

PRELIMINARY AGENDA

FLORIDA INLAND NAVIGATION DISTRICT's Legislative Committee Meeting

8:00 a.m., Friday, November 16, 2012

**Casa Marina Hotel
691 N. 1st Street
Jacksonville Beach, Duval County, Florida.**

Committee Members

Nancy Freeman, Chair

Commissioners Carl Blow, Tyler Chappell, Spencer Crowley & Jerry Sansom.

Item 1. Call to Order.

Chair Freeman will call the meeting to order.

Item 2. Roll Call.

Assistant Executive Director Mark Crosley will call the roll.

Item 3. Additions or Deletions.

Any additions or deletions to the meeting agenda will be announced.

RECOMMEND Approval of a final agenda.

Item 4. Certification of the Final Compliance Economic Review of the District Rules.

Pursuant to state law, the District Board must certify the Final Compliance Economic review of the District's rules. The Board previously certified the Compliance Economic review prepared by staff and legal counsel which found that none of the District's rules have the economic impacts that the law set forth to be analyzed. That certification was posted on our website for public review and comment and transmitted to the required parties at the state for review and comment. No comments were received.

9see back up pages 3 – 65)

RECOMMEND Approval of a recommendation to the Board for certification of the Final Compliance Economic Review of the District's Rules.

Item 5. Community Coordination.

The Committee discussed the coordination of the District's issues with state and county economic development councils, business development boards, and chambers of commerce. Staff has researched the issue and provides the attached staff report for Committee consideration and discussion.

(see back up pages 66 - 68)

Item 6. Washington DC. Report.

The District's Washington DC Government Relations firm has submitted a status report on their activities on the District's federal issues.

(see back up page 69)

Item 7. Tallahassee Report.

The District's Tallahassee Government Relations firm has submitted a status report on their activities on the District's state issues.

(see back up pages 70 - 72)

Item 8. Additional Staff Comments and Additional Agenda Items.

Item 9. Additional Commissioners Comments.

Item 10. Adjournment.

Final Report
2012 Compliance Economic Review
of the Florida Inland Navigation District's Rules



In accordance with s.120.745(5)(d), F.S., the District reports the following in respect to our three rules* .

Rule 66B-1

1. The text of the rule can be found in Appendix A.
2. No compliance economic review of the rule was conducted because the rule does not have any of the economic impacts described in s.120.541(2)(a), F.S. and therefore the preparation of a compliance economic review was not required.
3. Since a compliance economic review of the rule was not required, no regulatory alternatives were received.
4. No lower regulatory alternatives were received, so none were rejected.
5. The District will retain the rule without amendment because the rule does not have any of the economic impacts described in s.120.541(2)(a), F.S.
6. The written certification of the agency head certifying the completion of the reviews and reporting required under subsection 120.745(5), F.S. for calendar year 2012 can be found in Appendix D.

Rule 66B-2

1. The text of the rule can be found in Appendix B.
2. No compliance economic review of the rule was conducted because the rule does not have any of the economic impacts described in s.120.541(2)(a), F.S. and therefore the preparation of a compliance economic review was not required.
3. Since a compliance economic review of the rule was not required, no regulatory alternatives were received.
4. No lower regulatory alternatives were received, so none were rejected.
5. The District will retain the rule without amendment because the rule does not have any of the economic impacts described in s.120.541(2)(a), F.S.
6. The written certification of the agency head certifying the completion of the reviews and reporting required under subsection 120.745(5), F.S. for calendar year 2012 can be found in Appendix D.

Rule 66B-3

1. The text of the rule can be found in Appendix C.
2. No compliance economic review of the rule was conducted because the rule does not have any of the economic impacts described in s.120.541(2)(a), F.S. and therefore the preparation of a compliance economic review was not required.

* Note: Because the District has determined that none of its rules are required to undergo a compliance economic review pursuant to paragraph (2)(g), the District has not divided the rules into groups as described in paragraph (2)(h). All three District rules will be covered in this report.

3. Since a compliance economic review of the rule was not required, no regulatory alternatives were received.
4. No lower regulatory alternatives were received, so none were rejected.
5. The District will retain the rule without amendment because the rule does not have any of the economic impacts described in s.120.541(2)(a), F.S.
6. The written certification of the agency head certifying the completion of the reviews and reporting required under subsection 120.745(5), F.S. for calendar year 2012 can be found in Appendix D.

APPENDIX A

66B - FLORIDA INLAND NAVIGATION DISTRICT
CHAPTER 66B-1 - COOPERATIVE ASSISTANCE PROGRAM (2012)

66B-1.001	Purpose.
66B-1.002	Forms.
66B-1.003	Definitions.
66B-1.004	Policy.
66B-1.005	Funds Allocation.
66B-1.006	Application Process.
66B-1.007	Application Form. (Repealed)
66B-1.008	Project Eligibility.
66B-1.009	Project Administration.
66B-1.010	Project Agreement. (Repealed)
66B-1.011	Reimbursement.
66B-1.012	Accountability.
66B-1.013	Acknowledgement.
66B-1.014	Small-Scale Spoil Island Restoration and Enhancement Projects.
66B-1.015	Small-Scale Derelict Vessel Removal Projects.
66B-1.016	Waterways Cleanup Events

66B-1.001 Purpose.

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policies and procedures for the implementation of an assistance program under Section 374.976, F.S., for state agencies operating within the District. This program will be known hereafter as the Florida Inland Navigation District's Cooperative Assistance Program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-1.001.

66B-1.002 Forms.

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-1.002.

66B-1.003 Definitions.

The basic terms utilized in this rule are defined as follows:

- (1) "APPLICANT" means an eligible state regional or federal agency submitting an application through this program.
- (2) "APPLICATION" means a project proposal with the required documentation.
- (3) "AUTHORIZED SUBMISSION PERIOD" means the established period for

submitting applications to the District.

(4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.

(5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.

(6) "DISTRICT" means the Florida Inland Navigation District (FIND).

(7) "ELIGIBLE AGENCY" means federal, regional and state agencies or units thereof which provide programs on the waterways within a member county of the District.

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) "MARITIME MANAGEMENT PLAN" means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.

(12) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.

(13) "MEMBER COUNTY" means a county located within the taxing boundaries of the District that includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(14) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(15) "PROGRAM" means the Florida Inland Navigation District Cooperative Assistance Program.

(16) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(17) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(18) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(19) "PROJECT MAINTENANCE" means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceable or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(20) "PROJECT MANAGER" means the District employee who is responsible for monitoring the performance of the project and compliance with the project agreement.

(21) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.

(22) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.

(23) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(24) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(25) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(26) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(27) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(28) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; obtains information on the history, importance, economics, condition and future of the Intracoastal Waterway; and becomes motivated to apply action strategies to maintain a balance between quality of life and quality of the environment of waterways.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 2-22-10, __-__-11

66B-1.004 - Policy.

The following constitutes the policy of the District regarding the administration of the program.

