

By the Committee on Environmental Protection and
Representative Argenio

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

8

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

10

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

13 373.1501 South Florida Water Management District as
14 local sponsor.--

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

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

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

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

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

29 (e) "Pal-Mar Project" means the Pal-Mar (West Jupiter
30 Wetlands) lands identified in the Save Our Rivers 2000 Land
31 Acquisition and Management Plan approved by the South Florida

1 Water Management District on September 9, 1999, (Resolution
2 99-94).

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

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

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

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

24 (j)~~(i)~~ "Ten Mile Creek Project" means the Ten Mile
25 Creek Water Preserve Area identified in the Central and
26 Southern Florida Ecosystem Critical Project Letter Report
27 dated April 13, 1998.

28 (k)~~(h)~~ "Water Preserve Areas" means those areas
29 located only within Palm Beach and Broward counties that are
30 designated as Water Preserve Areas, as approved by the South
31 Florida Water Management District Governing Board on September

1 11, 1997, and shall include all of those lands within Cell 11
2 of the East Coast Buffer in Broward County as delineated in
3 the boundary survey prepared by Stoner and Associates, Inc.,
4 dated January 31, 2000, SFWMD #10953.

5 (3) The Legislature declares that the Kissimmee River
6 Project, the Ten Mile Creek Project, the Water Preserve Areas,
7 the Southern CREW Project, the Pal-Mar Project,and the C-111
8 Project are in the public interest, for a public purpose, and
9 necessary for the public health and welfare. The governing
10 board of the district is empowered and authorized to acquire
11 fee title or easement by eminent domain for the limited
12 purposes of implementing the Kissimmee River Project, the Ten
13 Mile Creek Project, the Water Preserve Areas, the Southern
14 CREW Project, the Pal-Mar Project,and the C-111 Project. Any
15 acquisition of real property, including by eminent domain, for
16 those objectives constitutes a public purpose for which it is
17 in the public interest to expend public funds. Notwithstanding
18 any provision of law to the contrary, such properties shall
19 not be removed from the district's plan of acquisition, and
20 the use of state funds for these properties is authorized. In
21 the absence of willing sellers, any land necessary for
22 implementing the projects in this subsection shall be acquired
23 in accordance with state condemnation law pursuant to chapters
24 73 and 74.

25 Section 2. This act shall take effect upon becoming a
26 law.