

By Representative Gay

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 enter into ecosystem management
11 agreements with the Department of Environmental
12 Protection; conforming language relating to
13 existing matching fund requirements; repealing
14 s. 374.976(5), F.S., as amended by ch. 96-320,
15 Laws of Florida, to clarify legislative intent
16 with respect to duplicate provisions; amending
17 s. 403.061, F.S.; providing a supplemental
18 process for issuance of joint coastal permits
19 and environmental resource permits for regional
20 waterway management activities; amending s.
21 311.105, F.S.; correcting cross references;
22 repealing s. 8 of ch. 90-264, Laws of Florida,
23 relating to Sundown review and repeal of the
24 West Coast Inland Navigation District;
25 providing an effective date.

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

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

1 374.976 Authority to address impacts of waterway
2 development projects.--

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

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

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

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

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

17 (e) The district is authorized to enter into ecosystem
18 management agreements with the Department of Environmental
19 Protection pursuant to s. 403.075.

20 (2) A district that sponsors a program pursuant to
21 this section shall adopt rules to govern the program, pursuant
22 to chapter 120. At a minimum, such rules shall prohibit the
23 encumbrance of funds for a project beyond 3 years following
24 approval of the project and, except for funds provided to
25 enhance public navigation, law enforcement on the waterways,
26 or environmental education projects within its district, shall
27 prohibit financial support unless matching funds are provided
28 by the recipient of such financial support. The district may
29 waive such rules for a project approved in a county that is
30 recovering from a state of emergency declared under chapter
31 252.

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

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

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

1 the cost of a port project funded pursuant to this section may
2 not exceed the proportional share of ad valorem taxation of
3 the counties in the district which are benefited by the
4 project.

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

8 Section 3. Subsection (39) is added to section
9 403.061, Florida Statutes, to read:

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

14 (39) Enter into interlocal agreements pursuant to
15 chapter 163, with the Florida Inland Navigation District and
16 the West Coast Inland Navigation District or their successor
17 agencies, to provide a supplemental process for issuance of
18 joint coastal permits pursuant to s. 161.055 or environmental
19 resource permits pursuant to part IV of chapter 373 for
20 regional waterway management activities, including, but not
21 limited to, maintenance dredging, spoil disposal, public
22 recreation, inlet management, beach nourishment, and
23 environmental protection directly related to public navigation
24 and the construction, maintenance, and operation of Florida's
25 inland waterways.

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

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

3 311.105 Florida Seaport Environmental Management
4 Committee; permitting; mitigation.--

5 (2) Each application for a permit authorized pursuant
6 to s. 403.061(37)(~~38~~) must include:

7 (a) A description of maintenance dredging activities
8 to be conducted and proposed methods of dredged-material
9 management.

10 (b) A characterization of the materials to be dredged
11 and the materials within dredged-material management sites.

12 (c) A description of dredged-material management sites
13 and plans.

14 (d) A description of measures to be undertaken,
15 including environmental compliance monitoring, to minimize
16 adverse environmental effects of maintenance dredging and
17 dredged-material management.

18 (e) Such scheduling information as is required to
19 facilitate state supplementary funding of federal maintenance
20 dredging and dredged-material management programs consistent
21 with beach restoration criteria of the Department of
22 Environmental Protection.

23 (3) Each application for a permit authorized pursuant
24 to s. 403.061(38)(~~39~~) must include the provisions of
25 paragraphs (2)(b)-(e) and the following:

26 (a) A description of dredging and dredged-material
27 management and other related activities associated with port
28 development, including the expansion of navigation channels,
29 dredged-material management sites, port harbors, turning
30 basins, harbor berths, and associated facilities.

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1 (b) A discussion of environmental mitigation as is
2 proposed for dredging and dredged-material management for port
3 development, including the expansion of navigation channels,
4 dredged-material management sites, port harbors, turning
5 basins, harbor berths, and associated facilities.

6 (6) Dredged-material management activities authorized
7 pursuant to s. 403.061(37) or (38)~~(38)~~ or ~~(39)~~ shall be
8 incorporated into port master plans developed pursuant to s.
9 163.3178(2)(k).

10 Section 5. Section 8 of chapter 90-264, Laws of
11 Florida, is repealed.

12 Section 6. This act shall take effect upon becoming a
13 law.

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15 HOUSE SUMMARY

16
17 Authorizes the Florida Inland Navigation District and the
18 West Coast Inland Navigation District to enter into
19 cooperative agreements with the Federal Government,
20 participate with the United States Army Corps of
21 Engineers in waterway maintenance projects, engage in
22 anchorage management programs, and enter into ecosystem
23 management agreements with the Department of
24 Environmental Protection. Authorizes the department to
25 enter into interlocal agreements with the districts to
26 provide a supplemental process for the issuance of joint
27 coastal permits and environmental resource permits for
28 regional waterway management activities. Repeals
29 provision which requires Sundown review and repeal of the
30 West Coast Inland Navigation District on October 1, 2000.
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