(1) Financial Assistance Eligibility: Eligible federal, state and regional agencies may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet channel maintenance, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways. Eligible projects shall include the acquisition and development of

public boat ramps, launching facilities, and public boat docking and mooring facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-1.003, F.A.C.

(2) Notification: The District will notify, by direct mail and/or advertised public notice, all eligible state agencies of the program and the upcoming authorized submission period.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9) Third-Party Project Operators: Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight at a minimum will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.004, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 3-7--11.

66B-1.005 - Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible state and regional agencies of the availability of program funding and the authorized submission period. Applications will be reviewed by the Board utilizing District Form No. 00-25 and No. 00-25 (a thru f) Cooperative Assistance Program Application Evaluation and Rating Worksheet (effective date 4-24-06) hereby incorporated by reference and available from the District office.

(1) Funding Assistance Availability: The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year.

(2) Project Funding Ratio: All financial assistance and support to eligible state and regional agencies shall require, at minimum, equal matching funds from the project sponsor's own budget, with the exception of public navigation projects that meet the provisions of subsection 66B-1.005(6), F.A.C., land acquisition projects in accordance with subsection 66B-1.005(7) and Rule 66B-1.008, F.A.C., and small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-1.014, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-1.007(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty (50) percent of the state share of the cost of an inlet project. The District shall not contribute funding to both the state and local shares of an inlet management project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed

within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-1.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-1, F.A.C.

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting over 50% of the total assistance funding available for the program, will be reviewed and approved by the Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) Inlet Management: Projects and project elements in the categories of inlet management shall benefit public navigation within the District and shall be consistent with a Department of Environmental Protection approved inlet management plan.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more public accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project;

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels. All other public navigation projects or project elements must have a minimum of one facility open to the public and will only qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: All land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.005, Amended 5-17-98, 3-31-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11

66B-1.006 - Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects, ~~and~~ eligible Small-Scale Derelict Vessel Applications, and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period which shall be established by vote of the Board at a scheduled meeting.

(2) Application Form: Florida Inland Navigation District Cooperative Assistance Program Application; Applicant Information – Project Summary, Form No. 90-12 (effective date 4-24-06) is hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program shall be made on this form. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from state agencies shall also be made on FIND Form Number 90-12a Project Information (effective date 4-24-06) and shall include a detailed cost estimate submitted on FIND Form No. 90-25 Florida Inland Navigation District Assistance Program Project Cost Estimate (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Resolution Form No. 90-11 (effective date 10-14-92) hereby incorporated by reference and available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 93-26 (effective date 3-5-00) hereby incorporated by reference and available from the District office.

(5) Maps and Geographic Information: All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) Application Review: If the proposed project is a construction project within a single County, applicants shall obtain the local FIND Commissioner's initials on Form No. 90-16 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. If the proposed project is a regional project, a pre-application meeting will be held with District staff prior to formal submission of the application. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, a single County application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-16.

Upon receipt in the District office, staff will review the applications for completeness

of the informational requirements identified in the Application Checklist, FIND Form Number 90-16 (effective date 7-30-02) hereby incorporated by reference and available from the District office, and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, Staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-1.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-16), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-1, F.A.C.

(6) Interlocal Agreements: The District may enter into interlocal agreements to accomplish the goals of this program provided that funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs at the time of the request. Interlocal agreements will be considered by the Board at any time upon submission of a proposal on the forms of this program. Interlocal agreements under this program shall be in compliance with Chapters 374 and 163, F.S., and will only be approved for multi-agency projects that involve more than one project site or more than one political sub-division of the state, will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or will have multiple funding partners including the Corps of Engineers as the project manager. Interlocal agreements may include participation in government sponsored projects at privately owned waterway related facilities that serve the public on a first come, first serve basis. Applications that the Board determines meet the criteria set forth in subsection 66B-1.005(5), F.A.C., can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify applications that appear to meet these criteria and present them to the Board for its determination as to the funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for the permitting and property control requirements.

(7) Application Presentations: Applications determined to be complete and in compliance with this rule shall be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(8) Application Evaluation: Following the presentations, the Board will review the applications and evaluate them using the Cooperative Assistance Program Application Evaluation and Rating Worksheet No. 00-25 available from the District office. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only

occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application.

(9) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended 3-5-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, 4-15-07, 3-25-08. ___-___-11

66B-1.008 - Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, and inlet management, maritime management planning, environmental mitigation and beach renourishment directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension or improvement, of the following for public use on land and water:

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront parks and boardwalks and associated improvements;
13. Maritime Management Planning;
14. Waterways boating safety programs and equipment;
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
16. Environmental restoration, enhancement or mitigation projects and
17. Other waterway related projects.

(b) Ineligible Projects or Project Elements: Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and

any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Project maintenance and maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels;
10. Operational items such as fuel, oil, etc.;
11. Office space that is not incidental and necessary to the operation of the main eligible public building; and
12. Conceptual project planning, including: cost-benefit analysis, public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:
 - a. Project management, administration and inspection;
 - b. Design, permitting, planning, engineering or surveying costs for completed construction project;
 - c. Restoration of sites disturbed during the construction of an approved project; and
 - d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting vessels are eligible for a maximum of \$60,000 in initial District funding Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet

this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

1) The District shall participate in one plan per County. Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not

included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

2) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

- a) Public boat ramp & ramp parking inventory and analysis.
- b) Public mooring and docking facility analysis, including day docks and transient slips.
- c) Commercial and working waterfront identification and needs analysis.
- d) The identification, location, condition and analysis of existing and potential navigation channels.
- e) An inventory and assessment of accessible public shorelines.
- f) Public waterway transportation needs.
- g) Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities
- h) Economic conditions affecting the boating community and boating facilities.
- i) Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.

3) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to assign the mitigation credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a project or specific project costs.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11.

66B-1.009 - Project Administration.

The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement setting forth the mutual obligations of the parties concerning the project. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding. The project

agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the executive director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement.

(4) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on an Assistance Program Project Quarterly Status Report, Form 95-02 (effective date 7-30-02) hereby incorporated by reference and available at the District office.

(5) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project.

(6) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02) hereby incorporated by reference and available from the District office, which certifies that

the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-1.013, F.A.C.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-1.009, Amended 3-21-01, 7-30-0, -- --11.

66B-1.011 - Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis unless otherwise authorized by the Board. Board authorization shall only be given if the applicant can demonstrate that the project cannot be accomplished otherwise. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. However, the Board may approve the payment of all or a portion of the program funds upon the execution of the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Project Reimbursement: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of (1) the percentage total of project funding that the Board has agreed to fund, or (2) the maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation, such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten (10%) percent of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Advanced Payment: For those projects where the Board approves payment of project funds in advance, the project sponsor shall provide an accounting of the expended program funds prior to the expiration date of the contract. Any program funds not expended pursuant to the Project Agreement shall be reimbursed to the District.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-1.011, Amended 3-31-99, 7-30-02, --11.

