

By Representative Ball

1 A bill to be entitled
2 An act relating to environmental protection;
3 amending s. 403.813, F.S.; providing that
4 certain environmental permits are not required
5 for maintenance dredging of certain portions of
6 natural water bodies within approved
7 rights-of-way or drainage easements; providing
8 limitations; providing an effective date.

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

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12 Section 1. Paragraph (f) of subsection (2) of section
13 403.813, Florida Statutes, is amended to read:

14 403.813 Permits issued at district centers;
15 exceptions.--

16 (2) No permit under this chapter, chapter 373, chapter
17 61-691, Laws of Florida, or chapter 25214 or chapter 25270,
18 Laws of Florida, 1949, shall be required for activities
19 associated with the following types of projects; however,
20 nothing in this subsection relieves an applicant from any
21 requirement to obtain permission to use or occupy lands owned
22 by the Board of Trustees of the Internal Improvement Trust
23 Fund or any water management district in its governmental or
24 proprietary capacity or from complying with applicable local
25 pollution control programs authorized under this chapter or
26 other requirements of county and municipal governments:

27 (f) The performance of maintenance dredging of
28 existing manmade canals, channels, ~~and~~ intake and discharge
29 structures, and previously dredged portions of natural water
30 bodies within recorded drainage rights-of-way or drainage
31 easements, where the spoil material is to be removed and

1 deposited on a self-contained, upland spoil site which will
2 prevent the escape of the spoil material into the waters of
3 the state, provided ~~that~~ no more dredging is to be performed
4 than is necessary to restore the canals, channels, ~~and~~ intake
5 and discharge structures, and previously dredged portions of
6 natural water bodies to original design specifications or
7 configurations, provided the work is conducted in compliance
8 with the department's Guidelines for Manatee Protection,
9 provided no impacts occur to previously undisturbed natural
10 areas, and provided that control devices and best management
11 practices for erosion and sediment control are utilized to
12 prevent bank erosion and scouring and to prevent turbidity,
13 dredged material, and prevent toxic or deleterious substances
14 from discharging into adjacent waters during maintenance
15 dredging. This exemption applies to all canals and previously
16 dredged portions of natural water bodies constructed prior to
17 April 3, 1970, and to those canals and previously dredged
18 portions of natural water bodies constructed on or after April
19 3, 1970, pursuant to all necessary state permits. This
20 exemption does not apply to the removal of a natural or
21 manmade barrier separating a canal or canal system from
22 adjacent waters. When no previous permit has been issued by
23 the Board of Trustees of the Internal Improvement Trust Fund
24 or the United States Army Corps of Engineers for construction
25 or maintenance dredging of the existing manmade canal or
26 intake or discharge structure, such maintenance dredging shall
27 be limited to a depth of no more than 5 feet below mean low
28 water. The Board of Trustees of the Internal Improvement Trust
29 Fund may fix and recover from the permittee an amount equal to
30 the difference between the fair market value and the actual
31 cost of the maintenance dredging for material removed during

1 such maintenance dredging. However, no charge shall be exacted
2 by the state for material removed during such maintenance
3 dredging by a public port authority. The removing party may
4 subsequently sell such material; however, proceeds from such
5 sale that exceed the costs of maintenance dredging shall be
6 remitted to the state and deposited in the Internal
7 Improvement Trust Fund.

8 Section 2. This act shall take effect October 1, 1997.

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11 HOUSE SUMMARY

12 Provides that no permit is required for maintenance dredging
13 of previously dredged portions of natural water bodies within
14 approved rights-of-way or drainage easements under chs. 403
15 and 373, F.S., ch. 61-691, Laws of Florida, or ch. 25214 or
16 ch. 25270, Laws of Florida, 1949, subject to compliance with
17 manatee protection guidelines, protection of undisturbed
18 natural areas, and best erosion and sediment control
19 management practices. See bill for details.
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