment project in the district provided that the project benefits public navigation in the district.
- (d) WCIND may furnish assistance and support to member counties in planning and carrying out public navigation projects that contribute to public navigation in the area where the project is located.
- (e) WCIND is authorized to participate with local, state and federal agencies in research, study or test programs as to the impact of waterway construction, maintenance and operation including erosion, accretion, and marine and shoreline vegetation.
- (f) WCIND is authorized to assume sponsorship, or to act with other agencies, in environmental restoration and enhancement projects to protect, restore, and enhance water quality, aquatic habitat and other marine oriented conservation and environmental values in the navigable waters of the district.
- (g) WCIND is authorized to create advisory bodies and to assist local governments in the development of county and multi-county anchorage management programs.
- (h) WCIND is authorized to enter into inter-local agreements with adjoining coastal counties to implement the purposes and projects authorized by WCIND's codified special act.

Section 8. Property Acquisition

WCIND is authorized to acquire property by gift, donation, purchase or condemnation for IWW right of way, required areas for deposit of spoil material, pipeline easements, and work areas.

Section 9. Eminent Domain

WCIND is authorized to exercise the right of eminent domain.

Section 10. Borrowing

WCIND is authorized to borrow money to defray the current expenses of the district.

Section 11. Convey Property to U.S. Government

WCIND is authorized to convey any property or property rights it owns to the United States or any proper federal agency, e.g. U.S. Army Corps of Engineers.

Section 12. Ad valorem taxes

WCIND is authorized to annually assess and levy a tax not to exceed 0.2 mill on the dollar of assessed valuation for each year.

Section 14. Bridge Construction

WCIND is authorized to assume the cost of constructing reconstructing, maintaining or operating any bridge over the IWW whenever necessary to fully comply with the requirements and conditions imposed upon "local interests" by Congress in the River and Harbor Act approved March 2, 1945.

Section 16. Studies

WCIND is authorized to make examinations, surveys and studies of the IWW and to collect, compile and distribute appropriate information on the advantages, benefits and increased usefulness to the public and member counties by reason of IWW. WCIND is authorized to expend funds to distribute information about the route, channel, depth and facilities along the IWW and to promote the use of the waterway.

Section 17. Dredging

WCIND is authorized to pay all or part of the costs of dredging on the IWW including construction of dikes, bulkheads and levees, ditches, pipelines, to reconstruct modify or relocate bridges, docks, wharves and other structures, including water and sewer lines, and electric and telephone lines.

Section 19. Franchises

WCIND is authorized to grant franchises to any business or establishment relating to food lodging, beverages, fuel, supplies and other services to people and waterborne vehicles located on property owned by the district.

CHAPTER 98-526

House Bill No. 4531

A bill to be entitled

An act relating to Lee, Charlotte, Sarasota, and Manatee Counties; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the West Coast Inland Navigation District, a special tax district of the State of Florida composed of the Counties of Lee, Charlotte, Sarasota, and Manatee; providing legislative intent, and codifying and reenacting 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 1955; chapter 57-467, Laws of Florida; chapter 59-756, Laws of Florida; chapter 61-1590, Laws of Florida; chapter 77-494, Laws of Florida; sections 2, 3, 4, and 5 of chapter 79-435, Laws of Florida; chapter 81-337, Laws of Florida; section 5 of chapter 85-200, Laws of Florida; and section 5 of chapter 86-286, Laws of Florida; providing additional powers; providing for the repeal of section 8 of chapter 90-264, Laws of Florida; providing for repeal of all prior special acts related to the West Coast Inland Navigation District; providing an effective date.

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

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

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

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

Section 5. District powers and authority.

