

By Representative Argenziano

1 A bill to be entitled
2 An act relating to environmental control;
3 amending s. 253.03, F.S.; providing that the
4 Board of Trustees of the Internal Improvement
5 Trust Fund and the state may not control,
6 regulate, permit, or charge for specified
7 removed organic detrital material; amending s.
8 369.20, F.S.; requiring the Department of
9 Environmental Protection to develop by rule
10 standards which provide specific criteria for
11 the removal and replanting of vegetation
12 permitted under the Florida Aquatic Weed
13 Control Act; revising an exemption from
14 permitting requirements with respect to removal
15 by a riparian owner of specified herbaceous
16 aquatic plants and semiwoody herbaceous plants
17 in freshwater bodies; including free-floating
18 vegetation, invasive plants, and organic
19 detrital material within such exemption;
20 amending s. 403.813, F.S.; revising an
21 exemption from permitting requirements under
22 ch. 403, F.S., to include the removal of
23 invasive plants and the removal of organic
24 detrital material from freshwater lakes and
25 rivers under specified conditions; providing an
26 effective date.

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

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30 Section 1. Subsection (16) of section 253.03, Florida
31 Statutes, is amended to read:

1 253.03 Board of trustees to administer state lands;
2 lands enumerated.--

3 (16) The Board of Trustees of the Internal Improvement
4 Trust Fund, and the state through its agencies, may not
5 control, regulate, permit, or charge for any severed materials
6 which are removed from the area adjacent to an intake or
7 discharge structure pursuant to an exemption authorized in s.
8 403.813(2)(f) or organic detrital material removed pursuant to
9 an exemption authorized in s. 403.813(2)~~and~~ (r).

10 Section 2. Subsections (7) and (8) of section 369.20,
11 Florida Statutes, are amended to read:

12 369.20 Florida Aquatic Weed Control Act.--

13 (7) No person or public agency shall control,
14 eradicate, remove, or otherwise alter any aquatic weeds or
15 plants in waters of the state unless a permit for such
16 activity has been issued by the department, or unless the
17 activity is in waters expressly exempted by department rule.
18 The department shall develop standards by rule which shall
19 address, at a minimum, chemical, biological, and mechanical
20 control activities; an evaluation of the benefits of such
21 activities to the public; specific criteria for the removal
22 and replanting of vegetation recognizing the differences
23 between natural and artificially created waters; and the
24 different amount and quality of littoral vegetation on various
25 waters. Applications for a permit to engage in aquatic plant
26 control activities shall be made to the department. In
27 reviewing such applications, the department shall consider the
28 criteria set forth in subsection (2).

29 (8) As an exemption to all permitting requirements in
30 this section and ss. 369.22 and 369.25, in all freshwater
31 bodies, except aquatic preserves designated under chapter 258

1 ~~and Outstanding Florida Waters designated under chapter 403,~~a
2 riparian owner may physically or mechanically remove
3 herbaceous aquatic plants and semiwoody herbaceous plants,
4 such as shrub species and willow, which are rooted in the
5 substrate within an area delimited by ~~up to 50 percent of the~~
6 property owner's frontage. Such removal shall be within the
7 owner's riparian lines and may be ~~or 50 feet, whichever is~~
8 ~~less, and by~~ a sufficient length waterward from, ~~and~~
9 ~~perpendicular to,~~the riparian owner's shoreline to create a
10 corridor to allow access for a boat or swimmer to reach open
11 water. All unvegetated areas shall be cumulatively considered
12 when determining the width of the exempt corridor. In
13 addition, all free-floating vegetation and invasive plants as
14 identified in s. 369.251 adjacent to a riparian owner's
15 shoreline may be physically or mechanically removed to provide
16 access to open water.Physical or mechanical removal of rooted
17 vegetation under this exemption may include activities
18 conducted in accordance with s. 403.813(2)(r), except for the
19 creation of wildlife islands, but does not include the use of
20 any chemicals or any activity that requires a permit pursuant
21 to part IV of chapter 373.

22 Section 3. Paragraph (r) of subsection (2) of section
23 403.813, Florida Statutes, is amended to read:

24 403.813 Permits issued at district centers;
25 exceptions.--

26 (2) No permit under this chapter, chapter 373, chapter
27 61-691, Laws of Florida, or chapter 25214 or chapter 25270,
28 1949, Laws of Florida, shall be required for activities
29 associated with the following types of projects; however,
30 nothing in this subsection relieves an applicant from any
31 requirement to obtain permission to use or occupy lands owned

1 by the Board of Trustees of the Internal Improvement Trust
2 Fund or any water management district in its governmental or
3 proprietary capacity or from complying with applicable local
4 pollution control programs authorized under this chapter or
5 other requirements of county and municipal governments:
6 (r) The removal of aquatic plants, the removal of
7 invasive plants as identified in s. 369.251, the removal of
8 tussocks, the associated replanting of indigenous aquatic
9 plants, and ~~or~~ the associated removal from freshwater lakes
10 and rivers of organic detrital material when such planting or
11 removal is performed and authorized by permit or exemption
12 granted under s. 369.20 or s. 369.25, provided that if:
13 1. Organic detrital material that exists on the
14 surface of natural mineral soil shall be allowed to be removed
15 ~~to a depth of 3 feet or to the natural mineral soils or the~~
16 rocky substrate; ~~whichever is less.~~
17 2. All ~~organic~~ material removed ~~removal~~ pursuant to
18 this paragraph ~~subsection~~ shall be deposited in an upland site
19 in a manner that will prevent the reintroduction of the
20 material into waters in the state except when spoil material
21 is permitted to be used to create wildlife islands in
22 freshwater bodies of the state when a governmental entity is
23 permitted pursuant to s. 369.20 ~~this section~~ to create such
24 islands as a part of a restoration or enhancement project;
25 and-
26 3. All activities are performed in a manner consistent
27 with state water quality standards.
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29 The department may not adopt implementing rules for this
30 paragraph, notwithstanding any other provision of law.
31 Section 4. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

Revises an exemption from permitting requirements under ch. 403, F.S., to include the removal of invasive plants and the removal of organic detrital material from freshwater lakes and rivers if specified conditions are met. Provides that the Board of Trustees of the Internal Improvement Trust Fund and the state may not control, regulate, permit, or charge for organic detrital material removed pursuant to said exemption. Requires the Department of Environmental Protection to develop by rule standards which provide specific criteria for the removal and replanting of vegetation permitted under the Florida Aquatic Weed Control Act. Revises an exemption from permitting requirements with respect to removal by a riparian owner of specified herbaceous aquatic plants and semiwoody herbaceous plants in freshwater bodies, and includes free-floating vegetation, invasive plants, and organic detrital material within such exemption.