66B-1.012 - Accountability.

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-1.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-1.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District, or by an auditor selected by the District, for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-1.012, Amended 7-30-02.

66B-1.013 - Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the

project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-1.013, Amended 2-22-10.

66B-1.014 - Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) **Application Procedure** – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02 Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program, effective date 3-20-03, hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) **Matching Funds** – Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-1.014(4)(b), F.A.C.

(3) **Eligibility** – All proposals must meet the following eligibility criteria to be considered for funding:

(a) **Management Plan Compliance** – Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) **Property Control** – The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall include a map clearly delineating the location of all proposed work included in the application.

(4) **Funds Allocation** – Funds shall be allocated pursuant to Rule 66B-1.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) **Hold Harmless Waiver** – All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 7-30-02) as approved by the District and hereby incorporated by reference and available from the District office.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 3-20-03, Amended 4-24-06, __-__-11.

66B-1.015 - Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$20,000 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-1.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-1.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 4-24-06, Amended 4-15-07, 3-25-08, — -11.

66B-2.016 Waterways Cleanup Events.

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

- (1) **Application Procedure:** Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.
- (2) **Availability:** The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of items (8) through (10), below.
- (3) **Applicant Eligibility:** The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.
- (4) **Funding:** District funding shall be limited to \$5,000.00 per waterway, per county, except for the provisions of items (8) through (10), below.
- (5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.
- (6) **Funding Eligibility:** The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.
- (7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

- (8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.
- (9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.
- (10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

APPENDIX B

CHAPTER 66B-2 — WATERWAYS ASSISTANCE PROGRAM (2012)

66B-2.001	Purpose.
66B-2.002	Forms.
66B-2.003	Definitions.
66B-2.004	Policy.
66B-2.005	Funds Allocation.
66B-2.006	Application Process.
66B-2.0061	Disaster Relief Applications.
66B-2.007	Application Form. (Repealed)
66B-2.008	Project Eligibility.
66B-2.009	Project Administration.
66B-2.010	Project Agreement. (Repealed)
66B-2.011	Reimbursement.
66B-2.012	Accountability.
66B-2.013	Acknowledgement.
66B-2.014	Small-Scale Spoil Island Restoration and Enhancement Projects.
66B-2.015	Small-Scale Derelict Vessel Removal Projects.
66B-2.016	Waterways Cleanup Events.

66B-2.001 - Purpose.

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.001.

66B-2.002 - Forms.

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.002.

66B-2.003 - Definitions.

The basic terms utilized in this rule are defined as follows:

(1) "APPLICANT" means an eligible governmental agency submitting an application through this program.

(2) "APPLICATION" means a project proposal with the required documentation.

(3) "AUTHORIZED SUBMISSION PERIOD" means the established period for

submitting applications to the District.

(4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.

(5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.

(6) "DISTRICT" means the Florida Inland Navigation District (FIND).

(7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) "LOCAL GOVERNMENTS" means municipalities, cities, or consolidated county governments, which are located within the member counties.

(12) "MARITIME MANAGEMENT PLAN" means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.

(13) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.

(14) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(15) "NAVIGATION RELATED DISTRICTS" means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.

(16) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(17) "PROGRAM" means the Florida Inland Navigation District Waterways Assistance Program.

(18) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(19) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(20) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(21) "PROJECT MAINTENANCE" means any usual action, activity, expense, replacement, adjustment or repair taken to retain a the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(22) "PROJECT MANAGER" means the District employee who is responsible for

monitoring the performance of the Project and compliance with the project agreement.

(23) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.

(24) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.

(25) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(26) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(27) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(28) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(29) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(30) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain balance between quality of life and quality of the environment of waterways.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08.

66B-2.004 - Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional

anchorage management, beach renourishment, public recreation, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, maritime management plans, environmental education, and boating safety projects directly related to the waterways.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, inlet channel maintenance, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps and launching facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) Notification: The District will notify by direct mail and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to

approve the proposed boating speed zone.

(6) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9) Third-Party Project Operators: Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History--New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 2-22-10, 3-7-11, __-__-12

66B-2.005 - Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year.

If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (a thru f) Waterways Assistance Program Application Evaluation and Rating Worksheet (effective date 4-24-06); and 93-25 and 93-25 (a, b and c) Waterways Assistance Program Navigation Districts Application Evaluation and Rating Worksheet (effective date 4-24-06), hereby incorporated by reference and available from the District office.

(1) Funding Assistance Availability: In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) Project Funding Ratio: All financial assistance and support to eligible governmental agencies shall require, at a minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(7), F.A.C., land acquisition projects in accordance with subsection 66B-2.005(8) and Rule 66B-2.008, F.A.C., and small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-2.008(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) Multi-Year Funding: The construction phase of projects that are large scale,

involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) Inlet Management and Beach Renourishment: Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) Inlet Management: Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) Beach Renourishment: All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more public accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels.

All other public navigation projects or project elements must have a minimum of one facility open to the public and will only qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: All land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding.

(8) Seaport Funding Eligibility: Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History--New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, __-__-12.

66B-2.006 - Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects eligible Small-Scale Derelict Vessel Applications and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and 93-22a, Project Information – Navigation Related Districts (effective date 4-24-06) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program from navigation related districts shall be made on FIND Form Number 93-22 (effective date 4-24-06), hereby incorporated by reference and available from the District office, and shall include a detailed cost estimate submitted on FIND Form No. 90-25. In addition, all applicants

shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Maps and Geographic Information: All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) Application Review: Applicants shall obtain the local FIND Commissioner's initials on Form No. 90-26 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, an application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-26. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02), and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(7) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(8) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(9) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application Evaluation and Rating Worksheets No. 91-25 (a thru f) for Waterways Assistance Program applications, and 93-25 (a, b and c) Waterways Assistance Program Navigation Related Districts applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief Applications", shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06).

(10) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, 4-15-07, 3-25-08.

66B-2.0061 - Disaster Relief Applications.

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06.

66B-2.008 — Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning,

development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront parks and boardwalks and associated improvements;
13. Maritime Management Planning;
14. Waterways boating safety programs and equipment;
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
16. Environmental restoration, enhancement or mitigation projects and
17. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Project maintenance and maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels;
10. Operational items such as fuel, oil, etc.
11. Office space that is not incidental and necessary to the operation of the main eligible public building; and
12. Conceptual project planning, including: cost-benefit analysis, public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

- a. Project management, administration and inspection;
- b. Design, permitting, planning, engineering or surveying costs for completed construction project;
- c. Restoration of sites disturbed during the construction of an approved project;
- d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting vessels are eligible for a maximum of \$60,000 in initial District funding. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that

include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible local governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

(a) The District shall participate in one plan per County. Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

(b) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

1. Public boat ramp & ramp parking inventory and analysis.
2. Public mooring and docking facility analysis, including day docks and transient slips.
3. Commercial and working waterfront identification and needs analysis.
4. The identification, location, condition and analysis of existing and potential navigation channels.
5. An inventory and assessment of accessible public shorelines.
6. Public Waterway transportation needs.
7. Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities.

