

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Environmental Preservation and Conservation Committee

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BILL: CS/SB 2176

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Bennett

SUBJECT: Inland Navigation Districts

DATE: March 29, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This committee substitute declares that the operation and maintenance by inland navigation districts of the intracoastal waterway and any other public navigation channel is in the public interest. Allows the inland navigation districts to aid and cooperate with nonmember counties for certain waterway activities. Authorizes the Department of Environmental Protection to develop and maintain a list of approved flocculants<sup>1</sup>. Provides for a mixing zone for turbidity for certain maintenance dredging projects.

This committee substitute amends ss. 374.975, 374.976, and 403.813, F.S.

**II. Present Situation:**

Section 374.975(3), F.S., directs the Florida Inland Navigation District and the West Coast Inland Navigation District to develop long-range plans for maintenance of the intracoastal waterway and for spoil disposal.

The Florida Inland Navigation District, a multi-county independent special district, was created in 1927 when the Legislature enacted ch. 12026, Laws of Florida. All applicable laws and acts relating to the district were codified in statute in 1996 by the enactment of ch. 96-425, Laws of Florida.

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<sup>1</sup> Flocculants are chemicals that are used to promote flocculation, or the process by which fine particulates are caused to clump together and settle under gravity. They are used to improve the sedimentation or filterability of small particles.

The primary purpose of the district is to serve as the "local sponsor" for the Atlantic Intracoastal Waterway project in Florida, which is a state/federal navigation project. Primary responsibilities include the acquisition of lands necessary for the creation of the waterway and for use as spoil deposit sites for materials removed from the waterway channel during dredging activities.

The district is composed of Nassau, Dade, Broward, Palm Beach, Flagler, Martin, Brevard, Indian River, St. Lucie, St. Johns, Volusia and Duval counties, and has the power of eminent domain.

The West Coast Inland Navigation District was established by the Legislature in 1947 (ch. 23370, Laws of Florida) to perform the duties of local sponsor to the U.S. Army Corps of Engineers for sharing the cost of the planning, construction, and maintenance of a 152-mile long, 100-foot wide, and 9-foot deep Gulf Intracoastal Waterway between the mouth of the Caloosahatchee River, Near Ft. Myers, and the Anclote River, north of Tampa.<sup>2</sup> In 1989, the district was authorized to participate in a greater diversity of waterway-related activities, including the promotion of inlet management, and the posting and maintenance of channel markers and manatee protection speed zone signs. The district has also initiated programs to encourage boating safety and environmental stewardship through the dissemination of boater and waterway guides and resource maps. Recent legislation now allows for the district to partner with counties adjacent to its four-county region.

The counties that make up the West Coast Inland Navigation District are Manatee, Sarasota, Charlotte, and Lee. District programs include maintaining and enhancing public navigation channels and inlets, boating access facilities, waterfront parks, and piers.

Section 258.40(2), F.S., provides that any publicly owned and maintained navigation channel or other public works project authorized by the U.S. Congress designed to improve or maintain commerce and navigation is deemed excluded from the aquatic preserves established in ch. 258, F.S. Pursuant to s. 258.42, F.S., the Board of Trustees of the Internal Improvement Trust Fund maintains the aquatic preserves. Subsection (3) of s. 258.42, F.S., provides that no further dredging or filling of submerged lands shall be approved by the trustees with certain exceptions. One exception is for minimum dredging and spoiling that may be authorized for public navigation projects.

The authority to use sovereign submerged lands rests with the Board of Trustees of the Internal Improvement Trust Fund. The responsibility of environmental permitting of activities and water quality protection on sovereign and other lands is vested with the Department of Environmental Protection. While the water management districts are the lead entities for issuing environmental resource permits, the department retains jurisdiction on large projects and those issues relating to sovereign submerged lands.<sup>3</sup>

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<sup>2</sup> <http://www.wcind.net/History.htm>

<sup>3</sup> s. 253.77, F.S.; rule 18-21.002, F.A.C.

### III. Effect of Proposed Changes:

This committee substitute amends s. 374.975, F.S., to provide that the operation and maintenance, by an inland navigation district, of the intracoastal waterway and any other public navigation channel, authorized by the Board of Trustees of the Internal Improvement Trust Fund, is in the public interest.

Section 374.976, F.S., is amended to allow inland navigation districts to aid and cooperate with nonmember counties within which any part of the intracoastal waterway is located. Currently, the inland navigation districts may aid and cooperate with the Federal Government, the state, member counties, and local governments within the district in planning and carrying out public navigation. Local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects, directly related to the waterways.

The committee substitute also authorizes the Department of Environmental Protection to develop and maintain a list of flocculants the use of which is permitted under Part IV, of ch. 373, F.S., including information on any associated testing to determine compliance with state permitting standards and information on application rates and methods. Publication of this list is not a rule under the provisions of ch. 120, F.S. This provision does not prevent an entity from proposing, nor the department from approving, the use of a flocculant not on the department list subject to the entity providing the necessary documentation required by the department to ensure that its use will not cause harm to the water resources of the state.

Section 403.813, F.S., is amended to provide that a maintenance dredging project which qualifies for this exemption is granted a mixing zone for turbidity within a 100-meter radius around the point of dredging, while the dredging is ongoing, provided that the mixing zone does not extend into areas supporting submerged aquatic vegetation or hard-bottom communities.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

This committee substitute does not require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by s.18, Art. VII, State Constitution.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Currently, there are instances where the inland navigation districts have been fined by the Department of Environmental Protection for degradation and turbidity issues involving maintenance dredging of the intracoastal waterway near aquatic preserves and Outstanding Florida Waters. This bill would provide for a mixing zone for turbidity within a 100-meter radius around the point of dredging. The mixing zone cannot extend into areas supporting submerged aquatic vegetation or hard-bottom communities.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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