

By the Committee on Natural Resources and Senator Harris

312-2133-98

1                                   A bill to be entitled  
2           An act relating to inland waterway management;  
3           amending s. 374.976, F.S.; authorizing the  
4           Florida Inland Navigation District and the West  
5           Coast Inland Navigation District to enter into  
6           cooperative agreements with the Federal  
7           Government, participate with the United States  
8           Army Corps of Engineers in waterway maintenance  
9           projects, engage in anchorage management  
10          programs and beach renourishment projects, and  
11          enter into ecosystem management agreements with  
12          the Department of Environmental Protection;  
13          conforming language relating to existing  
14          matching fund requirements; repealing s.  
15          374.976(5), F.S., as amended by ch. 96-320,  
16          Laws of Florida, to clarify legislative intent  
17          with respect to duplicate provisions; amending  
18          s. 403.061, F.S.; providing a supplemental  
19          process for issuance of joint coastal permits  
20          and environmental resource permits for regional  
21          waterway management activities; amending s.  
22          311.105, F.S.; conforming cross-references;  
23          providing an effective date.

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

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27           Section 1. Section 374.976, Florida Statutes, as  
28           amended by chapter 96-425, Laws of Florida, is amended to  
29           read:

30           374.976 Authority to address impacts of waterway  
31           development projects.--

1           (1) Each inland navigation district, except the  
2 district created pursuant to s. 374.301, is empowered and  
3 authorized to undertake programs intended to alleviate the  
4 problems associated with its waterway or waterways, including,  
5 but not limited to, the following:

6           (a) The district may act as a local interest sponsor  
7 for any project designated as a "Section 107, River and Harbor  
8 Act of 1960" project authorized and undertaken by the U.S.  
9 Army Corps of Engineers and, in this regard, may comply with  
10 any or all conditions imposed on local interests as part of  
11 such project.

12           (b) It is the intent of the Legislature that the  
13 district may sponsor or furnish assistance and support to  
14 member counties and local governments within the district in  
15 planning and carrying out beach renourishment and inlet  
16 management projects. Such assistance and support, if  
17 financial in nature, shall be contributed only after a finding  
18 by the board that inlet management projects are a benefit to  
19 public navigation in the district and that the beaches to be  
20 nourished have been adversely impacted by navigation inlets,  
21 navigation structures, navigation dredging, or a navigation  
22 project. Such projects will be consistent with Department of  
23 Environmental Protection approved inlet management plans and  
24 the statewide beach management plan pursuant to s. 161.161.  
25 Inlet management projects that are determined to be consistent  
26 with Department of Environmental Protection approved inlet  
27 management plans are declared to be a benefit to public  
28 navigation.

29           (c) The district is authorized to aid and cooperate  
30 with the Federal Government, state, member counties, and local  
31 governments within the district in planning and carrying out

1 public navigation, local and regional anchorage management,  
2 beach renourishment, public recreation, inlet management,  
3 environmental education, and boating safety projects, directly  
4 related to the waterways. The district is also authorized to  
5 enter into cooperative agreements with the United States Army  
6 Corps of Engineers, state, and member counties, and to  
7 covenant in any such cooperative agreement to pay part of the  
8 costs of acquisition, planning, development, construction,  
9 reconstruction, extension, improvement, operation, and  
10 maintenance of such projects.

11 (d) The district is authorized to enter into  
12 cooperative agreements with navigation-related districts to  
13 pay part of the costs of acquisition of spoil disposal sites.

14 (e) The district is authorized to enter into ecosystem  
15 management agreements with the Department of Environmental  
16 Protection pursuant to s. 403.075.

17 (2) A district that sponsors a program pursuant to  
18 this section shall adopt rules to govern the program, pursuant  
19 to chapter 120. At a minimum, such rules shall prohibit the  
20 encumbrance of funds for a project beyond 3 years following  
21 approval of the project and, except for funds provided to  
22 enhance public navigation, law enforcement on the waterways,  
23 or environmental education projects within its district, shall  
24 prohibit financial support unless matching funds are provided  
25 by the recipient of such financial support. The district may  
26 waive such rules for a project approved in a county that is  
27 recovering from a state of emergency declared under chapter  
28 252.

29 (3) Except as provided in subsection (2), all  
30 financial assistance and support furnished by the Florida  
31 Inland Navigation District and the West Coast Inland

1 | Navigation District to member counties and local governments  
2 | within the districts shall require matching funds. Such  
3 | matching funds shall be clearly identified and enumerated as  
4 | to amount and source. Such financial assistance and support,  
5 | except as provided pursuant to paragraph (1)(a) and except for  
6 | a project approved in a county that is recovering from a state  
7 | of emergency declared under chapter 252, shall not exceed the  
8 | proportional share of ad valorem tax collections from each  
9 | county.