8. Economic conditions affecting the boating community and boating facilities.

9. Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.

3) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to assign the mitigation credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, — — -12.

66B-2.009 — Project Administration.

The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding and prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be

submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report", dated 7-30-02, hereby incorporated by reference and available at the District office.

(5) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

66B-2.011 - Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of:

- (a) The percentage total of project funding that the Board has agreed to fund, or
- (b) The maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02. __ - __ -11

66B-2.012 - Accountability.

The following procedures shall govern the accountability of program funds:

- (1) Accounting: Each project sponsor is responsible for maintaining an accounting

system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-2.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.012, Amended 7-30-02

66B-2.013 - Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.013, Amended 2-22-10.

66B-2.014 - Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and

considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding:

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall include a map clearly delineating the location of all proposed work included in the application.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 7-30-02) as approved by the District and hereby incorporated by reference and available from the District office.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 7-30-02, Amended 4-24-06.

66B-2.015 - Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$20,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 4-24-06, Amended 4-15-07, 3-25-08.

66B-2.016 Waterways Cleanup Events.

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

- (1) Application Procedure: Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.
- (2) Availability: The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of items (8) through (10), below.
- (3) Applicant Eligibility: The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.
- (4) Funding: District funding shall be limited to \$5,000.00 per waterway, per county, except for the provisions of items (8) through (10), below.

- (5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.
- (6) Funding Eligibility: The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.
- (7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

- (8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.
- (9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.
- (10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New __-__-11

APPENDIX C

CHAPTER 66B-3 — LAND ACQUISITION PROCEDURES

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66B-3.002 Definitions.

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PART II EXCHANGE PROCEDURES

66B-3.014 Property Exchanges.

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PART IV CONDEMNATION PROCEDURES

66B-3.016 Acquisition Through Condemnation.

66B-3.001 — Purpose.

The Florida Inland Navigation District, as the designated state or local sponsor of the Atlantic Intracoastal, Intracoastal and a portion of the Okeechobee Waterway projects is required by congressional acts and by s. 374, F.S., to provide all lands, free of cost, required by the federal government for the construction, operation and

maintenance of the waterway projects. The purpose of this rule is to set forth the procedures that the District will utilize to acquire the required lands when they are needed. This program will be known hereafter as the Florida Inland Navigation District's Land Acquisition Program.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.002 — Definitions.

- (1) "Approved Appraisal" means an appraisal that has been accepted by the District for use in calculating the amount that the District can pay for property.
- (2) "Certified Survey" means a boundary survey which is certified to the District and the title company designated as the agent, signed and sealed by a professional Florida licensed surveyor and mapper authorized to practice surveying in the State of Florida. The survey must be approved by the District as being in compliance with the Minimum Technical Standards of Surveying in the State of Florida, as established by the Florida Department of Professional Regulation, and such additional requirements required by the applicable contract between the District and the landowner(s). The survey shall accurately portray to the greatest extent practicable the condition of the parcel as it currently exists. The survey must have been certified to the District, the title company and agent/law firm designated by the District within 90 days of the closing on the property unless this requirement is waived by the title insurer for the purpose of deleting the standard exceptions for survey matters and easements or claims of easements not shown by the public records from the owner's title policy and the District.
- (3) "Cooperating Agency" means a local government, water management district, member county, special taxing district, or navigation related district that has entered into an acquisition agreement with the District to acquire specific property.
- (4) "Evidence of Marketable Title" means assurance of the marketability of the land being acquired, in the form of a marketability title commitment and policy (ALTA Form B). The coverage, form and exceptions of either title insurance or

title opinion shall be as required by the applicable contract between the District and the landowner(s). The terms "Title Policy" and "Title Opinion" are included within this definition.

(5) "Fee Appraiser" means the person performing an appraisal of property for the District who is a "State Certified Appraiser" in accordance with this rule and who holds a MAI designation.

(6) "Land" or "Property" means the interest in real property to be acquired, together with all appurtenances.

(7) "Landowner" or "Owner" or "Seller" means the owner of the land or his authorized agent.

(8) "Market Value" means the most probable price in cash or terms equivalent to cash for which the appraised property will sell in a competitive market under all conditions requisite to fair sale, with the buyer and seller each acting prudently and knowledgeably, and assuming that neither is under undue duress.

(9) "Option Agreement" means a purchase instrument which becomes binding on both parties at the time of execution, but subject to Board approval and to exercise of an option or options.

(10) "Purchase Agreement" means a contract to purchase property which becomes binding on both parties at the time of execution, but subject to Board approval.

(11) "Purchase Instrument" means the various types of contracts to purchase property, including purchase agreements, option agreements, exchange agreements and other forms of such agreements.

(12) "State Certified Appraiser" means a real estate appraiser who has been certified by the State under the provisions of Chapter 475, F.S.

(13) "Title Commitment" means a written agreement binding a title insurance company to provide a policy insuring marketability of title for a specified time in the name of the District in the amount of the purchase price, or other appropriate value, complying with the requirements of the applicable form(s) approved for use in the State of Florida by the Department of Insurance and further complying with

such additional terms, if any, contained in a contract between the District and the landowner(s).

(14) "Uniform Standards of Professional Appraisal Practice" means the generally accepted standards of the appraisal profession that deal with the procedures to be followed in developing an appraisal, analysis, or opinion and the manner in which such appraisal, analysis, or opinion is communicated.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.003 — Noticing Requirements.

Prior to acquiring any property for the deposit of dredged material, the District shall perform the noticing required in s. 374.984(1), F.S.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

PART I VOLUNTARY, NEGOTIATED LAND ACQUISITION PROCEDURES

66B-3.004 — General Requirements.

(1) Land acquisition procedures provided for in this part of the rule are for voluntary, negotiated acquisitions under purchase agreements for purchase, option or exchange. The purpose and intent of this section is to provide uniform and efficient procedures for the acquisition of interests in real property title to which will vest in the District, in accordance with legal requirements and sound business practice.

(2) Neither the Board nor its agent shall commit the District to the purchase of land, through any instrument of negotiated contract or agreement for purchase, unless the provisions of this rule, have been complied with.

(3) Prior to the District initiating acquisition of property, the District shall contact the Department of Environmental Protection's Division of State Lands to determine the availability of existing suitable state-owned lands in the area which

meet the public purpose for which the acquisition is being proposed. If the District determines that no suitable state-owned lands exist, it may proceed to acquire the property by employing this rule and all available statutory authority for acquisition.

(4) All conveyances to the District of fee title in land shall be by no less than a special warranty deed, unless the conveyance is from another governmental agency, or, if a gift or donation is made by quitclaim deed and the Board or its designee, determines that accepting such quitclaim deed is adequate to convey fee title in the land to the District, with the District basing such determination on its review of title reports and receipt of adequate title insurance coverage. The District may accept a quitclaim deed to aid in clearing title or boundary questions.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.005 — Title Reports.

