

By the Committee on Community Affairs and 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 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.; correcting cross references;  
23          repealing s. 8 of ch. 90-264, Laws of Florida,  
24          relating to Sundown review and repeal of the  
25          West Coast Inland Navigation District;  
26          providing an effective date.

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28   Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Section 374.976, Florida Statutes, as  
2 amended by chapter 96-425, Laws of Florida, is amended to  
3 read:

4           374.976 Authority to address impacts of waterway  
5 development projects.--

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

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

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

1 management plans are declared to be a benefit to public  
2 navigation.

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

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

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

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

1 recovering from a state of emergency declared under chapter  
2 252.

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

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

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

1 located, provided the port seeking assistance demonstrates a  
2 regional benefit realized from the port's activities. However,  
3 the cost of a port project funded pursuant to this section may  
4 not exceed the proportional share of ad valorem taxation of  
5 the counties in the district which are benefited by the  
6 project.

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

10 Section 3. Subsection (39) is added to section  
11 403.061, Florida Statutes, to read:

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

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

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

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

5 311.105 Florida Seaport Environmental Management  
6 Committee; permitting; mitigation.--

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

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

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

14 (c) A description of dredged-material management sites  
15 and plans.

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

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

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

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

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

8 (6) Dredged-material management activities authorized  
9 pursuant to s. 403.061(37) or (38)~~(38)~~ or ~~(39)~~ shall be  
10 incorporated into port master plans developed pursuant to s.  
11 163.3178(2)(k).

12 Section 5. Section 8 of chapter 90-264, Laws of  
13 Florida, is repealed.

14 Section 6. This act shall take effect upon becoming a  
15 law.

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