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

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 374.982, Florida Statutes, is amended
 17 to read:

18 374.982 District.--An independent special taxing district
 19 to be known as the "Florida Inland Navigation District" is
 20 hereby created. The territorial boundaries of the district
 21 shall be the counties of Nassau, Duval, St. Johns, Flagler,
 22 Volusia, Brevard, St. Lucie, Martin, Indian River, Palm Beach,
 23 Broward, and Miami-Dade ~~Dade~~. For purposes of this chapter, the
 24 term "district" means the Florida Inland Navigation District and
 25 the term "board" means the Board of Commissioners of the Florida
 26 Inland Navigation District.

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

29 374.983 Governing body.--

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30 (1) A governing body of the district is hereby created,
 31 and shall be known as and designated as the "Board of
 32 Commissioners of the Florida Inland Navigation District," and
 33 shall be composed of 12 ~~11~~ members who shall be qualified
 34 electors residing in said district, no 2 of whom shall reside in
 35 the same county in the district. The governing body shall have
 36 all powers of a body corporate, including the power to sue and
 37 be sued as a corporation, in its name, and in any court having
 38 jurisdiction; to make contracts; to adopt and use a common seal
 39 and to alter the same as deemed expedient; to buy, acquire by
 40 gift, exchange, condemnation, or otherwise, sell, own, lease (as
 41 lessor or lessee), and convey such real estate and personal
 42 property as the board may deem proper to carry out the
 43 provisions of this act; to appoint and employ such engineers,
 44 attorneys, consultants, and such agents and employees as the
 45 board may require; to borrow money and issue negotiable
 46 promissory notes, bonds and/or other evidences of indebtedness
 47 therefor to enable them to carry out the provisions of this act;
 48 and generally to do and perform the things necessary to
 49 accomplish the purposes of this act.

50 (2) The present board of commissioners of the district
 51 shall continue to hold office until their respective terms shall
 52 expire. Thereafter the members of the board shall continue to be
 53 appointed by the Governor for a term of 4 years and until their
 54 successors shall be duly appointed. Specifically, commencing on
 55 January 10, 1997, the Governor shall appoint the commissioners
 56 from Broward, Indian River, Martin, St. Johns, and Volusia
 57 Counties and on January 10, 1999, the Governor shall appoint the
 58 commissioners from Brevard, Miami-Dade ~~Dade~~, Duval, Flagler,

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59 Palm Beach, and St. Lucie Counties. The Governor shall appoint
 60 the commissioner from Nassau County for an initial term that
 61 coincides with the period remaining in the current terms of the
 62 commissioners from Broward, Indian River, Martin, St. Johns, and
 63 Volusia Counties. Thereafter, the commissioner from Nassau
 64 County shall be appointed to a 4-year term. Each new appointee
 65 must be confirmed by the Senate. Whenever a vacancy occurs among
 66 the commissioners, the person appointed to fill such vacancy
 67 shall hold office for the unexpired portion of the term of the
 68 commissioner whose place he or she is selected to fill. Each
 69 commissioner under this act before he or she assumes office
 70 shall be required to give a good and sufficient surety bond in
 71 the sum of \$10,000 payable to the Governor and his or her
 72 successors in office, conditioned upon the faithful performance
 73 of the duties of his or her office, such bond to be approved by
 74 and filed with the Chief Financial Officer. Any and all premiums
 75 upon such surety bonds shall be paid by the board of
 76 commissioners of such district as a necessary expense of the
 77 district.

78 Section 3. Section 374.984, Florida Statutes, is amended
 79 to read:

80 374.984 Purpose; powers and duties.--It is the purpose and
 81 intent of this act that the board perform and do all things
 82 which shall be requisite and necessary to comply with the
 83 requirements and conditions imposed upon a "local interest" by
 84 the Congress of the United States in the several acts
 85 authorizing and directing the improvement and maintenance of the
 86 Intracoastal Waterway from St. Mary's River to the southernmost
 87 boundary of Miami-Dade ~~Dade~~ County. Said acts include but are

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88 not limited to: the Rivers and Harbors Act approved January 21,
89 1927, as amended by the River and Harbor Act approved July 3,
90 1930; the River and Harbor Act of June 20, 1938; and s. 107 of
91 the Federal River and Harbor Act of 1960. Pursuant thereto, the
92 powers of the board shall include, but not be limited to:

