

hbd-08

Bill No. CS/HB 729, 1st Eng.

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Machek offered the following:

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13 **Amendment (with directory language and title**
14 **amendments)**

15 On page 2, between lines 2 and 3, of the bill

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17 insert:

18 (f) The performance of maintenance dredging of
19 existing manmade canals, channels, intake and discharge
20 structures, and previously dredged portions of natural water
21 bodies within drainage rights-of-way or drainage easements
22 which have been recorded in the public records of the county,
23 where the spoil material is to be removed and deposited on a
24 self-contained, upland spoil site which will prevent the
25 escape of the spoil material into the waters of the state,
26 provided that no more dredging is to be performed than is
27 necessary to restore the canals, channels, and intake and
28 discharge structures, and previously dredged portions of
29 natural water bodies, to original design specifications or
30 configurations, provided that the work is conducted in
31 compliance with s. 370.12(2)(d), provided that no significant

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1 impacts occur to previously undisturbed natural areas, and
2 provided that control devices for return flow and best
3 management practices for erosion and sediment control are
4 utilized to prevent bank erosion and scouring and to prevent
5 turbidity, dredged material, and toxic or deleterious
6 substances from discharging into adjacent waters during
7 maintenance dredging. Further, for maintenance dredging of
8 previously dredged portions of natural water bodies within
9 recorded drainage rights-of-way or drainage easements, an
10 entity that seeks an exemption must notify the department or
11 water management district, as applicable, at least 30 days
12 prior to dredging and provide documentation of original design
13 specifications or configurations where such exist. This
14 exemption applies to all canals and previously dredged
15 portions of natural water bodies within recorded drainage
16 rights-of-way or drainage easements constructed prior to April
17 3, 1970, and to those canals and previously dredged portions
18 of natural water bodies constructed on or after April 3, 1970,
19 pursuant to all necessary state permits. This exemption does
20 not apply to the removal of a natural or manmade barrier
21 separating a canal or canal system from adjacent waters. When
22 no previous permit has been issued by the Board of Trustees of
23 the Internal Improvement Trust Fund or the United States Army
24 Corps of Engineers for construction or maintenance dredging of
25 the existing manmade canal or intake or discharge structure,
26 such maintenance dredging shall be limited to a depth of no
27 more than 5 feet below mean low water. The Board of Trustees
28 of the Internal Improvement Trust Fund may fix and recover
29 from the permittee an amount equal to the difference between
30 the fair market value and the actual cost of the maintenance
31 dredging for material removed during such maintenance

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1 dredging. However, no charge shall be exacted by the state for
 2 material removed during such maintenance dredging by a public
 3 port authority. The removing party may subsequently sell such
 4 material; however, proceeds from such sale that exceed the
 5 costs of maintenance dredging shall be remitted to the state
 6 and deposited in the Internal Improvement Trust Fund.

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9 == D I R E C T O R Y L A N G U A G E A M E N D M E N T ==

10 And the directory language is amended as follows:

11 On page 1, lines 16 through 19,
 12 remove: all of said lines

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and insert in lieu thereof:

15 Section 1. Paragraphs (f) and (r) of subsection (2) of
 16 section 403.813, Florida Statutes, are amended, and paragraphs
 17 (s) and (t) are added to said section, to read:

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

21 And the title is amended as follows:

22 On page 1, line 8 after the semicolon,
 23

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insert:

25 modifying requirements for an exemption for the
 26 performance of certain maintenance dredging;

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