

By Senator Wise

5-735-04

1 A bill to be entitled
 2 An act relating to the Florida Inland
 3 Navigation District; amending s. 374.982, F.S.;
 4 including Nassau County within the jurisdiction
 5 of the district; amending s. 374.983, F.S.;
 6 increasing the membership of the board of
 7 commissioners of the district, to conform;
 8 providing for the appointment of a commissioner
 9 from Nassau County; providing for the initial
 10 and subsequent terms of office; amending s.
 11 374.984, F.S.; revising an obsolete reference
 12 to Dade County; providing for a referendum with
 13 respect to the authority of the district to
 14 levy an ad valorem tax within Nassau County;
 15 providing effective dates.

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

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 19 Section 1. Section 374.982, Florida Statutes, is
 20 amended to read:

21 374.982 District.--An independent special taxing
 22 district to be known as the "Florida Inland Navigation
 23 District" is hereby created. The territorial boundaries of
 24 the district shall be the counties of Nassau, Duval, St.
 25 Johns, Flagler, Volusia, Brevard, St. Lucie, Martin, Indian
 26 River, Palm Beach, Broward, and Miami-Dade ~~Dade~~. For purposes
 27 of this chapter, the term "district" means the Florida Inland
 28 Navigation District and the term "board" means the Board of
 29 Commissioners of the Florida Inland Navigation District.

30 Section 2. Subsections (1) and (2) of section 374.983,
 31 Florida Statutes, are amended to read:

1 374.983 Governing body.--

2 (1) A governing body of the district is hereby
3 created, and shall be known as and designated as the "Board of
4 Commissioners of the Florida Inland Navigation District," and
5 shall be composed of 12 ~~11~~ members who shall be qualified
6 electors residing in said district, no 2 of whom shall reside
7 in the same county in the district. The governing body shall
8 have all powers of a body corporate, including the power to
9 sue and be sued as a corporation, in its name, and in any
10 court having jurisdiction; to make contracts; to adopt and use
11 a common seal and to alter the same as deemed expedient; to
12 buy, acquire by gift, exchange, condemnation, or otherwise,
13 sell, own, lease (as lessor or lessee), and convey such real
14 estate and personal property as the board may deem proper to
15 carry out the provisions of this act; to appoint and employ
16 such engineers, attorneys, consultants, and such agents and
17 employees as the board may require; to borrow money and issue
18 negotiable promissory notes, bonds and/or other evidences of
19 indebtedness therefor to enable them to carry out the
20 provisions of this act; and generally to do and perform the
21 things necessary to accomplish the purposes of this act.

22 (2) The present board of commissioners of the district
23 shall continue to hold office until their respective terms
24 shall expire. Thereafter the members of the board shall
25 continue to be appointed by the Governor for a term of 4 years
26 and until their successors shall be duly appointed.
27 Specifically, commencing on January 10, 1997, the Governor
28 shall appoint the commissioners from Broward, Indian River,
29 Martin, St. Johns, and Volusia Counties and on January 10,
30 1999, the Governor shall appoint the commissioners from
31 Brevard, Miami-Dade ~~Dade~~, Duval, Flagler, Palm Beach, and St.

1 Lucie Counties. The Governor shall appoint the commissioner
2 from Nassau County for an initial term that coincides with the
3 period remaining in the current terms of the commissioners
4 from Broward, Indian River, Martin, St. Johns, and Volusia
5 Counties. Thereafter, the commissioner from Nassau County
6 shall be appointed to a 4-year term.Each new appointee must
7 be confirmed by the Senate. Whenever a vacancy occurs among
8 the commissioners, the person appointed to fill such vacancy
9 shall hold office for the unexpired portion of the term of the
10 commissioner whose place he or she is selected to fill. Each
11 commissioner under this act before he or she assumes office
12 shall be required to give a good and sufficient surety bond in
13 the sum of \$10,000 payable to the Governor and his or her
14 successors in office, conditioned upon the faithful
15 performance of the duties of his or her office, such bond to
16 be approved by and filed with the Chief Financial Officer. Any
17 and all premiums upon such surety bonds shall be paid by the
18 board of commissioners of such district as a necessary expense
19 of the district.

