

By the Committee on Natural Resources and Senator Bronson

312-2008-00

1 A bill to be entitled
2 An act relating to land acquisition by the
3 South Florida Water Management District;
4 amending s. 373.1501, F.S.; providing
5 definitions; providing for acquisition of
6 certain land by eminent domain by the South
7 Florida Water Management District; providing an
8 effective date.

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

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12 Section 1. Subsections (1) and (3) of section
13 373.1501, Florida Statutes, are amended to read:

14 373.1501 South Florida Water Management District as
15 local sponsor.--

16 (1) As used in this section and s. 373.026(8), the
17 term:

18 (a) "C-111 Project" means the project identified in
19 the Central and Southern Florida Flood Control Project, Real
20 Estate Design Memorandum, Canal 111, South Dade County,
21 Florida.

22 (b) "Department" means the Department of Environmental
23 Protection.

24 (c) "District" means the South Florida Water
25 Management District.

26 (d) "Kissimmee River Restoration Project" means the
27 project identified in the Project Cooperation Agreement
28 between the United States Department of the Army and the South
29 Florida Water Management District dated March 22, 1994.

30 (e) "Pal-Mar Project" means the Pal-Mar (West Jupiter
31 Wetlands) lands identified in the Save Our Rivers 2000 Land

1 Acquisition and Management Plan approved by the South Florida
2 Water Management District on September 9, 1999, (Resolution
3 99-94).

4 (f)~~(e)~~ "Project" means the Central and Southern
5 Florida Project.

6 (g)~~(f)~~ "Project Component" means any structural or
7 operational change, resulting from the restudy, to the Central
8 and Southern Florida Project as it existed and was operated as
9 of January 1, 1999.

10 (h)~~(g)~~ "Restudy" means the Comprehensive Review Study
11 of the Central and Southern Florida Project, for which federal
12 participation was authorized by the federal Water Resources
13 Development Acts of 1992 and 1996 together with related
14 Congressional resolutions and for which participation by the
15 South Florida Water Management District is authorized by this
16 section. The term includes all actions undertaken pursuant to
17 the aforementioned authorizations which will result in
18 recommendations for modifications or additions to the Central
19 and Southern Florida Project.

20 (i) "Southern Corkscrew Regional Ecosystem Watershed
21 Project" means the area described in the Critical Restoration
22 Project Contract C-9906 Southern Corkscrew Regional Ecosystem
23 Watershed Project Addition/Imperial River Flowway and approved
24 by the South Florida Water Management District on August 12,
25 1999.

26 (j)~~(h)~~ "Water Preserve Areas" means those areas
27 located only within Palm Beach and Broward counties that are
28 designated as Water Preserve Areas, as approved by the South
29 Florida Water Management District Governing Board on September
30 11, 1997, and shall include all of those lands within Cell II
31 of the East Coast Buffer in Broward County as delineated in

1 the boundary survey prepared by Stoner and Associates, Inc.,
2 dated January 31, 2000, SWFWMD #10953.

3 (k)~~(i)~~ "Ten Mile Creek Project" means the Ten Mile
4 Creek Water Preserve Area identified in the Central and
5 Southern Florida Ecosystem Critical Project Letter Report
6 dated April 13, 1998.

7 (3) The Legislature declares that the Kissimmee River
8 Project, the Ten Mile Creek Project, the Water Preserve Areas,
9 the Southern Corkscrew Regional Ecosystem Watershed Project,
10 the Pal-Mar Project, and the C-111 Project are in the public
11 interest, for a public purpose, and necessary for the public
12 health and welfare. The governing board of the district is
13 empowered and authorized to acquire fee title or easement by
14 eminent domain for the limited purposes of implementing the
15 Kissimmee River Project, the Ten Mile Creek Project, the Water
16 Preserve Areas, the Southern Corkscrew Regional Ecosystem
17 Watershed Project, the Pal-Mar Project, and the C-111 Project.
18 Any acquisition of real property, including by eminent domain,
19 for those objectives constitutes a public purpose for which it
20 is in the public interest to expend public funds.

21 Notwithstanding any provision of law to the contrary, such
22 properties shall not be removed from the district's plan of
23 acquisition, and the use of state funds for these properties
24 is authorized. In the absence of willing sellers, any land
25 necessary for implementing the projects in this subsection
26 shall be acquired in accordance with state condemnation law
27 pursuant to chapters 73 and 74.

28 Section 2. This act shall take effect upon becoming a
29 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1372

The committee substitute allows the South Florida Water Management District to acquire lands in the Southern Corkscrew Regional Ecosystem Watershed Project, the Pal-Mar Project, and lands within Cell 11 of the East Coast Buffer in Broward County by exercising its powers of eminent domain.