10 |         (4) Each district shall report to the Legislature no  
11 | later than January 1, 1991, on the type of projects, amount of  
12 | financial assistance, and amount and source of matching funds  
13 | received for said projects. The report shall delineate the  
14 | justification for awarding financial assistance and shall  
15 | include the direct relationship the project has to the  
16 | maintenance of the intracoastal waterways.

17 |         (5) The Florida Inland Navigation District may furnish  
18 | assistance and support to seaports for the purpose of planning  
19 | and carrying out dredge material management projects and other  
20 | environmental mitigation projects. Port projects shall benefit  
21 | publicly maintained channels and harbors. Any port eligible  
22 | for funding shall be located in a member county of the  
23 | district, and each port shall contribute matching funds for  
24 | funded projects. Financial assistance for such port projects  
25 | shall not be included in calculating the proportional share of  
26 | ad valorem tax collections of the county in which the port is  
27 | located, provided the port seeking assistance demonstrates a  
28 | regional benefit realized from the port's activities. However,  
29 | the cost of a port project funded pursuant to this section may  
30 | not exceed the proportional share of ad valorem taxation of

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1 the counties in the district which are benefited by the  
2 project.

3 Section 2. Subsection (5) of section 374.976, Florida  
4 Statutes, as amended by chapter 96-320, Laws of Florida, is  
5 repealed.

6 Section 3. Subsection (39) is added to section  
7 403.061, Florida Statutes, to read:

8 403.061 Department; powers and duties.--The department  
9 shall have the power and the duty to control and prohibit  
10 pollution of air and water in accordance with the law and  
11 rules adopted and promulgated by it and, for this purpose, to:

12 (39) Enter into a memorandum of agreement with the  
13 Florida Inland Navigation District and the West Coast Inland  
14 Navigation District or their successor agencies, to provide a  
15 supplemental process for issuance of joint coastal permits  
16 pursuant to s. 161.055 or environmental resource permits  
17 pursuant to part IV of chapter 373 for regional waterway  
18 management activities, including, but not limited to,  
19 maintenance dredging, spoil disposal, public recreation, inlet  
20 management, beach nourishment, and environmental protection  
21 directly related to public navigation and the construction,  
22 maintenance, and operation of Florida's inland waterways.

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24 The department shall implement such programs in conjunction  
25 with its other powers and duties and shall place special  
26 emphasis on reducing and eliminating contamination that  
27 presents a threat to humans, animals or plants, or to the  
28 environment.

29 Section 4. Subsections (2), (3), and (6) of section  
30 311.105, Florida Statutes, are amended to read:

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1           311.105 Florida Seaport Environmental Management  
2 Committee; permitting; mitigation.--  
3           (2) Each application for a permit authorized pursuant  
4 to s. 403.061(37)(~~38~~) must include:  
5           (a) A description of maintenance dredging activities  
6 to be conducted and proposed methods of dredged-material  
7 management.  
8           (b) A characterization of the materials to be dredged  
9 and the materials within dredged-material management sites.  
10          (c) A description of dredged-material management sites  
11 and plans.  
12          (d) A description of measures to be undertaken,  
13 including environmental compliance monitoring, to minimize  
14 adverse environmental effects of maintenance dredging and  
15 dredged-material management.  
16          (e) Such scheduling information as is required to  
17 facilitate state supplementary funding of federal maintenance  
18 dredging and dredged-material management programs consistent  
19 with beach restoration criteria of the Department of  
20 Environmental Protection.  
21          (3) Each application for a permit authorized pursuant  
22 to s. 403.061(38)(~~39~~) must include the provisions of  
23 paragraphs (2)(b)-(e) and the following:  
24          (a) A description of dredging and dredged-material  
25 management and other related activities associated with port  
26 development, including the expansion of navigation channels,  
27 dredged-material management sites, port harbors, turning  
28 basins, harbor berths, and associated facilities.  
29          (b) A discussion of environmental mitigation as is  
30 proposed for dredging and dredged-material management for port  
31 development, including the expansion of navigation channels,

1 dredged-material management sites, port harbors, turning  
2 basins, harbor berths, and associated facilities.

3 (6) Dredged-material management activities authorized  
4 pursuant to s. 403.061(37) or (38)~~(38)~~ or ~~(39)~~ shall be  
5 incorporated into port master plans developed pursuant to s.  
6 163.3178(2)(k).

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11 COMMITTEE SUBSTITUTE FOR  
12 SB 1256

13 The committee substitute includes beach renourishment as an  
14 activity that a district may assist in or carry out in  
cooperation with other governmental entities.

15 The committee substitute repeals subsection (5) of s. 374.976,  
16 F.S., as amended by ch. 96-320, L.O.F., which authorizes the  
17 FIND to furnish assistance and support to seaports relating to  
dredged material management and other environmental mitigation  
projects.

18 Provisions repealing s. 8 of ch. 90-264, L.O.F., have been  
19 deleted and the WCIND remains subject to repeal October 1,  
20 2000.

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