

By Representative Argenziano

1 A bill to be entitled
2 An act relating to environmental control;
3 amending s. 403.813, F.S.; providing an
4 exception from permitting requirements for the
5 removal by a property owner of unconsolidated
6 organic detrital material from water bodies
7 adjacent to the owner's property under
8 specified circumstances; providing an effective
9 date.

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11 WHEREAS, the Legislature of the State of Florida finds
12 that the accumulation of dead organic material at the bottoms
13 of the waters of the state, whether from natural occurrences
14 or from programs designed to manage and control the biota of
15 water bodies, is deleterious to the overall health of the
16 water resource, and

17 WHEREAS, consequently, the Legislature of the State of
18 Florida reaffirms, as a right of riparian ownership, the right
19 of property owners to remove unconsolidated organic detrital
20 material from water bodies adjacent to their properties,
21 subject to the conditions specified in this act, NOW,
22 THEREFORE,

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

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26 Section 1. Paragraph (s) is added to subsection (2) of
27 section 403.813, Florida Statutes, to read:

28 403.813 Permits issued at district centers;
29 exceptions.--

30 (2) No permit under this chapter, chapter 373, chapter
31 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.The department may

1 not adopt implementing rules for this paragraph,
2 notwithstanding any other provision of law.

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

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7 HOUSE SUMMARY

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

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