(1) In order for the District to obtain accurate appraisals, the District shall obtain an adequate legal description of the property to be acquired sufficient to inform the District and the fee appraisers of the boundaries of the property so that the fee appraiser can determine the status of ownership, encumbrances, exceptions, reservations, previous ownership history, and tax assessment history.

(2) Final evidence of marketable title shall be provided prior to the conveyance of title. The form and content of such evidence of marketable title is subject to the approval of the District in order to assure that the District's interests are fully protected. If a title policy is to be furnished as evidence of marketable title, the final policy must be preceded by a title commitment. Title insurers issuing title policies, abstractors preparing abstracts, and attorneys issuing marketability opinions must be licensed in the State of Florida, in order to assure that the District's interests are fully protected.

(3) The District shall waive the requirement of the evidence of marketability for acquisition of property assessed by the county property appraiser at \$10,000 or

less, where the District finds, based upon such review of the title records as is reasonable under the circumstances, that there is no apparent impediment to marketability, or to management and use of the property by the District.

(4) Unless otherwise stated by the District, the objective of negotiations for acquisition of property is to obtain all the landowners rights, title and interest in the property, together with such rights as are necessary for the planned use and management of the property. All exceptions, reservations, encroachments or other adverse conditions which are disclosed in the course of preparing to negotiate, negotiating, contracting or closing shall be individually examined by the District and evaluated in writing as to possible adverse effect on the objectives of the District in acquiring the property. All such matters potentially having an adverse effect on acquisition, management and use by the District which become apparent prior to Board approval will be disclosed to the Board at the time of approval.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.006 — Appraisal Map or Survey.

For each parcel of property the District shall obtain a certified survey containing an adequate legal description of the property. In cases in which a survey cannot be practically completed or in which the cost of the survey would be prohibitive relative to the expected value of the parcel, the requirement for such certified survey shall be waived by the Board.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.007 — Appraisal Procedures.

(1) Techniques and methods used by the fee appraiser shall be consistent with the Uniform Standards of Professional Appraisal Practice which are hereby incorporated by reference.

(2) The District shall provide to the fee appraiser all pertinent title information developed, a specification of the rights to be acquired, a list of items, if any,

considered to be non-compensable, minimum appraisal requirements that apply, required appraisal forms or formats, and a certified survey or appraisal map.

(3) The appraisal report shall state any assumption made by the appraiser in determining market value and shall document and adequately support the fee appraiser's estimate or conclusion as to value. The report shall include a description of the location, size, shape, topography, access, highway or water frontage, and present zoning of the property. It shall include a description of utilities, if any, and a detailed description of any appurtenances. The report shall address other factors relevant to the development potential of the property including, but not limited to, local government land use restrictions and permit moratoria, environmental sensitivity of the property, and the likelihood of obtaining any pending or required local, state or federal permits. In determining land value, the fee appraiser shall primarily consider the present market value of the property. This market value, as much as practicable, should be based on comparable arm's length sales of similar property. If the fee appraiser uses comparable sales in determining land value, he shall thoroughly describe each such sale including the date of sale, a brief legal description, the present use, the highest and best use, the official record book and page where the transaction is recorded, the grantor and grantee, the purchase price, the terms and conditions of the sale, and when and with whom verified. The fee appraiser also shall consider the present use of the subject property, taking into consideration any local or state land use regulation and any moratorium imposed by executive order, law, ordinance, regulation, resolution, or proclamation adopted by any governmental body or agency or the Governor when the moratorium prohibits or restricts the development or improvement of property as otherwise authorized by applicable law. The report also shall address the highest and best use to which the property can be expected to be put in the immediate future. The term "immediate future" as used in this section means a period of time not to exceed five (5) years. In addition, the report also shall consider the cost of the property and the present

depreciated reproduction/replacement costs of any improvements thereon, the condition of the property, and any income from the property.

(4) The report shall be accompanied by a sales history of the parcel for at least the prior five years. Such sales history shall list the parties to each transaction involving the subject parcel as well as the consideration paid with the amount of consideration verified, if possible. The report also shall show the tax assessed value for the previous five (5) years. If the sales history required by this section would not be useful or the cost would be prohibitive compared to the value of the parcel, it shall be waived by the Board.

(a) The history shall be deemed not useful for projects consisting of a large number of relatively similar size properties under separate ownership for which a multiple-ownership appraisal technique can be used.

(b) The cost will be considered to be prohibitive relative to the value of the parcel if the most recent assessed value for ad valorem tax purposes is \$50,000 or less, including greenbelt agricultural, aquifer recharge, or other special exemptions.

(5) When two appraisals are required pursuant to this rule, a third appraisal shall be obtained if the two appraisals differ significantly. Two appraisals shall be considered to differ significantly if the higher of the two values exceeds one hundred and twenty (120) percent of the lower value. However, a third appraisal shall not be obtained if the decision is made by the District to attempt to negotiate an acquisition price of no more than one hundred and twenty (120) percent of the lower of the two appraisals.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.008 — Determining the Maximum Amount.

(1) The minimum amount that may be paid by the District for a parcel to be acquired shall be the value indicated in a single approved appraisal if only one appraisal is required. If two appraisals are obtained and approved when only one is

required by law, the maximum value shall be the higher of the appraisals, regardless of their divergence.

(2) If two appraisals are required by law and their values do not differ significantly, the maximum amount that may be paid by the District for the parcel shall be the higher value indicated in the two approved appraisals.

(3) If a third appraisal is obtained and approved, the maximum amount that may be paid for the parcel shall be the value contained in the higher of the two closest appraisals as long as the two closest appraisals do not differ significantly. If the two closest appraisals differ significantly, one hundred and twenty (120) percent of the lower of the two appraisals shall be the maximum value.

(4) No purchase offer by the District shall exceed the value for that parcel as determined pursuant to the highest approved appraisal or the value determined pursuant to these rules, whichever value is less, except under the following circumstances:

(a) The District has unsuccessfully attempted to negotiate a purchase, pursuant to the price restrictions in this subparagraph, for a period of two years after the date of the District's first written offer on all or a substantial part of the parcel, during which there have been at least two bona fide offers at a purchase price at or within ten (10) percent below the limits prescribed by this subparagraph. The Board shall waive the two year period in cases in which it has directed the District to exercise eminent domain authority;

(b) The Board determines that the parcel meets the requirements for acquisition by eminent domain and that the cost of acquisition by eminent domain, including jury determination of compensation and other costs and fees provided for in chapter 73 or 74 F.S., is likely to exceed the highest approved appraisal value of the parcel as otherwise determined pursuant by this rule. In this case, the total purchase price may not exceed one hundred and twenty five (125) percent of the limits otherwise prescribed by this subparagraph. The decision to acquire a parcel pursuant to subparagraphs (a) and (b) must be made by a vote of a majority of the Board.

