

By Representative Putnam

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 an effective  
18          date.

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

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

24           253.03 Board of trustees to administer state lands;  
25 lands enumerated.--

26           (16) The Board of Trustees of the Internal Improvement  
27 Trust Fund, and the state through its agencies, may not  
28 control, regulate, permit, or charge for any severed materials  
29 which are removed from the area adjacent to an intake or  
30 discharge structure pursuant to an exemption authorized in s.  
31 403.813(2)(f).

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

4           369.20 Florida Aquatic Weed Control Act.--

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

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

30           (a) The activities permitted pursuant to this  
31 subsection are exempt from the requirement to obtain a permit

1 pursuant to part IV of chapter 373 and no fee shall be  
2 required.

3 (b) Organic detrital material that exists on the  
4 surface of natural mineral soil shall be permitted to be  
5 removed to a depth of 3 feet or to the natural mineral soils,  
6 whichever is less.

7 (c) All organic material shall be deposited in an  
8 upland site except when spoil material is permitted to be used  
9 to create wildlife islands in freshwater bodies of the state  
10 when a governmental entity is permitted pursuant to this  
11 section to create such islands as a part of a restoration or  
12 enhancement project.

13 (d) All activities shall be performed in a manner to  
14 prevent violations of state water quality standards.

15 (e) The department is not authorized to adopt  
16 implementing rules for this subsection, notwithstanding any  
17 other provision of law.

18 (10) A permit issued pursuant to this section to  
19 control, eradicate, remove, or replant aquatic plants, to  
20 remove tussocks, or to remove organic detrital material on  
21 sovereign submerged lands or other state lands constitutes  
22 consent of use and authorization required pursuant to chapter  
23 253 for such activities.

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

29 Section 3. Paragraph (b) of subsection (2) of section  
30 403.813, Florida Statutes, 1996 Supplement, is amended to  
31 read:

1           403.813 Permits issued at district centers;  
2 exceptions.--  
3           (2) No permit under this chapter, chapter 373, chapter  
4 61-691, Laws of Florida, or chapter 25214 or chapter 25270,  
5 Laws of Florida, 1949, shall be required for activities  
6 associated with the following types of projects; however,  
7 nothing in this subsection relieves an applicant from any  
8 requirement to obtain permission to use or occupy lands owned  
9 by the Board of Trustees of the Internal Improvement Trust  
10 Fund or any water management district in its governmental or  
11 proprietary capacity or from complying with applicable local  
12 pollution control programs authorized under this chapter or  
13 other requirements of county and municipal governments:  
14           (b) The installation and repair of mooring pilings and  
15 dolphins associated with private docking facilities or piers  
16 and the installation of private docks, or piers and  
17 recreational docking facilities or piers of local governmental  
18 entities, any of which structures ~~docks~~:  
19           1. Has 500 square feet or less of over-water surface  
20 area for a dock which is located in an area designated as  
21 Outstanding Florida Waters or 1,000 square feet or less of  
22 over-water surface area for a dock which is located in an area  
23 which is not designated as Outstanding Florida Waters;  
24           2. Is constructed on or held in place by pilings or is  
25 a floating dock which is constructed so as not to involve  
26 filling or dredging other than that necessary to install the  
27 pilings;  
28           3. Shall not substantially impede the flow of water or  
29 create a navigational hazard;  
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1           4. Is used for recreational, noncommercial activities  
2 associated with the mooring or storage of boats and boat  
3 paraphernalia; and

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

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

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

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19           HOUSE SUMMARY

20  
21 Prohibits the control, regulation, permitting, or  
22 imposition of charges on materials severed from areas  
23 around intake or discharge structures. Authorizes  
24 freshwater riparian owners to remove aquatic plants  
25 without permits to create an access corridor from land to  
26 open water. Authorizes the Department of Environmental  
27 Protection to issue permits to remove or replant aquatic  
28 plants. Exempts installation and repair of piers and the  
29 installation of private piers and recreational docking  
30 facilities and piers of local governmental entities from  
31 permitting requirements. See bill for details.