

By Senator Aronberg

27-847-05

See HB 655

1                                   A bill to be entitled  
2           An act relating to the Florida Inland  
3           Navigation District; amending s. 374.984, F.S.;  
4           providing responsibility and authority of the  
5           Board of Commissioners of the Florida Inland  
6           Navigational District with respect to that  
7           portion of the Okeechobee Waterway located in  
8           Martin and Palm Beach Counties; revising the  
9           list of acts authorizing and directing the  
10          improvement and maintenance of the Intracoastal  
11          Waterway and that portion of the Okeechobee  
12          Waterway located in Martin and Palm Beach  
13          Counties; providing an exception for  
14          maintaining the navigability of the Okeechobee  
15          Waterway under certain circumstances; providing  
16          an effective date.

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

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20           Section 1. 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 County and that portion of  
30 the Okeechobee Waterway located in Martin and Palm Beach  
31 Counties. Said acts include but are not limited to: the Rivers

1 and Harbors Act approved January 21, 1927, as amended by the  
2 River and Harbor Act approved July 3, 1930; the River and  
3 Harbor Act of June 20, 1938; the River and Harbor Act of March  
4 2, 1945; and s. 107 of the Federal River and Harbor Act of  
5 1960. Pursuant thereto, the powers of the board shall include,  
6 but not be limited to:

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

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

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

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

1 other general law pertaining thereto, and the district and the  
2 board are hereby vested with power and authority to pay such  
3 judgment or compensation awarded in any such proceedings out  
4 of any fund available for the purchase of right-of-way, areas  
5 for deposit of dredged material, or other property under the  
6 provisions of this act.

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

1           (6)(a) Contracting directly for, or entering into  
2 agreement from time to time with the district engineer of the  
3 Jacksonville, Florida, United States Army Corps of Engineers  
4 district, or other agency or party, to contribute toward the  
5 cost of dredging performed on the waterway, to construct  
6 retaining bulkheads, dikes, and levees, to construct ditches  
7 for the control of water discharged by the dredges, and to do  
8 all other work and/or things which, in the judgment of the  
9 board, shall be proper and necessary to produce economies in  
10 meeting the conditions with respect to right-of-way and  
11 dredged material management areas imposed upon a "local  
12 interest" by the Congress of the United States in the several  
13 acts authorizing and directing the improvement, navigability,  
14 and maintenance of the Intracoastal Waterway from St. Mary's  
15 River to the southernmost boundary of Miami-Dade County and  
16 that portion of the Okeechobee Waterway located in Martin and  
17 Palm Beach Counties.

18           (b) In order to effectuate the purpose and intent of  
19 any law or laws that may heretofore have been, or may  
20 hereafter be, enacted by the Congress of the United States,  
21 authorizing and directing the Secretary of the Army to make  
22 preliminary examinations and surveys of the Intracoastal  
23 Waterway from St. Mary's River to the southernmost boundary of  
24 Miami-Dade County and that portion of the Okeechobee Waterway  
25 located in Martin and Palm Beach Counties, the board is  
26 authorized and empowered to collect, compile, and furnish to  
27 the Secretary of the Army, or his or her officers and agents,  
28 data, statistics, and other appropriate information bearing on  
29 the advantages, benefits, and increased usefulness that may be  
30 expected to accrue to the public and to the counties traversed  
31 by the Intracoastal Waterway from St. Mary's River to the

1 | southernmost boundary of Miami-Dade County and that portion of  
2 | the Okeechobee Waterway located in Martin and Palm Beach  
3 | Counties, by reason of any improvement thereof, that may  
4 | subsequently be authorized by the Congress of the United  
5 | States.

6 |           (c) The board of county commissioners of Monroe County  
7 | is hereby authorized and empowered to authorize the district  
8 | to act as the board of county commissioners' agent in all  
9 | matters pertaining to the extension of the inland waterway  
10 | into Monroe County. The board of county commissioners of  
11 | Monroe County is hereby authorized to levy an ad valorem tax  
12 | not to exceed 1 mill for the purpose of defraying the expenses  
13 | incurred by any action taken under this subsection. Moneys  
14 | received as a result of this levy shall be paid into an inland  
15 | waterway fund, the establishment of which is herewith  
16 | authorized. The district is herewith authorized and empowered  
17 | to act as the agent of Monroe County for extending the inland  
18 | waterway into Monroe County, to make charges therefor, and to  
19 | receive payment thereof.

20 |           (d) The board is hereby authorized and empowered to  
21 | expend funds of the district for publicizing the Intracoastal  
22 | Waterway from St. Mary's River to the southernmost boundary of  
23 | Miami-Dade County and that portion of the Okeechobee Waterway  
24 | located in Martin and Palm Beach Counties, and its  
25 | availability to watercraft, and to print and distribute  
26 | information as to the route, channel, available depth, and  
27 | utility of said Intracoastal Waterway and such other  
28 | information and data as may, in the opinion of the board, be  
29 | desirable, useful, or attractive to give full information  
30 | regarding said waterway and/or to promote its use in  
31 | navigation by watercraft of all kinds.

1           (e) In order to defray the necessary expenses of the  
2 district and/or provide funds for expenditures incident to  
3 obtaining right-of-way or other property or easements and/or  
4 to pay the purchase price of said property and/or to defray  
5 other necessary expenses of the district or its board, the  
6 board is hereby authorized to borrow moneys from time to time  
7 for said purpose or purposes in an amount or amounts such that  
8 not in excess of \$100,000 indebtedness will be outstanding at  
9 any one time.

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

13           (g) When the district desires to dispose of surplus  
14 land, it shall declare such land surplus by resolution of the  
15 board. Copies of said resolution shall be furnished to the  
16 Secretary of Environmental Protection, the chair of the county  
17 commissioners of the county in which the land is located, and,  
18 in the event the land is within a municipality, the mayor of  
19 said municipality. If any state agency, county, or  
20 municipality desires to utilize said land for outdoor  
21 recreation or conservation purposes and the Secretary of  
22 Environmental Protection finds that the land is required by  
23 the state, county, or city for its recreation or conservation  
24 program, it shall notify the district in writing within 60  
25 days after receiving a copy of the resolution. Priority shall  
26 be in the state, county, and municipality in that order. The  
27 land may then be conveyed with or without consideration to the  
28 state agency, county, or municipality by the district;  
29 provided, however, that said land be used for outdoor  
30 recreation or conservation purpose in perpetuity by the  
31 appropriate county, municipal, or state agency. If the

1 district does not receive notice as specified above, it may  
2 sell the land at public auction.

3 (h) The district is designated the local interest  
4 sponsor for the sole purpose of maintaining navigability of  
5 that portion of the Okeechobee Waterway located in Martin and  
6 Palm Beach Counties County and extending from the Intracoastal  
7 Waterway to the St. Lucie lock. The Legislature recognizes  
8 that the water level of Lake Okeechobee and the section of the  
9 Okeechobee Waterway within the lake are subject to natural  
10 weather cycles and lake management strategies that may  
11 adversely affect navigation. As such actions are outside of  
12 the district's control, the district shall not be required to  
13 undertake actions to restore navigation when lake levels are  
14 less than 12.56 feet National Geodetic Vertical Datum.

15 Section 2. This act shall take effect July 1, 2005.  
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