(c) In the case of a joint acquisition by a state agency and a local government or other entity apart from the District, the joint purchase price may not exceed one hundred and fifty (150) percent of the value for a parcel as determined in accordance with this rule. The District's share of a joint purchase offer may not exceed what the District may offer singly as prescribed in this rule.

(5) When provided for pursuant to the terms of an informal acquisition agreement, the District shall also disclose appraisal information to or use an appraisal provided by a cooperating agency.

(a) If the District is disclosing the appraisal information, the agreement shall identify the individual who will have custody of the appraisal report, individuals within the cooperating agency who will have access to the appraisal information and require the written consent of the District prior to disclosing the information to any other person.

(b) If the cooperating agency is to provide the appraisal, the appraisal must be made by an appraiser meeting the District's requirements for appraisers as set forth in this rule. Such appraisal shall be subject to the same confidentiality restrictions as an appraisal provided by the District.

(6) The District shall also disclose appraisal information to the owner of the property to be acquired if requested by the property owner and determined by the District that such disclosure will enhance the probability of a successful purchase.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.009 — Appraiser Selection.

(1) The selection of fee appraisers shall be accomplished as follows:

(a) The District will determine whether the appraiser is a state certified appraiser pursuant to s. 66B-3.002(12) and is a MAI designated appraiser. The name of each appraiser who is determined to be eligible will be placed on a list of approved appraisers for the appraisal project.

(b) The District shall notify by direct mail those individuals whose names appear on the list of approved appraisers who have expressed a willingness to work in the specific area of an appraisal project.

(c) The District will accept and review proposals and select appraisers in response to requests for proposals. Proposals shall be evaluated to determine:

1. The appraiser's experience in appraising similar property within the neighborhood of the subject; and
2. The appraiser's experience in appraising similar property outside the neighborhood of the subject; and
3. The appraiser's proposed time period for delivery of the appraisal; and
4. The appraiser's proposed fee; and
5. The appraiser's current or anticipated workload; and
6. The appraiser's responses to any other specialized requirements or questions outlined in the request for proposal.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.010 — Negotiations.

(1) The lack of received and approved appraisals shall not prevent the District from negotiating and entering into a purchase agreement, so long as the purchase agreement provides that the final purchase price shall be established by the approved appraisals. All owner contact shall be documented in the appropriate acquisition file of the acquiring agency. Initial contact with the landowner by the acquiring agency may be established prior to negotiations, provided that such contact is limited to the following:

- (a) To inform the owner of the land acquisition program under which the project is being considered, and to request the owner's permission for the District to inspect the property in order to determine its suitability for the purposes of the District.
- (b) To ascertain or confirm the owner's interest in conveying the property to the District.

(c) To explain in general terms the possible tax advantages of land donations and bargain sales.

(d) To discuss the matter of representation of the owner by an agent in any future negotiations, and the necessary confirmation by the owner of the agent's status.

(e) To request available title data.

(f) To advise of disclosure requirements.

(g) To request available property survey data.

(h) To discuss other information pertinent to the acquisition process in general.

(2) The objective of all purchase negotiations shall be to obtain the appropriate interest in land free of encumbrances, conditions, restrictions and reservations at the lowest possible price. Under no circumstances will the final purchase price exceed the value established pursuant to this rule.

(3) Upon the initiation of negotiations the District shall notify the landowner in writing that final purchase approval is subject to affirmative action by the Board. When the landowner is represented by an agent or broker negotiations may not be initiated or continued with the agent until a written statement signed by the landowner verifying the agent's legal or fiduciary relationship with the owner has been received by the District.

(4) All offers and counter-offers shall be in writing.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.011 — Purchase Instruments.

(1) The final negotiated purchase shall be placed in the form of a written purchase instrument, signed by the owner and approved by the Board.

(2) The District may prepare and use any form of purchase instrument approved by the Board as meeting the intent of the law and this rule.

(3) Prior to the closing, the District will have obtained the following information:

(a) The original of the purchase instrument.

(b) A copy of the owner's disclosure form, if required, under s. 286.23, F.S.

- (c) Evidence of the marketability of the title.
 - (d) The approved appraisal reports.
 - (e) A letter from the Department of Environmental Protection's Division of State Lands stating that the inventory of existing State-owned lands was examined and contains no suitable available land for the District's use.
 - (f) A written statement by the District outlining the public purpose for which the acquisition is being made, citing statutory authority.
 - (g) A written statement signed by the owner confirming the owner's relationship with his agent, if any.
 - (h) A written confirmation by the District of the source and availability of funding for the acquisition.
 - (i) A copy of the current certified survey or appraisal map, approved by the District.
 - (j) All the details pertinent to the acquisition not included in this list or in the purchase instrument.
- (4) The District shall submit the proposed acquisition to the Board for approval. The District shall supply a copy of the proposed purchase instrument and all supporting documentation or a list of all due diligence items to be obtained prior to the closing to the Board for its review.
- (5) The Board must authorize all acquisitions of land, title to which will vest in the District, prior to purchase.
- (6) The District shall consider an appraisal acquired by the seller, or any part thereof, in negotiating or approving any purchase, but such appraisal shall not be used in lieu of an appraisal required by this rule to determine the maximum offer allowed by law except as otherwise provided by this rule.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.012 — Closing.

(1) The Executive Director shall have the authority to modify the purchase instrument previously approved by the Board to extend the time for purchase, closing date, submittal deadlines or any other time limit relating to such agreement, provided the total extension of time for closing does not exceed one hundred and eighty (180) calendar days after the date contemplated in the purchase instrument approved by the Board. The Executive Director shall also have the authority to execute or modify all documents necessary for the implementation of Board action, including without limitation the purchase agreement, exchange agreement, leases, easements, legal descriptions, deeds, assignments, title policies and other miscellaneous agreements and affidavits, provided the modification does not change the substance nor the scope of Board approval, and provided the document executed or modified was either approved by the Board or contemplated by Board approval. Any changes in the purchase price to be paid to the seller not contemplated by the terms of the purchase instrument must be approved by the Board. An extension or modification may only be made under the terms of the purchase instrument, or with the seller's agreement.

(2) The District shall obtain all disclosures of beneficial interest required in s. 286.23, F.S., before entering into a purchase instrument. All other disclosures shall be obtained no later than ten (10) days prior to closing. Appropriate disclosures shall be filed with the Department of State as required by law. Disclosures not required by statute shall be waived by the Board in the case of acquisitions of property for a price of \$250,000 or less where the Board finds that the difficulty on the person providing such disclosures outweighs the value of the disclosed information to the District.

(3) The District shall be responsible for proper completion of the closing, proper recordation of all legal documents and payment of required fees.

(4) All original documents including recorded documents shall be forwarded to the District within thirty (30) days after receipt by the acquiring agency from the

county clerk or closing agent. All such documents shall be accompanied by a written signed statement from the acquiring agency indicating that all documents have been approved as to form and legality by the attorney for the District.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

66B-3.013 — Multi-Party Acquisitions.

