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HB 0655

2005 Legislature

A bill to be entitled

An act relating to the Florida Inland Navigation District; amending s. 374.984, F.S.; providing responsibility and authority of the Board of Commissioners of the Florida Inland Navigational District with respect to that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; revising the list of acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway and that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; providing an exception for maintaining the navigability of the Okeechobee Waterway under certain circumstances; providing an effective date.

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

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

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

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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.

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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

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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.

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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  
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

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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

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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  
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

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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.