- (a) It is the purpose and intent of this act that the board of said district do and perform all things requisite, necessary, or desirable within district boundaries to comply with the requirements and conditions imposed upon "local interests," by the Congress of the United States of America, in its River and Harbor Act approved March 2, 1945, as said act has been and may be from time to time amended, authorized the improvement and construction, under direction of the Secretary of the Army and supervision of the Chief of Engineers, of an inland waterway in accordance with report submitted by letter of Secretary of War, dated June 22, 1939, Document No. 371, House of Representatives, 76th Congress, 1st Session entitled, "Intracoastal Waterway from Caloosahatchee River to Withlacoochee River, Florida," and all reports subsequent thereto relating to any change, modification, or expansion of said initial report. In order that said Secretary of the Army and Chief of Engineers may accomplish the work of improvement, adopted and authorized by said act of Congress as the same may from time to time be amended, said board of said district is authorized to obtain by donation, purchase, or condemnation and convey without cost to the United States, the necessary rights-of-way for said project together with suitable areas for the deposit of spoil material in connection with the work and its subsequent maintenance, all as contemplated and required by the Congress of the United States, and those acting by its authority. Nothing herein contained shall be construed to prohibit said board from expending such sums of money as in its discretion may be deemed proper for any purpose authorized, contemplated, or required to carry out any work authorized by any acts of Congress.
- (b) The district may act as a local interest sponsor for any "Section 107, River and Harbor Act of 1960," project authorized and undertaken by the U.S. Army Corps of Engineers, and in this regard may comply with any or all conditions imposed on local interests as part of such project.
- (c) The district may act as a local sponsor of any beach nourishment project in the district approved and undertaken by the U.S. Army Corps of Engineers and/or Florida Department of Environmental Protection or its successor, provided the board of commissioners of the district shall first find that such project, is a benefit to public navigation in the district.
- (d) The district may furnish assistance and support to member counties in planning and carrying out public navigation projects of a purely local or regional nature. Such assistance and support, if financial in nature, shall be granted only after a finding by the board that such project contributes to public navigation in the area in which it is located.
- (e) The district is authorized to participate with any local, state, or federal agencies in research, study, or test programs as to the impact, both physical and biological, of waterway construction, maintenance, and operation, including, but not limited to, erosion, accretion, and marine and shoreline vegetation.
- (f) The district is authorized to assume sponsorship, or to act with other agencies, in environmental restoration and enhancement projects, seeking to protect, restore, and enhance water quality, aquatic habitat, and other marine oriented conservation and environmental values in the navigable waters in the district. Such activities may include studies and work to restore damage to the aquatic environment caused by construction or maintenance of navigation channels, harbors, or similar works.
- (g) The district is authorized to create advisory bodies and to assist local governments in the development of county and multi-county anchorage management programs.
- (h) The district is authorized to enter into interlocal agreements with adjoining coastal counties to implement the purposes and projects authorized by this act, chapter 374, Florida Statutes, and applicable general law within the boundaries of the cooperating county or counties. The agreement shall also make provision for the continued

construction or maintenance of district projects within a cooperating county or counties in the event an agreement is terminated.

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

Section 7. Governance.

- (a) The elected officers of said board shall be: Chair, vice chair, secretary and treasurer; provided, however, that no one person shall hold more than one such office at the same time. Said officers shall be elected annually from said board by the members thereof. Three members of the board shall constitute a quorum. The affirmative vote of three members shall be necessary to the transaction of business. The chair shall have the right to vote. Special meetings may be called at any time by the chair or any other two commissioners. Each member county may, in addition to its designated commission member, designate an alternate commission member who shall be authorized to attend all board meetings and other district approved activities and participate in board deliberations, but who shall not be authorized to vote except in case of the absence of the designated member. Each designated alternate commission member shall be a member of the board of county commissioners of the county incorporate in the district the alternate commission member represents on the district board.
- (b) The board may from time to time provide for the office of executive director and when such office is provided for may employ some qualified person to act in such capacity, and by resolution shall define the term and duties of such office. The executive director when so appointed shall be the assistant secretary of the board and as such shall be the official custodian of the minute books, records, maps, seal, and other properties and records of the district. Such officer shall be authorized to affix the official seal of the district to its legal documents and to certify copies of any official proceedings of the district.
- (c) The district is authorized to pay all reasonable expenses incurred by its board members or designated alternate members in the fulfillment of their duties as members of the board, but no member of said board or designated alternate member shall receive any compensation beyond reimbursement for reasonable expenses.

