

By Representative Barreiro

1 A bill to be entitled
2 An act relating to the Miami River Authority;
3 creating the Miami River Authority; providing
4 definitions; providing for the appointment of
5 the members of the Miami River Authority;
6 providing the purposes of the act and the
7 powers of the authority; providing for the
8 receipt of federal, state, private, and other
9 funds and aid; providing an effective date.

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

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13 Section 1. Short title.--This act may be cited as the
14 "Miami River Authority Act."

15 Section 2. Definitions.--

16 (1) "Agency of the state" means and includes the state
17 and any department of, or corporation, agency, or
18 instrumentality heretofore or hereafter created, designated,
19 or established by, the state.

20 (2) "Authority" means the Miami River Authority
21 created by this act.

22 (3) "Board" or "board of supervisors" means the
23 governing body of the authority.

24 (4) "County" means the County of Dade.

25 (5) "Federal agency" means and includes the United
26 States, the President of the United States, and any department
27 of, or corporation, agency, or instrumentality heretofore or
28 hereafter created, designated, or established by, the United
29 States.

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1 (6) "Federal aid" means any property, funding, or
2 other financial assistance provided by the Federal Government
3 to the authority for its projects.

4 Section 3. Miami River Authority; creation; board.--

5 (1) There is hereby created and established a body
6 politic and corporate, an agency of the state, to be known as
7 the Miami River Authority.

8 (2) The governing body of the authority shall consist
9 of nine members. One member shall be appointed by the
10 Governor, one member shall be appointed by the President of
11 the Senate, one member shall be appointed by the Speaker of
12 the House of Representatives, one member shall be appointed by
13 the Mayor of Dade County, one member shall be appointed by the
14 Mayor of the City of Miami, one member shall be appointed by
15 the Miami River Group, one member shall be appointed by the
16 Grove Park Homeowners Association, one member shall be
17 appointed by the Spring Gardens Civil Association and one
18 member by the Miami River Neighborhood Restoration
19 Association, and said members shall, unless reappointed, serve
20 4-year terms. Initial appointments shall be made no later than
21 30 days after this act takes effect. Any vacancy on the board
22 shall be filled for the balance of the unexpired term by the
23 appointing authority. Upon the effective date of his or her
24 appointment, or as soon thereafter as practicable, each
25 appointed member of the authority shall enter upon his or her
26 duties.

27 (3) The authority shall elect one of its members as
28 chair of the authority. The authority shall also elect a
29 secretary and a treasurer, who may or may not be members of
30 the authority. The chair, secretary, and treasurer shall hold
31 such offices at the will of the authority. Four members of the

1 authority shall constitute a quorum, and the vote of three
2 members shall be necessary for any action taken by the
3 authority. No vacancy in the authority shall impair the right
4 of a quorum of the authority to exercise all of the rights and
5 perform all of the duties of the authority. The board shall
6 hold its initial meeting no later than 20 days after the
7 members have been appointed. Meetings shall be held quarterly
8 or more frequently at the call of the chair.

9 (4) The Governor has the authority to remove from the
10 board any regular member in the manner and for cause as
11 defined by the laws of this state and applicable to situations
12 which may arise before the board. Unless excused by the chair
13 of the board, a regular member's absence from two or more
14 consecutive board meetings creates a vacancy in the office to
15 which the member was appointed.

16 (5) Members of the authority shall be entitled to
17 receive from the authority their travel and other necessary
18 expenses incurred in connection with the business of the
19 authority as provided in s. 112.061, Florida Statutes, but
20 they shall draw no salaries or other compensation.

21 Section 4. Purposes and powers.--

22 (1) The Miami River Authority shall conduct a
23 comprehensive review of all issues relating to the Miami River
24 and report to the Legislature by March 1, 1998, and include
25 its recommendations regarding the following:

26 (a) Make recommendations to centralize the state and
27 local jurisdictions within a single authority, streamline and
28 coordinate regulation of the activities in and around the
29 Miami River, and create a port authority to oversee and
30 regulate the Miami River seaport.

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1 (b) Appropriate geographical boundaries for the
2 jurisdiction of the Miami River Authority;

3 (c) Whether and to what extent the permanent powers
4 and duties of the Miami River Authority shall include such
5 powers as: the power of eminent domain; the regulatory
6 authority necessary to prevent environmental degradation of
7 the ecological resources of the Miami River, with particular
8 emphasis on the authority necessary to improve the water
9 quality of the Miami River; the regulatory authority necessary
10 to enhance public health and safety in and around the river
11 and the riverside; the regulatory authority necessary to
12 maintain the viability of the Miami River as a major port
13 facility and enhance navigability of the river; and the
14 regulatory authority to ensure that comprehensive development
15 plans for the Miami River Area include provisions for the
16 development of the river's intrinsic tourist attraction
17 assets;

18 (d) Assess jurisdictional interrelationships of the
19 numerous federal, state, regional, and local agencies that
20 exercise jurisdiction over the Miami River; and

21 (2) The authority is hereby granted, and shall have
22 and may exercise, these additional powers necessary,
23 appurtenant, convenient, or incidental to the carrying out of
24 the aforesaid purposes:

25 (a) Execute all contracts and other documents, adopt
26 all proceedings, and perform all acts determined by the board
27 to be necessary or desirable to carry out the purposes of this
28 act. The board may authorize one or more members of the board
29 to execute contracts and other documents on behalf of the
30 board of the authority.

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1 (b) Enter, and authorize any agent or employee of the
2 authority to enter, upon any lands, waters, and premises, upon
3 giving reasonable notice and due process to the landowner, for
4 the purposes of making surveys and examinations necessary to
5 perform its duties and functions. Any such entry shall not be
6 deemed a trespass or an entry that would constitute a taking
7 in an eminent domain proceeding. The authority shall make
8 reimbursement for any actual damages to such lands, waters,
9 and premises as a result of such activity.

10 (c) To make and enter all contracts and agreements
11 necessary or incidental to the performance of the functions of
12 the authority and the execution of its powers, and to contract
13 with, and to accept and receive grants or loans of money,
14 material, or property from, any person, private or public, as
15 the board shall determine to be necessary or desirable to
16 carry out the purposes of this act, and in connection with any
17 such contract, grant, or loan to stipulate and agree to such
18 covenants, terms, and conditions as the board shall deem
19 appropriate.

20 Section 5. Federal and other funds and aid.--The
21 authority is authorized to accept, receive, and receipt for
22 federal moneys, property, and other moneys or properties,
23 either public or private, for acquisition, planning,
24 operation, construction, enlargement, improvement,
25 maintenance, equipment, or development of programs,
26 facilities, and sites therefor, and to comply with the
27 provisions of the laws of the United States and any rules and
28 regulations made thereunder for the expenditure of federal
29 moneys.

30 Section 6. This act shall take effect upon becoming a
31 law.

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HOUSE SUMMARY

Creates the Miami River Authority to conduct a comprehensive review of all issues relating to the Miami River and report to the Legislature by March 1, 1998. See bill for details.