93 (1) Obtaining by gift, donation, purchase, exchange,
94 condemnation, or otherwise, and conveying, or causing to be
95 conveyed, free of cost to the United States, necessary right-of-
96 way property, and in addition thereto, suitable fee simple or
97 easement areas (as determined by the board) for the deposit of
98 dredged material in connection with the work of improving or
99 constructing, or both, the aforementioned waterway and its
100 subsequent maintenance, including future improvement of said
101 Intracoastal Waterway, with a view to providing a general depth
102 of 12 feet, more or less, depending upon specific local
103 conditions, referred to the plane of local mean water, and a
104 width appropriate to said depth and such improvements as may be
105 authorized and adopted by the Congress of the United States, and
106 in connection with the subsequent maintenance of said waterway
107 so improved. Prior to acquiring any property for the deposit of
108 dredged material, the district shall inform the county and, if
109 applicable, the municipalities in which the property to be
110 acquired is located of the district's intent to acquire such
111 property and the district shall further hold a public meeting to
112 advise the residents of the area of its intent. Such public
113 meeting shall be noticed in a paper of general circulation in
114 the county in which the meeting is to be held not less than 15
115 days prior to the meeting, said notice to contain the date,

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116 time, and place of the meeting and to identify the potential
 117 acquisition site or sites.

118 (2) Obtaining by gift, donation, purchase, exchange,
 119 condemnation, or otherwise, and furnishing, free of cost, to the
 120 United States, any property, property right of every
 121 description, easement, riparian right, interest in property, and
 122 suitable dredged material management areas outside of said
 123 right-of-way that may be necessary to the United States for the
 124 construction, maintenance, or operation of said waterway.

125 (3) Contracting for the purchase of any property to be
 126 acquired or obtained by the board under the provisions of this
 127 act and paying the purchase price therefor in a lump sum or in
 128 installments or deferred payments upon such terms as the board
 129 shall determine, said contract of purchase to provide for the
 130 payment of interest not to exceed the maximum interest rate
 131 permitted by law upon deferred payments. Any acquisition of
 132 property, other than by eminent domain, shall be pursuant to
 133 rules adopted by the board.

134 (4) Exercising and using the right of eminent domain, and
 135 condemning for the use of the district or to effect the purposes
 136 of this act, or both, any and all lands, easements, areas for
 137 deposit of dredged materials, right-of-way, riparian rights,
 138 and/or property rights of every description required for the
 139 public purposes and powers of the board. Such condemnation
 140 proceeding shall be maintained by and in the name of the
 141 district and the procedures shall be those prescribed and set
 142 forth in chapters 73 and 74, as amended from time to time,
 143 prescribing the procedure for condemnation by counties, and the
 144 same rights and powers shall accrue to said district under such

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145 procedures defined and set forth as accruing to the counties in
 146 chapters 73 and 74, as well as pursuant to any other general law
 147 pertaining thereto, and the district and the board are hereby
 148 vested with power and authority to pay such judgment or
 149 compensation awarded in any such proceedings out of any fund
 150 available for the purchase of right-of-way, areas for deposit of
 151 dredged material, or other property under the provisions of this
 152 act.

153 (5) Assuming and/or relieving the United States from the
 154 cost, expense, and/or obligation of constructing,
 155 reconstructing, maintaining, and/or operating any bridge over
 156 said Intracoastal Waterway, whenever, in the judgment of the
 157 board of commissioners, such action is necessary or proper upon
 158 its part to fully comply with the requirements and conditions
 159 imposed upon "local interests" by the Congress of the United
 160 States in the several acts authorizing and directing the
 161 improvement, navigability, and maintenance of the Intracoastal
 162 Waterway from St. Mary's River to the southernmost boundary of
 163 Miami-Dade ~~Dade~~ County; the expense therefor to be paid as a
 164 necessary expense of the district. The board is authorized and
 165 empowered to contract with the board of county commissioners of
 166 each or any county in the district to the end that, for a
 167 consideration from the district, said board of county
 168 commissioners, or county, shall assume the responsibility for
 169 any or all of the following activities: the construction,
 170 reconstruction, maintenance, or operation of any such bridge.
 171 Any of said board of county commissioners or county is hereby
 172 authorized and empowered to enter into such a contract with the

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173 board of the district, and such contract shall be binding and
 174 obligatory upon said county or counties and the district.

175 (6)(a) Contracting directly for, or entering into
 176 agreement from time to time with the district engineer of the
 177 Jacksonville, Florida, United States Army Corps of Engineers
 178 district, or other agency or party, to contribute toward the
 179 cost of dredging performed on the waterway, to construct
 180 retaining bulkheads, dikes, and levees, to construct ditches for
 181 the control of water discharged by the dredges, and to do all
 182 other work and/or things which, in the judgment of the board,
 183 shall be proper and necessary to produce economies in meeting
 184 the conditions with respect to right-of-way and dredged material
 185 management areas imposed upon a "local interest" by the Congress
 186 of the United States in the several acts authorizing and
 187 directing the improvement, navigability, and maintenance of the
 188 Intracoastal Waterway from St. Mary's River to the southernmost
 189 boundary of Miami-Dade ~~Dade~~ County.