Section 8. Property acquisition.

- (a) The district shall obtain by gift, donation, purchase, or condemnation and shall furnish to the United States or to the state all required right-of-way as the said board shall determine necessary pursuant to requirements of the United States for constructing and maintaining said inland waterway for the route of construction of said inland waterway as designated and requested from time to time by the Corps of Engineers, U.S. Army, or other proper state or federal agency.
- (b) The district shall acquire by gift, donation, purchase, or condemnation, and shall furnish to the United States required areas for the deposit of spoil material in connection with the work of improving, constructing, and maintaining the aforementioned waterway as requested from time to time by the Corps of Engineers, U.S. Army, or other proper federal agency.
- (c) The district shall obtain by gift, donation, purchase, or condemnation and shall furnish to the United States, any property, property rights, easement and interest in property, outside of said right-of-way and designated spoil areas that may be necessary for the construction, maintenance, and operation of said canal to be constructed and maintained within said right-of-way by the United States.
- (d) The district is authorized to acquire and obtain by gift, donation, purchase, or condemnation and to transfer to the United States such lands, easements, rights-of-way, and spoil disposal areas as may be required to effectuate the purpose and intent of all acts of the United States Congress as heretofore, or hereafter, enacted for the further improvement of said intracoastal waterway, with a view to providing a project depth of 12 feet, more or less, referred to the plane of local mean low water, and width appropriate to said depth and such other improvements as may be authorized and adopted by the Congress, from time to time, and in connection with the subsequent maintenance of said waterway, as so improved.
- (e) The district is authorized to contract for the purchase of any property acquired by it and to pay the purchase price therefore in installments or deferred payments upon such terms as the board shall determine; said contract may provide for payment of interest as provided by general law.
- (f) The funds to be used for the purchase of right-of-way, spoil areas and other property shall be obtained by said board either from a tax levy or levies as hereinafter provided, or borrowed upon its obligations as herein provided.

Section 9. Eminent domain.

- (a) The district is authorized to exercise the right of eminent domain, and may condemn for the use of said district or other proper public agencies all lands, easements, rights-of-way, areas for deposit of spoil material, and property rights of every description required for the public purposes and powers of said district hererin granted. The district is authorized to secure possession of lands, easements, rights-of-way, areas for deposit of spoil material, and other property rights, prior to final judgment pursuant to the procedure hereinafter provided. Such condemnation proceedings shall be maintained by and in the name of the West Coast Inland Navigation District, a special taxing district under the laws of the State of Florida, and the procedure shall be that prescribed in chapters 73 and 74, Florida

Statutes, and any other procedure as otherwise from time to time is provided by law; and said district and its board is hereby vested with authority to pay any judgment or compensation awarded in any such proceedings out of any funds available for such purposes. The district is authorized to condemn lands owned by public utility companies and governmental agencies, provided no condemnation action may be maintained against a state or federal agency without the consent of such agency.

- (b) In the event the property sought to be condemned is in more than one county, the suit may be instituted in either county, but required notice shall be published in all counties affected.
- (c) The delegation of the power of eminent domain as herein provided shall not be held to be an exclusive right to accomplish the purposes herein outlined and nothing herein provided shall be construed as prohibiting any other federal or state agency from exercising such powers as they respectively hold to carry out any of the purposes of this act.

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

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

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

Section 13. Tax Collection. The district shall levy and collect its taxes pursuant to chapter 200, Florida Statutes, and applicable general law.

Section 14. Bridge construction.

