

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; exempting certain permits from
10 certain water pollution operation permit
11 requirements; amending s. 403.813, F.S.;
12 exempting installation and repair of certain
13 piers and docking facilities from certain
14 permitting requirements; providing that certain
15 environmental permits are not required for
16 maintenance dredging of certain portions of
17 natural water bodies within approved
18 rights-of-way or drainage easements; providing
19 limitations; specifying activities for which
20 certain permits are not required under certain
21 circumstances; prohibiting the Department of
22 Environmental Protection from adopting certain
23 rules; providing an effective date.

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

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

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

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1 (16) The Board of Trustees of the Internal Improvement
2 Trust Fund, and the state through its agencies, may not
3 control, regulate, permit, or charge for any severed materials
4 which are removed from the area adjacent to an intake or
5 discharge structure pursuant to an exemption authorized in s.
6 403.813(2)(f) and (r).

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

9 369.20 Florida Aquatic Weed Control Act.--

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

26 (9) A permit issued pursuant to this section for the
27 application of herbicides to waters in the state for the
28 control of aquatic plants, algae, or invasive exotic plants is
29 exempt from the requirement to obtain a water pollution
30 operation permit pursuant to s. 403.088.

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

4 403.813 Permits issued at district centers;
5 exceptions.--

6 (2) No permit under this chapter, chapter 373, chapter
7 61-691, Laws of Florida, or chapter 25214 or chapter 25270,
8 Laws of Florida, 1949, shall be required for activities
9 associated with the following types of projects; however,
10 nothing in this subsection relieves an applicant from any
11 requirement to obtain permission to use or occupy lands owned
12 by the Board of Trustees of the Internal Improvement Trust
13 Fund or any water management district in its governmental or
14 proprietary capacity or from complying with applicable local
15 pollution control programs authorized under this chapter or
16 other requirements of county and municipal governments:

17 (b) The installation and repair of mooring pilings and
18 dolphins associated with private docking facilities or piers
19 and the installation of private docks, piers and recreational
20 docking facilities, or piers and recreational docking
21 facilities of local governmental entities when the local
22 governmental entity's activities will not take place in any
23 manatee habitat, any of which 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 (d) The replacement or repair of existing docks and
21 piers, except that no fill material is to be used and provided
22 that the replacement or repaired dock or pier is in the same
23 location and of the same configuration and dimensions as the
24 dock or pier being replaced or repaired.

25 (f) The performance of maintenance dredging of
26 existing manmade canals, channels, ~~and~~ intake and discharge
27 structures, and previously dredged portions of natural water
28 bodies within drainage rights-of-way or drainage easements
29 which have been recorded in the public records of the county,
30 where the spoil material is to be removed and deposited on a
31 self-contained, upland spoil site which will prevent the

1 escape of the spoil material into the waters of the state,
2 provided that no more dredging is to be performed than is
3 necessary to restore the canals, channels, and intake and
4 discharge structures, and previously dredged portions of
5 natural waterbodies,to original design specifications or
6 configurations, provided that the work is conducted in
7 compliance with s. 370.12(2)(d), provided that no significant
8 impacts occur to previously undisturbed natural areas,and
9 provided that control devices and best management practices
10 for erosion and sediment control are utilized to prevent bank
11 erosion and scouring and to prevent turbidity, dredged
12 material,and ~~prevent~~ toxic or deleterious substances from
13 discharging into adjacent waters during maintenance dredging.
14 Further, for maintenance dredging of previously dredged
15 portions of natural water bodies within recorded drainage
16 rights-of-way or drainage easements, an entity that seeks an
17 exemption must notify the department or water management
18 district, as applicable, at least 30 days prior to dredging
19 and provide documentation of original design specifications or
20 configurations where such exist.This exemption applies to all
21 canals and previously dredged portions of natural water bodies
22 within recorded drainage rights-of-way or drainage easements
23 constructed prior to April 3, 1970, and to those canals and
24 previously dredged portions of natural water bodies
25 constructed on or after April 3, 1970, pursuant to all
26 necessary state permits. This exemption does not apply to the
27 removal of a natural or manmade barrier separating a canal or
28 canal system from adjacent waters. When no previous permit
29 has been issued by the Board of Trustees of the Internal
30 Improvement Trust Fund or the United States Army Corps of
31 Engineers for construction or maintenance dredging of the

1 existing manmade canal or intake or discharge structure, such
2 maintenance dredging shall be limited to a depth of no more
3 than 5 feet below mean low water. The Board of Trustees of the
4 Internal Improvement Trust Fund may fix and recover from the
5 permittee an amount equal to the difference between the fair
6 market value and the actual cost of the maintenance dredging
7 for material removed during such maintenance dredging.
8 However, no charge shall be exacted by the state for material
9 removed during such maintenance dredging by a public port
10 authority. The removing party may subsequently sell such
11 material; however, proceeds from such sale that exceed the
12 costs of maintenance dredging shall be remitted to the state
13 and deposited in the Internal Improvement Trust Fund.

14 (r) The removal of aquatic plants, the removal of
15 tussocks, the associated replanting of indigenous aquatic
16 plants, or the associated removal from lakes of organic
17 material when such planting or removal is performed and
18 authorized by permit or exemption granted under s. 369.20 or
19 s. 369.25, if:

20 1. Organic material that exists on the surface of
21 natural mineral soil shall be allowed to be removed to a depth
22 of 3 feet or to the natural mineral soils, whichever is less.

23 2. All organic material removal pursuant to this
24 subsection shall be deposited in an upland site in a manner
25 that will prevent the reintroduction of the material into
26 waters in the state except when spoil material is permitted to
27 be used to create wildlife islands in freshwater bodies of the
28 state when a governmental entity is permitted pursuant to this
29 section to create such islands as a part of a restoration or
30 enhancement project.

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1 3. All activities are performed in a manner consistent
2 with state water quality standards.

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4 The department is not authorized to adopt implementing rules
5 for this subsection, notwithstanding any other provision of
6 law.~~The removal of noxious aquatic plants, the removal of~~
7 ~~tussocks, the associated replanting of indigenous aquatic~~
8 ~~plants, or the associated removal from lakes of~~
9 ~~unconsolidated, flocculent organic detrital material that~~
10 ~~exists on the surface of natural mineral soil which is~~
11 ~~necessary to accomplish such plant removal or replanting, or~~
12 ~~the removal of aquatic plants for aquatic plant management,~~
13 ~~including associated incidental removal of sediment attached~~
14 ~~to plant roots, if these activities have a valid permit issued~~
15 ~~by the department under s. 369.20 or s. 369.25. This~~
16 ~~paragraph does not apply to any mitigation proposed to offset~~
17 ~~the impacts of activities permitted under chapter 373.~~

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