

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1117 Sebastian Inlet Tax District, Indian River and Brevard Counties  
**SPONSOR(S):** Local, Federal and Veterans Affairs Subcommittee; Grall  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	12 Y, 0 N, As CS	Darden	Miller
2) Natural Resources & Public Lands Subcommittee	10 Y, 0 N	Gregory	Shugar
3) Government Accountability Committee			

### SUMMARY ANALYSIS

The Sebastian Inlet Tax District (District) is an independent special district created in 1919 operating in Brevard and Indian River Counties. The District was created to construct, improve, widen, deepen, and maintain the inlet between the Indian River and the Atlantic Ocean, including the north and south jetties protecting the mouth of the inlet.

The bill authorizes the District to enter into interlocal agreements, memoranda of understanding, or other agreements with local law enforcement agencies, the Board of Trustees of the Internal Improvement Trust Fund, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission necessary to provide and facilitate security services on properties owned, controlled, or operated by the District.

The bill provides the act takes effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Independent Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law,<sup>1</sup> special act,<sup>2</sup> local ordinance,<sup>3</sup> or by rule of the Governor and Cabinet.<sup>4</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>5</sup>

A "dependent special district" is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of the governing body of a single county or municipality.<sup>6</sup> An "independent special district" is any district that is not a dependent special district.<sup>7</sup>

##### Sebastian Inlet Tax District

The Sebastian Inlet Tax District (District) is an independent special district in Brevard and Indian River Counties.<sup>8</sup> The District was created in 1919 to aid in the construction of a passageway through a barrier island.<sup>9</sup> There had been six previous attempts to dig an inlet through the island between 1901 and 1915. The Sebastian Inlet was opened and small jetties were completed in 1924. The inlet closed due a nor'easter in 1941 and remained closed during the Second World War. The inlet was permanently reopened in 1947. The purpose of the District is to construct, improve, widen, deepen, and maintain the inlet between the Indian River and the Atlantic Ocean.<sup>10</sup> The inlet is used primarily for shipping and transportation. The District may levy annual ad valorem taxes at a rate of up to 1.5 mills.<sup>11</sup>

The District is governed by a five-member board.<sup>12</sup> The board has the power to conduct business on behalf of the District, including employing a chief engineer, a consulting engineer, and other employees as required. Members of the board serve four-year terms.<sup>13</sup> All members of the board must be a qualified elector of the district. Three members of the board must be residents of the county with the

---

<sup>1</sup> Section 189.031(3), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 189.02(1), F.S.

<sup>4</sup> Section 190.005(1), F.S. *See, generally, s. 189.012(6), F.S.*

<sup>5</sup> *2017 – 2018 Local Gov't Formation Manual* at p. 64, available at

<http://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last visited Jan. 18, 2018).

<sup>6</sup> Section 189.012(2), F.S.

<sup>7</sup> Section 189.012(3), F.S.

<sup>8</sup> *See s. 1 of the Sebastian Inlet Tax District Charter, as codified in s. 3 of ch. 2003-373, s. 3, Laws of Fla. (herein Sebastian Inlet Tax District Charter). See also Area Map of District attached as Appendix A.*

<sup>9</sup> Sebastian Inlet District, *The History of the Sebastian Inlet*, <http://www.sitd.us/history/> (last visited Jan. 18, 2018).

<sup>10</sup> Section 6, Sebastian Inlet Tax District Charter.

<sup>11</sup> Section 9, Sebastian Inlet Tax District Charter.

<sup>12</sup> Section 2, Sebastian Inlet Tax District Charter.

<sup>13</sup> Section 3, Sebastian Inlet Tax District Charter.

district with greater population, while two members of the board must be residents of the county with a smaller population.<sup>14</sup>

The District is responsible for the construction, maintenance, and continued operation of the north and south jetties<sup>15</sup> protecting the mouth of Sebastian Inlet. Both jetties extend from land that is part of Sebastian Inlet State Park (State Park) operated by the Department of Environmental Protection (DEP).<sup>16</sup> Over the northern jetty an extensive pier was built, providing access to a popular fishing area for pedestrians over walkways in the State Park.<sup>17</sup>

Public safety has increasingly become a concern at the pier, with individuals fishing from the pier flinging weights, lures, and other objects at boaters in the area.<sup>18</sup> Conflicts also resulted from members of the public taking aggressive steps to prevent other fisherman from coming too close to them on the pier.

A 1988 memorandum of understanding between the District and DEP provided that DEP would have the responsibility for maintaining public order and safety over the jetties, fishing walkways, and State Park areas after the jetties were incorporated into the State Park by appropriate instrument.<sup>19</sup> A restated and amended memorandum of understanding between the District and DEP was executed in 2000, providing that the jetties had been incorporated into the State Park and that DEP was responsible for ensuring public order and safety.<sup>20</sup> Both documents required the District and DEP to coordinate in carrying out duties related to boating safety and navigation in the inlet. District officials have stated security concerns have increased following a 2012 change in the law enforcement powers of State Park rangers.<sup>21</sup>

### **Effect of Proposed Changes**

The bill also authorizes the District to enter into interlocal agreements, memoranda of understanding, or other agreements with local law enforcement agencies, the Board of Trustees of the Internal Improvement Trust Fund, DEP, and the Fish and Wildlife Conservation Commission necessary to provide and facilitate security services on properties owned, controlled, or operated by the District.