- (a) The district is authorized to assume and relieve the United States from the cost and expense of construction, reconstructing, maintaining, and operating any bridge over said intracoastal waterway, whenever, in the judgment of said board such action is necessary upon its part to fully comply with requirements and conditions imposed upon "local interests" by said River and Harbor Act of the United States, approve March 2, 1945, in accordance with the report submitted June 14, 1939, in House Document No.371, 76th Congress, first session, as amended and expanded. The expense therefore may be paid as a necessary expense of the district; provided, however, that the district shall not be required to pay the cost of maintenance of any bridges within its borders not bear the cost of bridge tenders for such bridges, except by special agreement. Said board is authorized to contract with the board of county commissioners of any county in the district to the end that said board of county commissioners, shall assume the responsibility for the

construction, reconstruction, maintenance, and operation of any such bridge. Each board of county commissioners is hereby authorized to enter into such a contract with the board of commissioners of said district and such a contract shall be binding upon said county and district.

- (b) Whenever the district assumes the responsibility for constructing or reconstructing, altering, or modifying any bridge, including necessary appurtenances and approaches, such responsibility may be met either directly or through contract with any other public agency or agencies and any funds of the district paid out pursuant to such a contract shall be deemed to be for a proper public purpose.
- (c) The district is authorized to exercise the power of eminent domain in securing any lands and rights-of-way necessary for any bridge or bridge approach roads and the procedure shall be as herein otherwise provided.

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

Section 16. Studies.

- (a) In order to carry out the purpose and intent of any laws that theretofore have been, or hereafter may be enacted by the United States Congress authorizing and directing the Secretary of the Army to make examinations, surveys, and studies of the intracoastal waterway from Caloosahatchee River to Anclote Key, Florida, or other Florida West Coast Waterways, the district is authorized to collect, compile, and to furnish to the Secretary of the Army, the Secretary's officers and agents, appropriate information on the counties within the district's boundaries bearing on the advantages, benefits, and increased usefulness that may be expected to accrue to the public and to the counties traversed by said waterway by reason of any improvement or extension thereof, that has previously been or may subsequently be authorized by said United States Congress.
- (b) The district is authorized to expend its funds for publicizing to other governmental agencies the completion by the United States of all or any portion of the intracoastal waterway and related waterways and its availability and utility to water craft, and to distribute information as to route, channel, depth, and facilities of said waterway and such other information and data as may, in the opinion of the board be desirable or useful to give the public full information regarding said waterway and to promote its use in navigation.

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

Section 18. Administrative procedures. The district is authorized to prosecute on behalf of itself or others any administrative procedures necessary to be followed to carry out any of the activities authorized or contemplated by this act and to pay the reasonable expenses thereof, including, but not limited to, any bulkhead procedures required by law to be completed. The district may contract with other agencies or public or private persons to perform any such activities in its behalf.

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

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

Section 21. Depository.

- (a) A bank or banks, or other depository to be designated by the board, shall receive and be custodian of all funds of said district. Such depository or depositories shall give satisfactory security for the adequate protection of all moneys to be deposited with it.
- (b) The funds of the district shall be paid out only upon warrant signed by the Treasurer and countersigned by the chair or in the absence of the chair by the vice chair of the board and have affixed thereto the corporate seal of the district. No warrant shall be drawn or issued against funds of said district except for a purpose authorized by this act, and no such warrant shall be drawn or used unless the account or expenditure for which the same is given in payment has been approved by the board.
- (c) The district is authorized to enter into agreements with the Department of Transportation, the board of county commissioners of any county in the district, or both, or any other person, corporation, or agency, federal, state or local, public, or private in connection with financing, alteration, and construction of any bridge structure or bridge approach or roadway or other structure and said parties are hereby specifically authorized to enter into such agreements with each other respecting responsibility for acquisition of right-of-way, for construction and maintenance of any bridge structure and approach required to be provided or modified because of the construction of the intracoastal waterway.
- (d) The accounts of the district shall be audited annually pursuant to chapter 11, Florida Statutes, and applicable general law.

