

By the Committee on Water & Resource Management and  
Representatives Ball, Feeney and Laurent

1                                   A bill to be entitled  
2           An act relating to environmental protection;  
3           amending s. 253.03, F.S.; prohibiting the  
4           control, regulation, permitting, or imposition  
5           of charges on certain severed materials;  
6           amending s. 369.20, F.S.; authorizing certain  
7           riparian owners to remove aquatic plants  
8           without certain permits under certain  
9           circumstances; authorizing the Department of  
10          Environmental Protection to issue certain  
11          permits; providing criteria; providing  
12          construction; exempting such permits from  
13          certain water pollution operation permit  
14          requirements; amending s. 403.813, F.S.;  
15          exempting installation and repair of certain  
16          piers and docking facilities from certain  
17          permitting requirements; providing that certain  
18          environmental permits are not required for  
19          maintenance dredging of certain portions of  
20          natural water bodies within approved  
21          rights-of-way or drainage easements; providing  
22          limitations; providing an effective date.

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

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26           Section 1. Subsection (16) is added to section 253.03,  
27 Florida Statutes, 1996 Supplement, to read:

28           253.03 Board of trustees to administer state lands;  
29 lands enumerated.--

30           (16) The Board of Trustees of the Internal Improvement  
31 Trust Fund, and the state through its agencies, may not

1 control, regulate, permit, or charge for any severed materials  
2 which are removed from the area adjacent to an intake or  
3 discharge structure pursuant to an exemption authorized in s.  
4 403.813(2)(f).

5 Section 2. Subsections (8), (9), (10), and (11) are  
6 added to section 369.20, Florida Statutes, 1996 Supplement, to  
7 read:

8 369.20 Florida Aquatic Weed Control Act.--

9 (8) As an exemption to all permitting requirements in  
10 this section and ss. 369.22 and 369.25, in all freshwater  
11 bodies, except aquatic preserves designated under chapter 258  
12 and Outstanding Florida Waters designated under chapter 403, a  
13 riparian owner may physically or mechanically remove aquatic  
14 plants within an area delimited by up to 50 percent of the  
15 property owner's frontage or 50 feet, whichever is less, and  
16 by a sufficient length waterward from, and perpendicular to,  
17 the riparian owner's shoreline to create a corridor to allow  
18 access for a boat or swimmer to reach open water. All  
19 unvegetated areas shall be cumulatively considered when  
20 determining the width of the exempt corridor. Physical or  
21 mechanical removal does not include the use of any chemicals  
22 or any activity that requires a permit pursuant to part IV of  
23 chapter 373.

24 (9) The department is authorized to issue an aquatic  
25 plant control general permit for the removal of aquatic  
26 plants, the removal of tussocks, the associated replanting of  
27 indigenous aquatic plants, or the associated removal from  
28 freshwater bodies of organic detrital material that exists on  
29 the surface of natural mineral soil that is necessary to  
30 accomplish such plant removal or replanting, or the removal of  
31 aquatic plants for aquatic plant management, including

1 associated incidental removal of sediment attached to plant  
2 roots.  
3 (a) The activities permitted pursuant to this  
4 subsection are exempt from the requirement to obtain a permit  
5 pursuant to part IV of chapter 373 and no fee shall be  
6 required.  
7 (b) Organic detrital material that exists on the  
8 surface of natural mineral soil shall be permitted to be  
9 removed to a depth of 3 feet or to the natural mineral soils,  
10 whichever is less.  
11 (c) All organic material shall be deposited in an  
12 upland site except when spoil material is permitted to be used  
13 to create wildlife islands in freshwater bodies of the state  
14 when a governmental entity is permitted pursuant to this  
15 section to create such islands as a part of a restoration or  
16 enhancement project.  
17 (d) All activities shall be performed in a manner to  
18 prevent violations of state water quality standards.  
19 (e) The department is not authorized to adopt  
20 implementing rules for this subsection, notwithstanding any  
21 other provision of law.  
22 (10) A permit issued pursuant to this section to  
23 control, eradicate, remove, or replant aquatic plants, to  
24 remove tussocks, or to remove organic detrital material on  
25 sovereign submerged lands or other state lands constitutes  
26 consent of use and authorization required pursuant to chapter  
27 253 for such activities.  
28 (11) A permit issued pursuant to this section for the  
29 application of herbicides to waters in the state for the  
30 control of aquatic plants, algae, or invasive exotic plants is  
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1 exempt from the requirement to obtain a water pollution  
2 operation permit pursuant to s. 403.088.