(1) The District may enter into an acquisition agreement with a water management district, a local government, a member county, or a navigation related district for any property which has been determined necessary for dredged material management of the Atlantic Intracoastal and Okeechobee Waterways in Florida.

(2) The District and a cooperating agency must execute an acquisition agreement prior to the cooperating agency obtaining title to, or any other legal interest in, the property to be acquired.

(3) An acquisition agreement may provide for the sharing of appraisals, offers, and other negotiation matters, between the District and cooperating agency. However, as a condition of the sharing of such confidential information, the cooperating agency must agree to maintain the confidentiality of appraisals, offers, and other negotiation matters, as required by s. 253.025, F.S., and this rule, and the agency must identify the individuals within the cooperating agency who will have access to confidential information, and obtain the consent of the District prior to disclosing the information to any other person.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

PART II EXCHANGE PROCEDURES

66B-3.014 — Property Exchanges.

All exchanges of real property owned by the District for other land shall be approved by the Board in the same manner as other acquisitions, and shall be placed in the form of a written exchange agreement reviewed and approved by the Board.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

PART III DONATION PROCEDURES

66B-3.015 — Property Donations.

(1) Where the Board has determined that ownership of the land being offered to the District furthers one or more of the statutory duties of the District, the Board shall accept donations of land under the following conditions:

(a) The conveyance must be by no less than a special warranty deed, unless the conveyance is from another governmental agency or, if a gift or donation is made by quitclaim deed, and the Board determines that accepting such quitclaim deed is in the best interest of the public.

(b) Evidence of marketable title must be supplied either by the landowner or the District. The Board shall waive the requirement of evidence of marketability for acquisitions of property assessed by the county property appraiser at \$10,000 or less, where the District finds, based upon such review of the title records as is reasonable under the circumstances, that there is no apparent impediment to marketability, or to management of the property by the state. The Board shall accept a dedication, gift, grant, or bequest of lands and appurtenances without formal evidence of marketability if, upon recommendation by the District, the Board determines that such lands and appurtenances have value and are reasonably manageable by the state, and that their acceptance is in the public interest.

(c) An acceptable survey must be submitted to and approved by the District. The survey requirement shall be waived by the Board, if donated lands are in their natural unimproved condition and no improvements are contemplated, if the donated lands are completely surrounded by District-owned lands, if a survey cannot practically be completed, or where the cost of the survey would be prohibitive relative to the expected value of the parcel. Where a survey requirement has been waived by the Board for either of the first two reasons set

forth in the preceding sentence, the District shall have the ability to conduct its own survey and to consider the results of such survey in determining whether to accept the proposed donation of land.

(2) Appraisal of donated lands and appurtenances shall not be required as a condition of receipt of such land by the District.

(3) Where less than fee simple title is to be donated, or to aid in clearing the title or otherwise resolving a boundary or title question in any acquisition, the District shall accept less than a special warranty deed, provided District legal counsel recommends acceptance of such a conveyance.

Specific Authority 374.984(3) FS. Law Implemented 374.984(1) — (3) FS. History — New 8-17-99.

PART IV CONDEMNATION PROCEDURES

66B-3.016 — Acquisition Through Condemnation.

(1) The District will only utilize condemnation for land acquisition when the acquisition by voluntary, negotiated procedures has been unsuccessful.

(2) The District will utilize the procedures contained in Chapter 73 or 74, Florida Statutes, for condemnation. The Board will pass a resolution approving the acquisition of a specific property by condemnation.

Specific Authority 374.984(3) FS. Law Implemented 374.984(4) FS. History — New 8-17-99.

APPENDIX D



FLORIDA INLAND NAVIGATION DISTRICT

November 16, 2012

COMMISSIONERS

DONN R. COLEE, JR.
CHAIR
PALM BEACH COUNTY

GAIL KAVANAGH
VICE-CHAIR
ST. LUCIE COUNTY

E. TYLER CHAPPELL
TREASURER
BROWARD COUNTY

J. CARL BLOW
SECRETARY
ST. JOHNS COUNTY

BRUCE D. BARKETT
INDIAN RIVER COUNTY

AARON L. BOWMAN
DUVAL COUNTY

S. NORMAN BRAY
NASSAU COUNTY

T. SPENCER CROWLEY, III
MIAMI-DADE COUNTY

DONALD J. CUOZZO
MARTIN COUNTY

NANCY J. FREEMAN
VOLUSIA COUNTY

JONATHAN S. NETTS
FLAGLER COUNTY

JERRY H. SANSOM
BREVARD COUNTY

DAVID K. ROACH
EXECUTIVE DIRECTOR

MARK T. CROSLEY
ASSISTANT EXECUTIVE DIRECTOR

Mr. Ken Plante, Coordinator
Joint Administrative Procedures Committee
111 W. Madison Street
Tallahassee, FL 32399-1400

Dear Mr. Plante:

RE: Certification of Final Compliance Economic Review of the
Florida Inland Navigation District's Rules

In accordance with Section 120.745(5)(d)6., F.S., the undersigned, on behalf of the Board of Commissioners of the Florida Inland Navigation District ("District"), hereby certifies that the reviews and reporting required under Subsection (5) of Section 120.745, F.S. for 2012, has been completed. The District's staff and legal counsel performed the review of the final report required by Section 120.745(5)(d), which was then reviewed by the District's Legislative Committee, and then reviewed and approved by the District's Board of Commissioners.

Please feel free to contact District staff should you have any questions concerning this report and its findings.

Sincerely,

Donn R. Colee, Jr.
Chairman

November 6, 2012

To: Commissioners
From: David Roach *DR*
Subject: Economic Development Councils, Business Development Boards, and Chambers of Commerce

At the last Board meeting, I briefed you on our progress with your request to engage the Governor's Office through his Department of Economic Opportunity to assist us with our Federal funding challenges. That discussion led to the Board directing staff to contact Economic Development Councils, Business Development Boards, and Chambers of Commerce about potential membership in those organizations as well as making presentations to them to educate them about FIND and waterway economics and to garner their support for the waterway and waterway funding.

In previous work with the Committee, Commissioner Community Relations Activities were identified (see attached) that included the possibility of commissioner membership in these types of organizations if the Commissioner wanted to do so and attend those meetings. No commissioner has expressed a desire to join any of these organizations to date. Staff recommends that membership to these organizations still be by individual commissioner's desire instead of just joining in every county.

We have identified the Chamber membership costs for most counties which is quite reasonable, see attached. Membership in Economic Councils and Business Development Boards ranges from \$1,000.00 up and in some cases is by invitation only. Again, staff would pursue a membership in these organizations if a commissioner was interested.

Regarding making presentations to these organizations, staff has made some in the past and can do more in the future. Staff is of the opinion that these presentations are part of a long term strategy to educate community leaders about the importance of the waterway. Staff is still working on our general PowerPoint with our public relations firm which should be completed in draft next month. Once it is complete staff can assist commissioners in scheduling presentations to these organizations.