Section 22. Liberal construction. It is intended that the provisions of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be provided for by this act, and where strict construction would result in the defeat of the accomplishment of any part of the work authorized by this act, and a liberal construction

would permit or assist in the accomplishment of any part of the work authorized by this act, the liberal construction shall be chosen.

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

Section 24. 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, 1955; chapter 57-467, Laws of Florida; chapter 59-756, Laws of Florida; chapter 61-1590, Laws of Florida; chapter 77-494, Laws of Florida; sections 2, 3, 4, and 5 of chapter 79-435, Laws of Florida; chapter 81-337, Laws of Florida; section 5 of chapter 85-200, Laws of Florida; section 5 of chapter 86-286, Laws of Florida, and section 8 of chapter 90-264, Laws of Florida, will be repealed 10 days after the effective date of this act; provided the authority to levy and assess 0.2 mill of ad valorem tax shall not be repealed.

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

Became a law without the Governor's approval May 24, 1998.

Filed in Office Secretary of State May 22, 1998.

CHAPTERS 374, 253 AND 403 OF FLORIDA STATUTES GENERAL LAWS CONCERNING WCIND

374.975(3) – WCIND is directed to develop long range plans for maintenance of the Intracoastal Waterway and for spoil disposal.

374.976 – WCIND is empowered and authorized to undertake programs to alleviate the problems associated its waterways, including:

(1)(a) - WCIND may act as a local interest sponsor for any project designated as a “Section 107, River and Harbor Act of 1960 Project” undertaken by the U.S. Army Corps of Engineers.

(1)(b) – WCIND may furnish assistance and support to member counties and local governments within the district in planning and carrying out beach renourishment and inlet management projects if said projects are a benefit to public navigation in the district and the beaches to be nourished have been adversely impacted by navigation inlets, navigation structures, navigation dredging or a navigation project.

(1)(c) – WCIND is authorized to aid and cooperate with the Federal Government; State; member counties; nonmember counties that contain any part of the intracoastal waterway within their boundaries; navigation districts; certain listed ports; and local governments within the district; in planning and carrying out public navigation local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education and boating safety projects directly related to the waterways. The district may enter into cooperative agreements with said entities and may pay part of the costs of acquisition, planning, development, construction, reconstruction, extension, improvement, operation and maintenance of such projects.

(1)(d) – WCIND is authorized to enter into cooperative agreements with navigation related districts to pay part of the costs of acquisition of spoil disposal sites.

(1)(e) – WCIND is authorized to enter into ecosystem management agreements with DEP.

(2) – Sets forth the requirement that a district that sponsors a program pursuant to this section shall adopt rules to govern the program pursuant to Chapter 120.

NOTE: WCIND'S WATERWAY DEVELOPMENT PROGRAM IS GOVERNED BY RULES ADOPTED PURSUANT TO CHAPTER 120 OF FLORIDA STATUTES. THOSE RULES ARE PUBLISHED IN CHAPTER 66A-2 OF THE FLORIDA ADMINISTRATIVE CODE. THOSE RULES PROHIBIT THE ENCUMBRANCE OF FUNDS FOR A PROJECT BEYOND 3 YEARS FOLLOWING APPROVAL OF THE PROJECT AND REQUIRE MATCHING FUNDS BY THE RECIPIENT OF FINANCIAL SUPPORT EXCEPT FOR FUNDS PROVIDED TO ENHANCE PUBLIC NAVIGATION, LAW ENFORCEMENT ON THE WATERWAYS, OR ENVIRONMENTAL EDUCATION PROJECTS WITHIN THE DISTRICT.

374.977 – WCIND may assist The Fish and Wildlife Conservation Commission (FWC) with its responsibility for posting and maintaining regulatory markers for manatee protection speed zones by providing funding to maintain said markers.