20 Section 3. Section 374.984, Florida Statutes, is
21 amended to read:

22 374.984 Purpose; powers and duties.--It is the purpose
23 and intent of this act that the board perform and do all
24 things which shall be requisite and necessary to comply with
25 the requirements and conditions imposed upon a "local
26 interest" by the Congress of the United States in the several
27 acts authorizing and directing the improvement and maintenance
28 of the Intracoastal Waterway from St. Mary's River to the
29 southernmost boundary of Miami-Dade ~~Dade~~ County. Said acts
30 include but are not limited to: the Rivers and Harbors Act
31 approved January 21, 1927, as amended by the River and Harbor

1 Act approved July 3, 1930; the River and Harbor Act of June
2 20, 1938; and s. 107 of the Federal River and Harbor Act of
3 1960. Pursuant thereto, the powers of the board shall include,
4 but not be limited to:

5 (1) Obtaining by gift, donation, purchase, exchange,
6 condemnation, or otherwise, and conveying, or causing to be
7 conveyed, free of cost to the United States, necessary
8 right-of-way property, and in addition thereto, suitable fee
9 simple or easement areas (as determined by the board) for the
10 deposit of dredged material in connection with the work of
11 improving or constructing, or both, the aforementioned
12 waterway and its subsequent maintenance, including future
13 improvement of said Intracoastal Waterway, with a view to
14 providing a general depth of 12 feet, more or less, depending
15 upon specific local conditions, referred to the plane of local
16 mean water, and a width appropriate to said depth and such
17 improvements as may be authorized and adopted by the Congress
18 of the United States, and in connection with the subsequent
19 maintenance of said waterway so improved. Prior to acquiring
20 any property for the deposit of dredged material, the district
21 shall inform the county and, if applicable, the municipalities
22 in which the property to be acquired is located of the
23 district's intent to acquire such property and the district
24 shall further hold a public meeting to advise the residents of
25 the area of its intent. Such public meeting shall be noticed
26 in a paper of general circulation in the county in which the
27 meeting is to be held not less than 15 days prior to the
28 meeting, said notice to contain the date, time, and place of
29 the meeting and to identify the potential acquisition site or
30 sites.

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1 (2) Obtaining by gift, donation, purchase, exchange,
2 condemnation, or otherwise, and furnishing, free of cost, to
3 the United States, any property, property right of every
4 description, easement, riparian right, interest in property,
5 and suitable dredged material management areas outside of said
6 right-of-way that may be necessary to the United States for
7 the construction, maintenance, or operation of said waterway.

8 (3) Contracting for the purchase of any property to be
9 acquired or obtained by the board under the provisions of this
10 act and paying the purchase price therefor in a lump sum or in
11 installments or deferred payments upon such terms as the board
12 shall determine, said contract of purchase to provide for the
13 payment of interest not to exceed the maximum interest rate
14 permitted by law upon deferred payments. Any acquisition of
15 property, other than by eminent domain, shall be pursuant to
16 rules adopted by the board.

17 (4) Exercising and using the right of eminent domain,
18 and condemning for the use of the district or to effect the
19 purposes of this act, or both, any and all lands, easements,
20 areas for deposit of dredged materials, right-of-way, riparian
21 rights, and/or property rights of every description required
22 for the public purposes and powers of the board. Such
23 condemnation proceeding shall be maintained by and in the name
24 of the district and the procedures shall be those prescribed
25 and set forth in chapters 73 and 74, as amended from time to
26 time, prescribing the procedure for condemnation by counties,
27 and the same rights and powers shall accrue to said district
28 under such procedures defined and set forth as accruing to the
29 counties in chapters 73 and 74, as well as pursuant to any
30 other general law pertaining thereto, and the district and the
31 board are hereby vested with power and authority to pay such

1 judgment or compensation awarded in any such proceedings out
2 of any fund available for the purchase of right-of-way, areas
3 for deposit of dredged material, or other property under the
4 provisions of this act.

5 (5) Assuming and/or relieving the United States from
6 the cost, expense, and/or obligation of constructing,
7 reconstructing, maintaining, and/or operating any bridge over
8 said Intracoastal Waterway, whenever, in the judgment of the
9 board of commissioners, such action is necessary or proper
10 upon its part to fully comply with the requirements and
11 conditions imposed upon "local interests" by the Congress of
12 the United States in the several acts authorizing and
13 directing the improvement, navigability, and maintenance of
14 the Intracoastal Waterway from St. Mary's River to the
15 southernmost boundary of Miami-Dade ~~Dade~~ County; the expense
16 therefor to be paid as a necessary expense of the district.
17 The board is authorized and empowered to contract with the
18 board of county commissioners of each or any county in the
19 district to the end that, for a consideration from the
20 district, said board of county commissioners, or county, shall
21 assume the responsibility for any or all of the following
22 activities: the construction, reconstruction, maintenance, or
23 operation of any such bridge. Any of said board of county
24 commissioners or county is hereby authorized and empowered to
25 enter into such a contract with the board of the district, and
26 such contract shall be binding and obligatory upon said county
27 or counties and the district.

28 (6)(a) Contracting directly for, or entering into
29 agreement from time to time with the district engineer of the
30 Jacksonville, Florida, United States Army Corps of Engineers
31 district, or other agency or party, to contribute toward the

1 cost of dredging performed on the waterway, to construct
2 retaining bulkheads, dikes, and levees, to construct ditches
3 for the control of water discharged by the dredges, and to do
4 all other work and/or things which, in the judgment of the
5 board, shall be proper and necessary to produce economies in
6 meeting the conditions with respect to right-of-way and
7 dredged material management areas imposed upon a "local
8 interest" by the Congress of the United States in the several
9 acts authorizing and directing the improvement, navigability,
10 and maintenance of the Intracoastal Waterway from St. Mary's
11 River to the southernmost boundary of Miami-Dade ~~Dade~~ County.