#### **B. SECTION DIRECTORY:**

Section 1: Amending ch. 2003-373, Laws of Fla., to authorize the District to enter agreements with specified entities to provide and facilitate security services on properties owned, controlled, or operated by the District.

Section 2: Provides that the act shall take effect upon becoming a law.

---

<sup>14</sup> As of April 1, 2017, Brevard County has 575,211 residents, while Indian River County has 148,962. Office of Demographic Research, Population and Demographic Data – Florida Products, <http://edr.state.fl.us/Content/population-demographics/data/index-floridaproducts.cfm> (last visited Jan. 19, 2018).

<sup>15</sup> A “jetty” is a structure extended into a sea, lake, or river to influence the current or tide or to protect a harbor.

<sup>16</sup> See map of Sebastian Inlet State Park, attached as Appendix B; Florida State Parks, *Sebastian Inlet State Park*, <https://www.floridastateparks.org/park/Sebastian-Inlet> (last visited January 25, 2018).

<sup>17</sup> See aerial photograph of pier attached as Appendix C.

<sup>18</sup> Jim Waymer, “Sebastian Inlet District hopes to crack down on angry anglers,” Florida Today, Feb. 20, 2017, <https://www.floridatoday.com/story/news/local/environment/2017/02/20/sebastian-inlet-district-hopes-crack-down-angry-anglers/98044914/> (last visited Jan. 25, 2018).

<sup>19</sup> 1988 Memorandum of Understanding between Sebastian Inlet Tax District and the Department of Environmental Protection, signed Nov. 7, 1988. A copy of this document is on file with the Local, Federal & Veterans Affairs Subcommittee.

<sup>20</sup> 2000 Memorandum of Understanding between Sebastian Inlet Tax District and the Department of Environmental Protection, signed Dec. 21, 2000. A copy of this document is on file with the Local, Federal & Veterans Affairs Subcommittee.

<sup>21</sup> Jim Waymer, “Sebastian Inlet District hopes to crack down on angry anglers,” Florida Today, Feb. 20, 2017, <https://www.floridatoday.com/story/news/local/environment/2017/02/20/sebastian-inlet-district-hopes-crack-down-angry-anglers/98044914/> (last visited Jan. 25, 2018).

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 3, 2017

WHERE? *Florida Today*, a daily newspaper of general circulation in Brevard County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

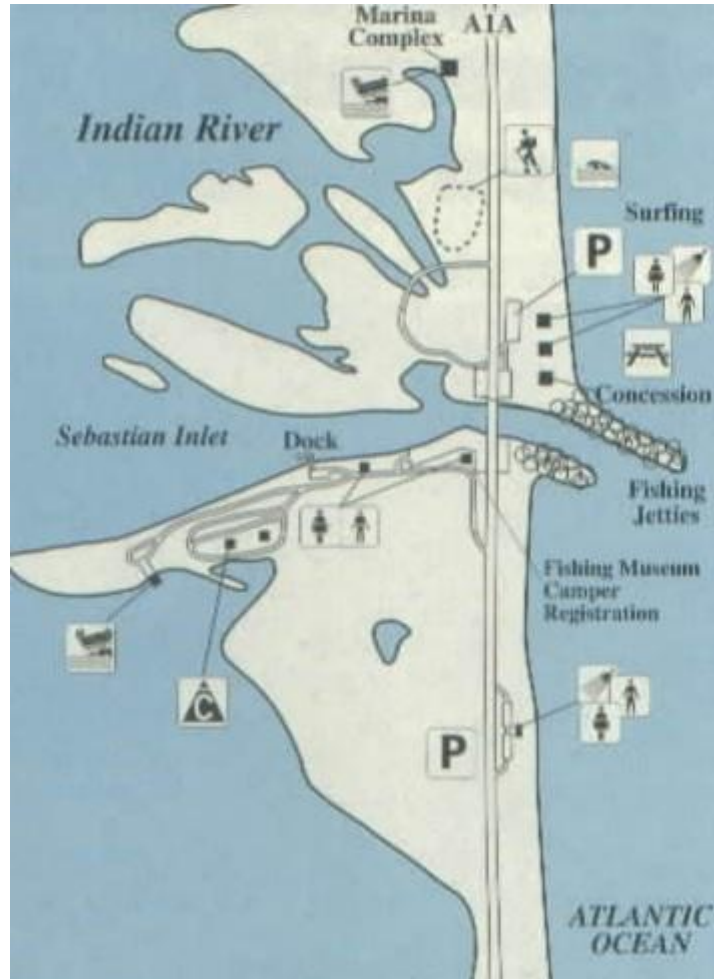
On January 24, 2018, the Local, Federal & Veterans Affairs Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment authorizes the District to enter into interlocal agreements, memoranda of understanding, or other agreements with local law enforcement agencies, the Board of Trustees of the Internal Improvement Trust Fund, DEP, and the Fish and Wildlife Conservation Commission necessary to provide and facilitate security services on properties owned, controlled, or operated by the District.

This analysis is drafted to the committee substitute as passed by the Local, Federal & Veterans Affairs Subcommittee.

**APPENDIX A  
MAP OF SEBASTIAN INLET TAXING DISTRICT**



**APPENDIX B  
MAP OF SEBASTIAN INLET STATE PARK**



**APPENDIX C  
AERIAL PHOTOGRAPH OF PIER**

