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Bill No. HB 1491, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Machek offered the following:

Amendment (with title amendment)

On page 9, between lines 5 and 6, of the bill

insert:

Section 2. Paragraph (f) of subsection (2) of section 403.813, Florida Statutes, is amended 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, 1949, Laws of Florida, shall be required for activities associated with the following types of projects; however, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

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1 (f) The performance of maintenance dredging of
2 existing manmade canals, channels, intake and discharge
3 structures, and previously dredged portions of natural water
4 bodies within drainage rights-of-way or drainage easements
5 which have been recorded in the public records of the county,
6 where the spoil material is to be removed and deposited on a
7 self-contained, upland spoil site which will prevent the
8 escape of the spoil material into the waters of the state,
9 provided that no more dredging is to be performed than is
10 necessary to restore the canals, channels, and intake and
11 discharge structures, and previously dredged portions of
12 natural water bodies, to original design specifications or
13 configurations, provided that the work is conducted in
14 compliance with s. 370.12(2)(d), provided that no significant
15 impacts occur to previously undisturbed natural areas, and
16 provided that control devices for return flow and best
17 management practices for erosion and sediment control are
18 utilized to prevent bank erosion and scouring and to prevent
19 turbidity, dredged material, and toxic or deleterious
20 substances from discharging into adjacent waters during
21 maintenance dredging. Further, for maintenance dredging of
22 previously dredged portions of natural water bodies within
23 recorded drainage rights-of-way or drainage easements, an
24 entity that seeks an exemption must notify the department or
25 water management district, as applicable, at least 30 days
26 prior to dredging and provide documentation of original design
27 specifications or configurations where such exist. This
28 exemption applies to all canals and previously dredged
29 portions of natural water bodies within recorded drainage
30 rights-of-way or drainage easements constructed prior to April
31 3, 1970, and to those canals and previously dredged portions

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1 of natural water bodies constructed on or after April 3, 1970,
 2 pursuant to all necessary state permits. This exemption does
 3 not apply to the removal of a natural or manmade barrier
 4 separating a canal or canal system from adjacent waters. When
 5 no previous permit has been issued by the Board of Trustees of
 6 the Internal Improvement Trust Fund or the United States Army
 7 Corps of Engineers for construction or maintenance dredging of
 8 the existing manmade canal or intake or discharge structure,
 9 such maintenance dredging shall be limited to a depth of no
 10 more than 5 feet below mean low water. The Board of Trustees
 11 of the Internal Improvement Trust Fund may fix and recover
 12 from the permittee an amount equal to the difference between
 13 the fair market value and the actual cost of the maintenance
 14 dredging for material removed during such maintenance
 15 dredging. However, no charge shall be exacted by the state for
 16 material removed during such maintenance dredging by a public
 17 port authority. The removing party may subsequently sell such
 18 material; however, proceeds from such sale that exceed the
 19 costs of maintenance dredging shall be remitted to the state
 20 and deposited in the Internal Improvement Trust Fund.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, line 10,

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27 after the semicolon insert:

28 amending s. 403.813, F.S., relating to permits
29 issued at district centers;

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