

By Senator Kirkpatrick

5-637-98

See HB

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A bill to be entitled  
An act relating to environmental control;  
amending s. 403.813, F.S.; providing an  
exception from permitting requirements for the  
removal by a property owner of unconsolidated  
organic detrital material from water bodies  
adjacent to the owner's property under  
specified circumstances; providing an effective  
date.

WHEREAS, the Legislature of the State of Florida finds  
that the accumulation of dead organic material at the bottoms  
of the waters of the state, whether from natural occurrences  
or from programs designed to manage and control the biota of  
water bodies, is deleterious to the overall health of the  
water resource, and

WHEREAS, consequently, the Legislature of the State of  
Florida reaffirms, as a right of riparian ownership, the right  
of property owners to remove unconsolidated organic detrital  
material from water bodies adjacent to their properties,  
subject to the conditions specified in this act, NOW,  
THEREFORE,

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

Section 1. Paragraph (s) is added to subsection (2) of  
section 403.813, Florida Statutes, to read:

403.813 Permits issued at district centers;  
exceptions.--

(2) No permit under this chapter, chapter 373, chapter  
61-691, Laws of Florida, or chapter 25214 or chapter 25270,

1 1949, Laws of Florida, shall be required for activities  
2 associated with the following types of projects; however,  
3 nothing in this subsection relieves an applicant from any  
4 requirement to obtain permission to use or occupy lands owned  
5 by the Board of Trustees of the Internal Improvement Trust  
6 Fund or any water management district in its governmental or  
7 proprietary capacity or from complying with applicable local  
8 pollution control programs authorized under this chapter or  
9 other requirements of county and municipal governments:

10 (s) The removal by a property owner of unconsolidated  
11 organic detrital material from water bodies adjacent to his or  
12 her property, subject to the following conditions:

13 1. That the unconsolidated detrital material may be  
14 removed from the water body out to a distance of 150 feet,  
15 measured perpendicularly from the fractal mean shoreline of  
16 the property;

17 2. That the removed material shall be disposed of or  
18 contained in an upland site and shall not be allowed to  
19 reenter the water body;

20 3. That during the course of the removal of  
21 unconsolidated organic material, the removal of nonindigenous,  
22 nuisance, or invasive plants, as identified in s. 369.251, is  
23 a right; and

24 4. That the incidental removal of indigenous,  
25 noninvasive, nonnuisance biota during the course of the  
26 removal of organic detritus is anticipated and shall require  
27 the replanting of 25 percent of such removed biota, by mass.

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29 Nothing in this paragraph shall be construed to permit the  
30 removal of inorganic bottom material, regardless of the  
31 existence of interstitial organic material.

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The department is not authorized to adopt implementing rules for this subsection, notwithstanding any other provision of law.

Section 2. This act shall take effect upon becoming a law.

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LEGISLATIVE SUMMARY

With respect to pt. V of ch. 403, F.S., relating to environmental regulation, provides an exception from permitting requirements for removal by a property owner of unconsolidated organic detrital material from water bodies adjacent to the owner's property under specified circumstances.