NOTE: BASED ON THE FOLLOWING PROVISIONS OF STATE LAW, WCIND MAY BE ABLE TO COMPLETE CERTAIN PROJECTS MORE EFFICIENTLY AND WITH LOWER COSTS THAN A MEMBER COUNTY DOING THE SAME PROJECTS.

253.77 (4) – Notwithstanding any other provision of this chapter, chapter 373, or chapter 403, for activities authorized by a permit or exemption, ports and navigation districts shall not be required to pay any fees for activities involving the use of sovereign lands, including leases, easements, or consents of use, except application fees, including, but not limited to, those required by this chapter, chapter 161, chapter 373, or chapter 403.

403.8313(3) – For maintenance dredging under this section by seaports or by inland navigation districts.

(a) A mixing zone for turbidity is granted within a 150 meter radius from the point of dredging while the dredging is ongoing.

(b) The discharge of the return water from the site used for the disposal of dredged material shall be allowed only if the discharge does not result in a violation of water quality standards in the receiving waters.

(c) The State may not exact a charge for materials that this subsection allows a public port or inland navigation district to remove.

(d) The use of flocculants at the site used for disposal of the dredged material is allowed if the use, including supporting documentation, is coordinated in advance with DEP and DEP has determined that the use is not harmful to water resources.

(g) This subsection does not prohibit maintenance dredging of areas where the loss of original design function and constructed configuration has been caused by a storm event, provided that dredging is performed as soon as practicable after the storm event. Maintenance dredging that commences within 3 years after the storm event shall be presumed to satisfy this provision.

WCIND WATERWAY DEVELOPMENT PROGRAM RULES SUMMARY

APPENDIX A IS SECTION 374.976, FLORIDA STATUTES (2011)

SECTION 1 AUTHORIZES WCIND TO FURNISH ASSISTANCE AND SUPPORT TO MEMBER COUNTIES AND LOCAL GOVERNMENTS WITHIN THE DISTRICT FOR WATERWAY PROJECTS.

SECTION 2 REQUIRES THAT WCIND ADOPT RULES TO GOVERN THE WATERWAY DEVELOPMENT PROGRAM PURSUANT TO CHAPTER 120 (OF FLORIDA STATUTES) – MEANING RULES PUBLISHED IN THE FLORIDA ADMINISTRATIVE CODE. **THIS STATUTORY REQUIREMENT BECAME EFFECTIVE AS OF JULY 3, 1990.**

APPENDIX B IS A LIST OF **WCIND WATERWAY DEVELOPMENT PROGRAM RULES** THAT ARE PUBLISHED IN CHAPTER 66A-2 OF THE FLORIDA ADMINISTRATIVE CODE. **THESE RULES BECAME EFFECTIVE AS OF NOVEMBER 11, 1990.**

WCIND WATERWAY DEVELOPMENT PROGRAM RULES ARE MODELED AFTER STATE OF FLORIDA BOATING IMPROVEMENT PROGRAM RULES IN EFFECT AT THE TIME THE WCIND RULES WERE ADOPTED IN 1990.

APPENDIX C IS RULE 68-1.003 PUBLISHED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC) IN THE FLORIDA ADMINISTRATIVE CODE. THIS RULE CONCERNS THE GRANTS PROGRAM OF FWC **INCLUDING FLORIDA BOATING IMPROVEMENT PROGRAM GRANTS**. **SECTION 9** OF THE RULE PROVIDES THAT FLORIDA BOATING IMPROVEMENT PROGRAM GRANTS SHALL MEET ADDITIONAL PROGRAM REQUIREMENTS SET FORTH IN THE **FLORIDA BOATING IMPROVEMENT GUIDELINES** (JAN. 2010) WHICH ARE INCORPORATED BY REFERENCE.