190 (b) In order to effectuate the purpose and intent of any
 191 law or laws that may heretofore have been, or may hereafter be,
 192 enacted by the Congress of the United States, authorizing and
 193 directing the Secretary of the Army to make preliminary
 194 examinations and surveys of the Intracoastal Waterway from St.
 195 Mary's River to the southernmost boundary of Miami-Dade ~~Dade~~
 196 County, the board is authorized and empowered to collect,
 197 compile, and furnish to the Secretary of the Army, or his or her
 198 officers and agents, data, statistics, and other appropriate
 199 information bearing on the advantages, benefits, and increased
 200 usefulness that may be expected to accrue to the public and to
 201 the counties traversed by the Intracoastal Waterway from St.

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202 Mary's River to the southernmost boundary of Miami-Dade ~~Dade~~
 203 County, by reason of any improvement thereof, that may
 204 subsequently be authorized by the Congress of the United States.

205 (c) The board of county commissioners of Monroe County is
 206 hereby authorized and empowered to authorize the district to act
 207 as the board of county commissioners' agent in all matters
 208 pertaining to the extension of the inland waterway into Monroe
 209 County. The board of county commissioners of Monroe County is
 210 hereby authorized to levy an ad valorem tax not to exceed 1 mill
 211 for the purpose of defraying the expenses incurred by any action
 212 taken under this subsection. Moneys received as a result of this
 213 levy shall be paid into an inland waterway fund, the
 214 establishment of which is herewith authorized. The district is
 215 herewith authorized and empowered to act as the agent of Monroe
 216 County for extending the inland waterway into Monroe County, to
 217 make charges therefor, and to receive payment thereof.

218 (d) The board is hereby authorized and empowered to expend
 219 funds of the district for publicizing the Intracoastal Waterway
 220 from St. Mary's River to the southernmost boundary of Miami-Dade
 221 ~~Dade~~ County, and its availability to watercraft, and to print
 222 and distribute information as to the route, channel, available
 223 depth, and utility of said Intracoastal Waterway and such other
 224 information and data as may, in the opinion of the board, be
 225 desirable, useful, or attractive to give full information
 226 regarding said waterway and/or to promote its use in navigation
 227 by watercraft of all kinds.

228 (e) In order to defray the necessary expenses of the
 229 district and/or provide funds for expenditures incident to
 230 obtaining right-of-way or other property or easements and/or to

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231 pay the purchase price of said property and/or to defray other
232 necessary expenses of the district or its board, the board is
233 hereby authorized to borrow moneys from time to time for said
234 purpose or purposes in an amount or amounts such that not in
235 excess of \$100,000 indebtedness will be outstanding at any one
236 time.

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

240 (g) When the district desires to dispose of surplus land,
241 it shall declare such land surplus by resolution of the board.
242 Copies of said resolution shall be furnished to the Secretary of
243 Environmental Protection, the chair of the county commissioners
244 of the county in which the land is located, and, in the event
245 the land is within a municipality, the mayor of said
246 municipality. If any state agency, county, or municipality
247 desires to utilize said land for outdoor recreation or
248 conservation purposes and the Secretary of Environmental
249 Protection finds that the land is required by the state, county,
250 or city for its recreation or conservation program, it shall
251 notify the district in writing within 60 days after receiving a
252 copy of the resolution. Priority shall be in the state, county,
253 and municipality in that order. The land may then be conveyed
254 with or without consideration to the state agency, county, or
255 municipality by the district; provided, however, that said land
256 be used for outdoor recreation or conservation purpose in
257 perpetuity by the appropriate county, municipal, or state
258 agency. If the district does not receive notice as specified
259 above, it may sell the land at public auction.

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260 (h) The district is designated the local interest sponsor
261 for the sole purpose of maintaining navigability of that portion
262 of the Okeechobee Waterway located in Martin County and
263 extending from the Intracoastal Waterway to the St. Lucie lock.

264 Section 4. This act shall take effect only upon approval
265 of the levy of ad valorem taxation provided in section 374.986,
266 Florida Statutes, by a majority vote of the qualified electors
267 of Nassau County voting in a referendum to be held in
268 conjunction with any subsequent regular primary or general
269 election, as determined by the Board of County Commissioners of
270 Nassau County, except that this section and section 3 of this
271 act shall take effect upon becoming a law.