Commissioner Community Relations Activities

Periodic Meetings

U.S. Congressman

U.S. Senator

Florida Congressman

Florida Senator

County Manager/Chairman

Coastal City Manager/Chairman

Memberships

Marine Industries Association

League of Cities

Chamber of Commerce

Other Waterway Related Organizations/Clubs

Periodic Presentations

Civic or Waterway Related Organizations/Clubs

Check Presentations/Dedications/Ground Breakings for Assistance Program Projects

Functions to Attend

Congressional/Legislative meet and greets

Civic/Community project openings especially if waterway related

County Chambers of Commerce Membership Costs

Nassau \$175.00

Duval \$500.00

St. Johns \$250.00

Flagler \$140.00

Volusia \$330.00

Brevard \$?

Indian River \$35.00

St. Lucie \$250.00

Martin \$?

Palm Beach \$?

Broward \$295.00

Miami-Dade \$175.00

Total \$2,900.00 year*

* assumes \$250.00 annual membership fee for the 3 counties where the membership cost was not available on line

November 2, 2012

MEMORANDUM

TO: David Roach, Executive Director
Mark Crosley, Assistant Executive Director

FROM: Jim Davenport

SUBJECT: Federal Legislative Report

Congress will return from a lengthy recess on November 13th and will be in session for eight days in November. Appropriators continue to press for completing the Fiscal Year 2013 appropriations bills in a lame-duck omnibus, but it is probable that the bills will be left for the next Congress.

Once Congress returns, we will have a better read on whether the appropriations bills will be completed by the end of the year. But there is no doubt that congressional leaders will be immersed in fights over the debt limit and tax policy for the remainder of the year.

Please be assured that we will continue to remain focused on working with the Energy and Water Appropriations Subcommittee staff to obtain funding that would support inland waterway maintenance dredging. In addition, if a Water Resources Development Act (WRDA) begins to move in the Senate, we will work with Chair Barbara Boxer (D-CA) and Senator Bill Nelson (D-FL) to support an authorization for the Atlantic Intracoastal Waterway Commission.

Please contact me with any questions.

Subject: Legislative Update

From: Jon Moyle <jmoyle@moylelaw.com>

Date: 10/26/2012 4:06 PM

To: "mcrosley@aicw.org" <mcrosley@aicw.org>, "Roach, Dave" <droach@aicw.org>

Mark and Dave: With the general election taking place in just over a week, I wanted to provide you with an interim report relating to matters that may be of interest. While there are a number of close races being contested for the state House of Representatives and Florida Senate, and I will provide a full report following the general election, neither body will shift significantly away from the Republican majorities that have existed since the early 1990s. During the 2012-14 legislative sessions, the Florida Senate will be led by Senator Don Gaetz (R-Niceville) and Representative Will Weatherford (R-Wesley Chapel) will lead the Florida House of Representatives. I wanted to make you aware of important dates for the 2012 Legislative session and some announcements of legislative leadership positions.

Important Upcoming Legislative Dates

Calendar:

Nov 20 Organizational Session in Tallahassee

Dec, Jan, Feb Interim committee meetings; dates to be announced

March 5, 2013 Legislative Session begins

May 3, 2013 Regular Legislative Session ends

To date, 19 bills have been filed. They are all "claims" bills, which ask the state to compensate individuals beyond the sovereign immunity limits. After the election and organizational session, bills will begin to be filed in earnest. I will continue to review bills that are filed and flag and forward issues that may be of interest to you. While legislative leadership in both the House and Senate have filled and publicly announced a number of key legislative committee leaders, most committee assignments will be made during or shortly after the upcoming organizational session. In recently speaking with one key legislative member who is involved in the committee assignment process, it was compared to putting together a fantasy football team!

A recently released House memorandum from the Speaker-designate to all members regarding key leadership positions is attached for your information. This communication reveals that Speaker made three key picks for his leadership team: Rep. Robert Schenck (R-Springhill) as Rules Chairman, Rep. Chris Dorworth (R-Orlando) as Majority Leader and Rep. Marti Coley (R-Marianna) as Speaker Pro-Tempore. A few weeks ago Rep. Weatherford named Rep. Seth McKeel as the House Appropriations Chair. On the Senate side, Senator Gaetz has indicated that Senator Joe Negron (R-Palm City) will chair the Senate Appropriations Committee and Senator John Thrasher (R-Orange Park) will serve as the Rules Chairman.

Historically, the session following an election presents an opportunity for the Legislature to address matters that may be more politically difficult to tackle during a legislative session right before an election. Many expect that the 2013 session will follow course and a number of significant issues will arise. Furthermore, as during most legislative sessions, a number of issues will arise unexpectedly. I trust that you will find this update informative and useful. If you have any questions or need further information, please let us know. Regards, Jon

Jon Moyle
jmoyle@moylelaw.com



Moyle Law Firm, P.A.
The Perkins House
118 N. Gadsden St.
Tallahassee, FL 32301
850-681-3828 (Voice)
850-681-8788 (Fax)

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MEMORANDUM

To: Members of the Florida House of Representatives
From: Will Weatherford, Speaker-designate
Date: October 22, 2012
Re: Legislative Appointments and Organization Session Dates

In an effort to keep you informed and with a desire to hit the ground running in November, I want to share a few more decisions about members' assignments that I hope will be helpful to you. These members will have important roles in serving your needs, providing information, and helping to advance the House agenda.

Today, I am pleased to announce I have selected Representative Robert Schenck as Chairman of the House Rules Committee, Representative Marti Coley as the Speaker Pro-Tempore and Representative Chris Dorworth as the House Majority Leader.

Representative Robert Schenck, Rules Chairman

Representative Schenck is a bold and courageous member who understands the importance of the rules and who will help ensure that they are applied in an evenhanded and consistent manner. As a history teacher, he has a full appreciation for the institution and the democratic process.

Representative Marti Coley, Speaker Pro-Tempore

Representative Coley has a very special place in the House of Representatives. Her loyalty is unmatched, and her ability to communicate the principles and priorities of the House will be of great value. With her experience as a schoolteacher, she possesses the desire to listen and also serve - important qualities necessary to be an effective ambassador for the House of Representatives.

Representative Chris Dorworth, House Majority Leader

From my experience as a Speaker-designate, I know the value of being afforded a meaningful role in the process. Representative Dorworth will serve the members well as the next Majority Leader. His thoughtful, strategic, and positive approach will help guide our Republican caucus as we advance a reform-focused agenda. As the Majority Leader, Representative Dorworth will lead the charge of advocating for smaller government and our individual freedoms.

In addition to the announcements about legislators, please note that the Organizational Session will take place on Tuesday, November 20, 2012. You will need to be in Tallahassee on Monday, November 19 for legislative activities. We will not have a full committee week due to the Thanksgiving Holiday. Return travel can begin as early as 4:00 PM on Tuesday.

I look forward to making additional announcements regarding committee appointments when appropriate.