

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

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

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 17 Section 1. Section 374.984, Florida Statutes, is amended
 18 to read:

19 374.984 Purpose; powers and duties.--It is the purpose and
 20 intent of this act that the board perform and do all things
 21 which shall be requisite and necessary to comply with the
 22 requirements and conditions imposed upon a "local interest" by
 23 the Congress of the United States in the several acts
 24 authorizing and directing the improvement and maintenance of the
 25 Intracoastal Waterway from St. Mary's River to the southernmost
 26 boundary of Miami-Dade County and that portion of the Okeechobee
 27 Waterway located in Martin and Palm Beach Counties. Said acts
 28 include but are not limited to: the Rivers and Harbors Act

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 approved January 21, 1927, as amended by the River and Harbor
30 Act approved July 3, 1930; the River and Harbor Act of June 20,
31 1938; the River and Harbor Act of March 2, 1945; and s. 107 of
32 the Federal River and Harbor Act of 1960. Pursuant thereto, the
33 powers of the board shall include, but not be limited to:

34 (1) Obtaining by gift, donation, purchase, exchange,
35 condemnation, or otherwise, and conveying, or causing to be
36 conveyed, free of cost to the United States, necessary right-of-
37 way property, and in addition thereto, suitable fee simple or
38 easement areas (as determined by the board) for the deposit of
39 dredged material in connection with the work of improving or
40 constructing, or both, the aforementioned waterway and its
41 subsequent maintenance, including future improvement of said
42 Intracoastal Waterway, with a view to providing a general depth
43 of 12 feet, more or less, depending upon specific local
44 conditions, referred to the plane of local mean water, and a
45 width appropriate to said depth and such improvements as may be
46 authorized and adopted by the Congress of the United States, and
47 in connection with the subsequent maintenance of said waterway
48 so improved. Prior to acquiring any property for the deposit of
49 dredged material, the district shall inform the county and, if
50 applicable, the municipalities in which the property to be
51 acquired is located of the district's intent to acquire such
52 property and the district shall further hold a public meeting to
53 advise the residents of the area of its intent. Such public
54 meeting shall be noticed in a paper of general circulation in
55 the county in which the meeting is to be held not less than 15
56 days prior to the meeting, said notice to contain the date,

57 | time, and place of the meeting and to identify the potential
58 | acquisition site or sites.

59 | (2) Obtaining by gift, donation, purchase, exchange,
60 | condemnation, or otherwise, and furnishing, free of cost, to the
61 | United States, any property, property right of every
62 | description, easement, riparian right, interest in property, and
63 | suitable dredged material management areas outside of said
64 | right-of-way that may be necessary to the United States for the
65 | construction, maintenance, or operation of said waterway.

66 | (3) Contracting for the purchase of any property to be
67 | acquired or obtained by the board under the provisions of this
68 | act and paying the purchase price therefor in a lump sum or in
69 | installments or deferred payments upon such terms as the board
70 | shall determine, said contract of purchase to provide for the
71 | payment of interest not to exceed the maximum interest rate
72 | permitted by law upon deferred payments. Any acquisition of
73 | property, other than by eminent domain, shall be pursuant to
74 | rules adopted by the board.

75 | (4) Exercising and using the right of eminent domain, and
76 | condemning for the use of the district or to effect the purposes
77 | of this act, or both, any and all lands, easements, areas for
78 | deposit of dredged materials, right-of-way, riparian rights,
79 | and/or property rights of every description required for the
80 | public purposes and powers of the board. Such condemnation
81 | proceeding shall be maintained by and in the name of the
82 | district and the procedures shall be those prescribed and set
83 | forth in chapters 73 and 74, as amended from time to time,
84 | prescribing the procedure for condemnation by counties, and the

85 same rights and powers shall accrue to said district under such
86 procedures defined and set forth as accruing to the counties in
87 chapters 73 and 74, as well as pursuant to any other general law
88 pertaining thereto, and the district and the board are hereby
89 vested with power and authority to pay such judgment or
90 compensation awarded in any such proceedings out of any fund
91 available for the purchase of right-of-way, areas for deposit of
92 dredged material, or other property under the provisions of this
93 act.

94 (5) Assuming and/or relieving the United States from the
95 cost, expense, and/or obligation of constructing,
96 reconstructing, maintaining, and/or operating any bridge over
97 said Intracoastal Waterway, whenever, in the judgment of the
98 board of commissioners, such action is necessary or proper upon
99 its part to fully comply with the requirements and conditions
100 imposed upon "local interests" by the Congress of the United
101 States in the several acts authorizing and directing the
102 improvement, navigability, and maintenance of the Intracoastal
103 Waterway from St. Mary's River to the southernmost boundary of
104 Miami-Dade County and that portion of the Okeechobee Waterway
105 located in Martin and Palm Beach Counties; the expense therefor
106 to be paid as a necessary expense of the district. The board is
107 authorized and empowered to contract with the board of county
108 commissioners of each or any county in the district to the end
109 that, for a consideration from the district, said board of
110 county commissioners, or county, shall assume the responsibility
111 for any or all of the following activities: the construction,
112 reconstruction, maintenance, or operation of any such bridge.

113 Any of said board of county commissioners or county is hereby
 114 authorized and empowered to enter into such a contract with the
 115 board of the district, and such contract shall be binding and
 116 obligatory upon said county or counties and the district.