3 Section 3. Paragraphs (b) and (f) of subsection (2) of  
4 section 403.813, Florida Statutes, 1996 Supplement, are  
5 amended to read:

6 403.813 Permits issued at district centers;  
7 exceptions.--

8 (2) No permit under this chapter, chapter 373, chapter  
9 61-691, Laws of Florida, or chapter 25214 or chapter 25270,  
10 Laws of Florida, 1949, shall be required for activities  
11 associated with the following types of projects; however,  
12 nothing in this subsection relieves an applicant from any  
13 requirement to obtain permission to use or occupy lands owned  
14 by the Board of Trustees of the Internal Improvement Trust  
15 Fund or any water management district in its governmental or  
16 proprietary capacity or from complying with applicable local  
17 pollution control programs authorized under this chapter or  
18 other requirements of county and municipal governments:

19 (b) The installation and repair of mooring pilings and  
20 dolphins associated with private docking facilities or piers  
21 and the installation of private docks, or repairs to piers and  
22 recreational docking facilities or piers of local governmental  
23 entities, any of which structures ~~docks~~:

24 1. Has 500 square feet or less of over-water surface  
25 area for a dock which is located in an area designated as  
26 Outstanding Florida Waters or 1,000 square feet or less of  
27 over-water surface area for a dock which is located in an area  
28 which is not designated as Outstanding Florida Waters;

29 2. Is constructed on or held in place by pilings or is  
30 a floating dock which is constructed so as not to involve  
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1 filling or dredging other than that necessary to install the  
2 pilings;

3 3. Shall not substantially impede the flow of water or  
4 create a navigational hazard;

5 4. Is used for recreational, noncommercial activities  
6 associated with the mooring or storage of boats and boat  
7 paraphernalia; and

8 5. Is the sole dock constructed pursuant to this  
9 exemption as measured along the shoreline for a distance of 65  
10 feet, unless the parcel of land or individual lot as platted  
11 is less than 65 feet in length along the shoreline, in which  
12 case there may be one exempt dock allowed per parcel or lot.

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14 Nothing in this paragraph shall prohibit the department from  
15 taking appropriate enforcement action pursuant to this chapter  
16 to abate or prohibit any activity otherwise exempt from  
17 permitting pursuant to this paragraph if the department can  
18 demonstrate that the exempted activity has caused water  
19 pollution in violation of this chapter.

20 (f) The performance of maintenance dredging of  
21 existing manmade canals, channels, ~~and~~ intake and discharge  
22 structures, and previously dredged portions of natural water  
23 bodies within recorded drainage rights-of-way or drainage  
24 easements, where the spoil material is to be removed and  
25 deposited on a self-contained, upland spoil site which will  
26 prevent the escape of the spoil material into the waters of  
27 the state, provided ~~that~~ no more dredging is to be performed  
28 than is necessary to restore the canals, channels, ~~and~~ intake  
29 and discharge structures, and previously dredged portions of  
30 natural water bodies to original design specifications or  
31 configurations, provided the work is conducted in compliance

1 with s. 370.12(2)(d) and notice is given to the department  
2 prior to commencement of the dredging activity, provided no  
3 significant impacts occur to previously undisturbed natural  
4 areas, and provided ~~that~~ control devices and best management  
5 practices for erosion and sediment control are utilized to  
6 prevent bank erosion and scouring and to prevent turbidity,  
7 dredged material, and ~~prevent~~ toxic or deleterious substances  
8 from discharging into adjacent waters during maintenance  
9 dredging. This exemption applies to all canals and previously  
10 dredged portions of natural water bodies within recorded  
11 drainage rights-of-way or drainage easements constructed prior  
12 to April 3, 1970, and to those canals and previously dredged  
13 portions of natural water bodies constructed on or after April  
14 3, 1970, pursuant to all necessary state permits. This  
15 exemption does not apply to the removal of a natural or  
16 manmade barrier separating a canal or canal system from  
17 adjacent waters. When no previous permit has been issued by  
18 the Board of Trustees of the Internal Improvement Trust Fund  
19 or the United States Army Corps of Engineers for construction  
20 or maintenance dredging of the existing manmade canal or  
21 intake or discharge structure, such maintenance dredging shall  
22 be limited to a depth of no more than 5 feet below mean low  
23 water. The Board of Trustees of the Internal Improvement Trust  
24 Fund may fix and recover from the permittee an amount equal to  
25 the difference between the fair market value and the actual  
26 cost of the maintenance dredging for material removed during  
27 such maintenance dredging. However, no charge shall be exacted  
28 by the state for material removed during such maintenance  
29 dredging by a public port authority. The removing party may  
30 subsequently sell such material; however, proceeds from such  
31 sale that exceed the costs of maintenance dredging shall be

1 remitted to the state and deposited in the Internal  
2 Improvement Trust Fund.

3 Section 4. This act shall take effect October 1, 1997.  
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