WCIND WATERWAY DEVELOPMENT PROGRAM RULES PUBLISHED IN THE FLORIDA ADMINISTRATIVE CODE CAN BE AMENDED FROM TIME TO TIME. RULE 66A-2.005 TITLED PROJECT ELIGIBILITY WAS AMENDED IN 1994. THE PROCESS IS LABORIOUS, TIME CONSUMING AND EXPENSIVE. THE LAST RULE AMENDMENT TOOK ABOUT 1 YEAR TO ACCOMPLISH, AND THE PROCESS INVOLVES REVIEW AND APPROVAL OF PROPOSED RULE CHANGES BY THE JOINT ADMINISTRATIVE PROCEDURES COMMITTEE OF THE FLORIDA LEGISLATURE, AND THE PUBLISHING OF LEGAL NOTICES IN THE FLORIDA ADMINISTRATIVE WEEKLY.

WEST COAST INLAND NAVIGATION DISTRICT
WCIND WATERWAY DEVELOPMENT PROGRAM
POLICY / GUIDELINES

INDEX

1. CATEGORY OF PROJECTS TO BE CONSIDERED
2. FUNDING POLICY GUIDELINES
3. MEMBER COUNTY CALENDAR AND TIMETABLE FOR PROJECT APPLICATION
4. WCIND'S STAFF CALENDAR AND TIMETABLE FOR PROCESSING APPLICATIONS, BUDGET AND APPROVALS

West Coast Inland Navigation District
Waterway Development Program Funding By Category
For Local Government Participation

1. Inlet/Pass Maintenance – Navigation Improvement /
Can be funded 100% by WCIND
2. Public Navigation – Directly Related to Waterways/
Can be funded 100% by WCIND
3. Public Recreation – Directly Related to Waterways/
Require matching funds
4. Boating Safety/Education – Related to Waterways/
Require matching funds
5. Law Enforcement – Related to Waterways/
Can be funded 100% by WCIND
6. Environmental Education – Directly Related to Waterways/
Can be funded 100% by WCIND
7. Manatee Signs/Speed – Within District Waters/
Can be funded 100% by WCIND
8. Spoil Site Acquisition – WCIND Only
9. Studies Related to the Intracoastal Waterway/
WCIND Only (Inlet/Pass)

Three categories of projects can be funded 100% by WCIND. All others under the Waterway Development Program require matching funds.

West Coast Inland Navigation District
Waterway Development Program
Funding Policy Guidelines

Environmental Education

1. All projects where funding is requested for “Environmental Education” within the District, shall include a clear description as to how the education aspect is to be achieved.
2. There should be a curriculum established for WCIND’s Governing Board to evaluate the proposed education values as to costs of the project.
3. Environmental Education projects should relate to the waters of the District.

Navigation Projects

1. All navigation projects should directly involve such activity that improves navigation of the waterways within the District. This should be channel maintenance and channel marking.
2. Navigation improvements outside the channels in open waters such as derelict vessel removal can be considered if other funding is not available.
3. Boating safety and boating education should not be considered eligible for 100% funding as navigation projects. Both can be match funded to at least 50%.

Law Enforcement

1. A 30% cap of available allocation to each county is considered WCIND’s annual contribution for law enforcement on the waterways.

WCIND WATERWAY DEVELOPMENT PROGRAM

PLANNING CALENDAR AND TIMETABLE

MEMBER COUNTY GOVERNMENT

START WITH:

COUNTY/WCIND LIAISON
GAINS LIST OF PROJECTS
AND FUNDING REQUESTS

FOLLOWED BY:

COUNTY LIAISON TOTALS
AND LISTS ALL REQUESTS
GAINS STAFF INPUT AND
PRIORITIZES PROJECTS

WITHIN TIME FRAME OF:

JANUARY 1ST
THROUGH
MAY 1ST

COUNTY LIAISON THEN
SECURES PROJECT
APPLICATIONS AND
AGREEMENTS BY PRIORITY
FOR SUBMISSION AND
RECOMMENDATION TO B.C.C.