12 (b) In order to effectuate the purpose and intent of
13 any law or laws that may heretofore have been, or may
14 hereafter be, enacted by the Congress of the United States,
15 authorizing and directing the Secretary of the Army to make
16 preliminary examinations and surveys of the Intracoastal
17 Waterway from St. Mary's River to the southernmost boundary of
18 Miami-Dade ~~Dade~~ County, the board is authorized and empowered
19 to collect, compile, and furnish to the Secretary of the Army,
20 or his or her officers and agents, data, statistics, and other
21 appropriate information bearing on the advantages, benefits,
22 and increased usefulness that may be expected to accrue to the
23 public and to the counties traversed by the Intracoastal
24 Waterway from St. Mary's River to the southernmost boundary of
25 Miami-Dade ~~Dade~~ County, by reason of any improvement thereof,
26 that may subsequently be authorized by the Congress of the
27 United States.

28 (c) The board of county commissioners of Monroe County
29 is hereby authorized and empowered to authorize the district
30 to act as the board of county commissioners' agent in all
31 matters pertaining to the extension of the inland waterway

1 into Monroe County. The board of county commissioners of
2 Monroe County is hereby authorized to levy an ad valorem tax
3 not to exceed 1 mill for the purpose of defraying the expenses
4 incurred by any action taken under this subsection. Moneys
5 received as a result of this levy shall be paid into an inland
6 waterway fund, the establishment of which is herewith
7 authorized. The district is herewith authorized and empowered
8 to act as the agent of Monroe County for extending the inland
9 waterway into Monroe County, to make charges therefor, and to
10 receive payment thereof.

11 (d) The board is hereby authorized and empowered to
12 expend funds of the district for publicizing the Intracoastal
13 Waterway from St. Mary's River to the southernmost boundary of
14 Miami-Dade ~~Dade~~ County, and its availability to watercraft,
15 and to print and distribute information as to the route,
16 channel, available depth, and utility of said Intracoastal
17 Waterway and such other information and data as may, in the
18 opinion of the board, be desirable, useful, or attractive to
19 give full information regarding said waterway and/or to
20 promote its use in navigation by watercraft of all kinds.

21 (e) In order to defray the necessary expenses of the
22 district and/or provide funds for expenditures incident to
23 obtaining right-of-way or other property or easements and/or
24 to pay the purchase price of said property and/or to defray
25 other necessary expenses of the district or its board, the
26 board is hereby authorized to borrow moneys from time to time
27 for said purpose or purposes in an amount or amounts such that
28 not in excess of \$100,000 indebtedness will be outstanding at
29 any one time.

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1 (f) All land owned, now or hereafter, by the district
2 shall be, and the same is, hereby exempted from taxation of
3 all kinds.

4 (g) When the district desires to dispose of surplus
5 land, it shall declare such land surplus by resolution of the
6 board. Copies of said resolution shall be furnished to the
7 Secretary of Environmental Protection, the chair of the county
8 commissioners of the county in which the land is located, and,
9 in the event the land is within a municipality, the mayor of
10 said municipality. If any state agency, county, or
11 municipality desires to utilize said land for outdoor
12 recreation or conservation purposes and the Secretary of
13 Environmental Protection finds that the land is required by
14 the state, county, or city for its recreation or conservation
15 program, it shall notify the district in writing within 60
16 days after receiving a copy of the resolution. Priority shall
17 be in the state, county, and municipality in that order. The
18 land may then be conveyed with or without consideration to the
19 state agency, county, or municipality by the district;
20 provided, however, that said land be used for outdoor
21 recreation or conservation purpose in perpetuity by the
22 appropriate county, municipal, or state agency. If the
23 district does not receive notice as specified above, it may
24 sell the land at public auction.

25 (h) The district is designated the local interest
26 sponsor for the sole purpose of maintaining navigability of
27 that portion of the Okeechobee Waterway located in Martin
28 County and extending from the Intracoastal Waterway to the St.
29 Lucie lock.

30 Section 4. This act shall take effect only upon
31 approval of the levy of ad valorem taxation provided in

1 section 374.986, Florida Statutes, by a majority vote of the
2 qualified electors of Nassau County voting in a referendum to
3 be held in conjunction with any subsequent regular primary or
4 general election, as determined by the Board of County
5 Commissioners of Nassau County, except that this section and
6 section 3 of this act shall take effect upon becoming a law.

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9 SENATE SUMMARY

10 Includes Nassau County within the Florida Inland
11 Navigation District, subject to approval by the electors
12 of the county. Increases the membership of the board of
13 commissioners of the district to conform.

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