

By Senator Kirkpatrick

5-1300-00

See HB 167

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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.

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

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5 LEGISLATIVE SUMMARY

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

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