117 (6)(a) Contracting directly for, or entering into
 118 agreement from time to time with the district engineer of the
 119 Jacksonville, Florida, United States Army Corps of Engineers
 120 district, or other agency or party, to contribute toward the
 121 cost of dredging performed on the waterway, to construct
 122 retaining bulkheads, dikes, and levees, to construct ditches for
 123 the control of water discharged by the dredges, and to do all
 124 other work and/or things which, in the judgment of the board,
 125 shall be proper and necessary to produce economies in meeting
 126 the conditions with respect to right-of-way and dredged material
 127 management areas imposed upon a "local interest" by the Congress
 128 of the United States in the several acts authorizing and
 129 directing the improvement, navigability, and maintenance of the
 130 Intracoastal Waterway from St. Mary's River to the southernmost
 131 boundary of Miami-Dade County and that portion of the Okeechobee
 132 Waterway located in Martin and Palm Beach Counties.

133 (b) In order to effectuate the purpose and intent of any
 134 law or laws that may heretofore have been, or may hereafter be,
 135 enacted by the Congress of the United States, authorizing and
 136 directing the Secretary of the Army to make preliminary
 137 examinations and surveys of the Intracoastal Waterway from St.
 138 Mary's River to the southernmost boundary of Miami-Dade County
 139 and that portion of the Okeechobee Waterway located in Martin
 140 and Palm Beach Counties, the board is authorized and empowered

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141 to collect, compile, and furnish to the Secretary of the Army,
142 or his or her officers and agents, data, statistics, and other
143 appropriate information bearing on the advantages, benefits, and
144 increased usefulness that may be expected to accrue to the
145 public and to the counties traversed by the Intracoastal
146 Waterway from St. Mary's River to the southernmost boundary of
147 Miami-Dade County and that portion of the Okeechobee Waterway
148 located in Martin and Palm Beach Counties, by reason of any
149 improvement thereof, that may subsequently be authorized by the
150 Congress of the United States.

151 (c) The board of county commissioners of Monroe County is
152 hereby authorized and empowered to authorize the district to act
153 as the board of county commissioners' agent in all matters
154 pertaining to the extension of the inland waterway into Monroe
155 County. The board of county commissioners of Monroe County is
156 hereby authorized to levy an ad valorem tax not to exceed 1 mill
157 for the purpose of defraying the expenses incurred by any action
158 taken under this subsection. Moneys received as a result of this
159 levy shall be paid into an inland waterway fund, the
160 establishment of which is herewith authorized. The district is
161 herewith authorized and empowered to act as the agent of Monroe
162 County for extending the inland waterway into Monroe County, to
163 make charges therefor, and to receive payment thereof.

164 (d) The board is hereby authorized and empowered to expend
165 funds of the district for publicizing the Intracoastal Waterway
166 from St. Mary's River to the southernmost boundary of Miami-Dade
167 County and that portion of the Okeechobee Waterway located in
168 Martin and Palm Beach Counties, and its availability to

169 watercraft, and to print and distribute information as to the
170 route, channel, available depth, and utility of said
171 Intracoastal Waterway and such other information and data as
172 may, in the opinion of the board, be desirable, useful, or
173 attractive to give full information regarding said waterway
174 and/or to promote its use in navigation by watercraft of all
175 kinds.

176 (e) In order to defray the necessary expenses of the
177 district and/or provide funds for expenditures incident to
178 obtaining right-of-way or other property or easements and/or to
179 pay the purchase price of said property and/or to defray other
180 necessary expenses of the district or its board, the board is
181 hereby authorized to borrow moneys from time to time for said
182 purpose or purposes in an amount or amounts such that not in
183 excess of \$100,000 indebtedness will be outstanding at any one
184 time.

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

188 (g) When the district desires to dispose of surplus land,
189 it shall declare such land surplus by resolution of the board.
190 Copies of said resolution shall be furnished to the Secretary of
191 Environmental Protection, the chair of the county commissioners
192 of the county in which the land is located, and, in the event
193 the land is within a municipality, the mayor of said
194 municipality. If any state agency, county, or municipality
195 desires to utilize said land for outdoor recreation or
196 conservation purposes and the Secretary of Environmental

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197 Protection finds that the land is required by the state, county,
198 or city for its recreation or conservation program, it shall
199 notify the district in writing within 60 days after receiving a
200 copy of the resolution. Priority shall be in the state, county,
201 and municipality in that order. The land may then be conveyed
202 with or without consideration to the state agency, county, or
203 municipality by the district; provided, however, that said land
204 be used for outdoor recreation or conservation purpose in
205 perpetuity by the appropriate county, municipal, or state
206 agency. If the district does not receive notice as specified
207 above, it may sell the land at public auction.

208 (h) The district is designated the local interest sponsor
209 for the sole purpose of maintaining navigability of that portion
210 of the Okeechobee Waterway located in Martin and Palm Beach
211 Counties ~~County and extending from the Intracoastal Waterway to~~
212 ~~the St. Lucie lock.~~ The Legislature recognizes that the water
213 level of Lake Okeechobee and the section of the Okeechobee
214 Waterway within the lake are subject to natural weather cycles
215 and lake management strategies that may adversely affect
216 navigation. As such actions are outside of the district's
217 control, the district shall not be required to undertake actions
218 to restore navigation when lake levels are less than 12.56 feet
219 National Geodetic Vertical Datum.

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