COUNTY LIAISON AGENDAS
FOR B.C.C. APPROVAL – HAS
ONE RESOLUTION
COVERING ALL PROJECTS
THAT B.C.C. APPROVES

MAY 1ST
THROUGH
MAY 25TH

COUNTY LIAISON PREPARES
PACKAGE OF REQUESTS FOR
FUNDING WITH COVER LETTER
LISTING PROJECTS AND
AMOUNTS TOTALLED
(APPLICATIONS, AGREEMENTS
AND RESOLUTION)

COUNTY LIAISON SUBMITS
PACKAGE TO WCIND
FOR CONSIDERATION
AT BUDGET WORKSHOP

NO LATER THAN
MAY 31ST

COUNTY LIAISON REVIEWS
ALL PREVIOUS PROJECTS
FUNDED AND PREPARES
AN UPDATE BY PROJECT
THAT WILL INDICATE FUNDING
STATUS AND BALANCE AS
OF SEPTEMBER 30TH
OF CURRENT YEAR

COUNTY LIAISON SUBMITS
STAFF REPORT TO WCIND
OFFICE FOR USE IN
BUDGET PLANNING BY
WCIND

WCIND PLANNING CALENDAR AND TIMETABLE

STARTING WITH:	FOLLOWED BY:	WITHIN TIME FRAME OF:
RECEIVE/REVIEW ALL REQUESTS FROM 4-MEMBER COUNTIES-LIAISON WITH COUNTIES TO ENSURE ALL RECEIVED	DETERMINE ELIGIBILITY DETERMINE TOTALS REVIEW PACKAGE FOR COMPLETENESS PER COUNTY	JUNE 1 ST THROUGH JUNE 10 TH
RECEIVE UPDATE OF ALL PREVIOUS PROJECTS FUNDED FROM EACH COUNTY	REVIEW BY PROJECT AND WCIND FILES PROJECTING TOTAL EXPENDITURES REMAINING FOR FISCAL YEAR FOR BUDGET PLANS	JUNE 10 TH THROUGH JUNE 20 TH
WCIND RECEIVES DR420'S FROM EACH COUNTY AND ESTIMATE OF COMMISSIONS TO BE PAID	WCIND DIRECTOR INTERFACES FUNDING REQUESTS AND FUNDING SOURCES, PLANS BUDGET PROPOSALS	JULY 1 ST THROUGH JULY 10 TH
WCIND COMPLETES DR420'S FINALIZES PROPOSED BUDGET AND PROPOSED MILLAGE	WCIND BOARD MEETING TO REVIEW PROPOSED BUDGET, MILLAGE RATE AND SET HEARING DATES BOARD APPROVES PROPOSED BUDGET	JULY 14 TH
WCIND MAILES DR420'S ADVERTISES PUBLIC HEARING PER TRIM CALENDAR	WCIND HOLDS 1 ST PUBLIC HEARING, ADOPTS TENTATIVE BUDGET AND MILLAGE APPROVES FUNDING REQUESTS, FORWARDS BUDGET AND WORK PLAN TO DNR	JULY 31 ST THROUGH SEPTEMBER 15 TH

WCIND PLANNING CALENDAR AND TIMETABLE

(CONTINUED)

STARTING WITH: FOLLOWED BY: WITHIN TIME FRAME OF:

WCIND PLANS AND
ADVERTISES SECOND
PUBLIC HEARING

AT SECOND PUBLIC
HEARING WCIND BOARD
ADOPTS BUDGET, MILLAGE
AND PASSES RESOLUTIONS
EXECUTES FUNDING
AGREEMENTS

SEPTEMBER 15TH
THROUGH
SEPTEMBER 30TH

WCIND SETS UP
FUNDING PROGRAM
COMPUTER VERIFIES
ALL APPLICATIONS

WCIND FORMALLY
NOTIFIES EACH B.C.C.
CHAIRMAN/LIAISON OF
APPROVED FUNDING
REQUESTS AND RETURNS
EXECUTED AGREEMNT

OCTOBER 1ST
THROUGH
OCTOBER 30TH