

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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Representative(s) Bennett offered the following:

Amendment (with title amendment)

On page 13, between lines 15 and 16,

insert:

Section 8. 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, except as otherwise provided in this subsection, 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

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1 requirements of county and municipal governments:

2 (a) The installation of overhead transmission lines,
3 with support structures which are not constructed in waters of
4 the state and which do not create a navigational hazard.

5 (b) The installation and repair of mooring pilings and
6 dolphins associated with private docking facilities or piers
7 and the installation of private docks, piers and recreational
8 docking facilities, or piers and recreational docking
9 facilities of local governmental entities when the local
10 governmental entity's activities will not take place in any
11 manatee habitat, any of which docks:

12 1. Has 500 square feet or less of over-water surface
13 area for a dock which is located in an area designated as
14 Outstanding Florida Waters or 1,000 square feet or less of
15 over-water surface area for a dock which is located in an area
16 which is not designated as Outstanding Florida Waters;

17 2. Is constructed on or held in place by pilings or is
18 a floating dock which is constructed so as not to involve
19 filling or dredging other than that necessary to install the
20 pilings;

21 3. Shall not substantially impede the flow of water or
22 create a navigational hazard;

23 4. Is used for recreational, noncommercial activities
24 associated with the mooring or storage of boats and boat
25 paraphernalia; and

26 5. Is the sole dock constructed pursuant to this
27 exemption as measured along the shoreline for a distance of 65
28 feet, unless the parcel of land or individual lot as platted
29 is less than 65 feet in length along the shoreline, in which
30 case there may be one exempt dock allowed per parcel or lot.

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1 Nothing in this paragraph shall prohibit the department from
2 taking appropriate enforcement action pursuant to this chapter
3 to abate or prohibit any activity otherwise exempt from
4 permitting pursuant to this paragraph if the department can
5 demonstrate that the exempted activity has caused water
6 pollution in violation of this chapter.

7 (c) The installation and maintenance to design
8 specifications of boat ramps on artificial bodies of water
9 where navigational access to the proposed ramp exists or the
10 installation of boat ramps open to the public in any waters of
11 the state where navigational access to the proposed ramp
12 exists and where the construction of the proposed ramp will be
13 less than 30 feet wide and will involve the removal of less
14 than 25 cubic yards of material from the waters of the state,
15 and the maintenance to design specifications of such ramps;
16 however, the material to be removed shall be placed upon a
17 self-contained upland site so as to prevent the escape of the
18 spoil material into the waters of the state.

19 (d) The replacement or repair of existing docks and
20 piers, except that no fill material is to be used and provided
21 that the replacement or repaired dock or pier is in the same
22 location and of the same configuration and dimensions as the
23 dock or pier being replaced or repaired.

24 (e) The restoration of seawalls at their previous
25 locations or upland of, or within 1 foot waterward of, their
26 previous locations. However, this shall not affect the
27 permitting requirements of chapter 161, and department rules
28 shall clearly indicate that this exception does not constitute
29 an exception from the permitting requirements of chapter 161.

30 (f) The performance of maintenance dredging of
31 existing manmade canals, channels, intake and discharge

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

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

19 (g) The maintenance of existing insect control
20 structures, dikes, and irrigation and drainage ditches,
21 provided that spoil material is deposited on a self-contained,
22 upland spoil site which will prevent the escape of the spoil
23 material into waters of the state. In the case of insect
24 control structures, if the cost of using a self-contained
25 upland spoil site is so excessive, as determined by the
26 Department of Health, pursuant to s. 403.088(1), that it will
27 inhibit proposed insect control, then-existing spoil sites or
28 dikes may be used, upon notification to the department. In
29 the case of insect control where upland spoil sites are not
30 used pursuant to this exemption, turbidity control devices
31 shall be used to confine the spoil material discharge to that

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1 area previously disturbed when the receiving body of water is
2 used as a potable water supply, is designated as shellfish
3 harvesting waters, or functions as a habitat for commercially
4 or recreationally important shellfish or finfish. In all
5 cases, no more dredging is to be performed than is necessary
6 to restore the dike or irrigation or drainage ditch to its
7 original design specifications.

8 (h) The repair or replacement of existing functional
9 pipes or culverts the purpose of which is the discharge or
10 conveyance of stormwater. In all cases, the invert elevation,
11 the diameter, and the length of the culvert shall not be
12 changed. However, the material used for the culvert may be
13 different from the original.

14 (i) The construction of private docks and seawalls in
15 artificially created waterways where such construction will
16 not violate existing water quality standards, impede
17 navigation, or affect flood control. This exemption does not
18 apply to the construction of vertical seawalls in estuaries or
19 lagoons unless the proposed construction is within an existing
20 manmade canal where the shoreline is currently occupied in
21 whole or part by vertical seawalls.

22 (j) The construction and maintenance of swales.

23 (k) The installation of aids to navigation and buoys
24 associated with such aids, provided the devices are marked
25 pursuant to s. 327.40.

26 (l) The replacement or repair of existing open-trestle
27 foot bridges and vehicular bridges that are 100 feet or less
28 in length and two lanes or less in width, provided that no
29 more dredging or filling of submerged lands is performed other
30 than that which is necessary to replace or repair pilings and
31 that the structure to be replaced or repaired is the same

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1 length, the same configuration, and in the same location as
2 the original bridge. No debris from the original bridge shall
3 be allowed to remain in the waters of the state.

4 (m) The installation of subaqueous transmission and
5 distribution lines laid on, or embedded in, the bottoms of
6 waters in the state, except in Class I and Class II waters and
7 aquatic preserves, provided no dredging or filling is
8 necessary.

9 (n) The replacement or repair of subaqueous
10 transmission and distribution lines laid on, or embedded in,
11 the bottoms of waters of the state.

12 (o) The construction of private seawalls in wetlands
13 or other surface waters where such construction is between and
14 adjoins at both ends existing seawalls; follows a continuous
15 and uniform seawall construction line with the existing
16 seawalls; is no more than 150 feet in length; and does not
17 violate existing water quality standards, impede navigation,
18 or affect flood control. However, in estuaries and lagoons the
19 construction of vertical seawalls is limited to the
20 circumstances and purposes stated in s. 373.414(5)(b)1.-4.
21 This paragraph does not affect the permitting requirements of
22 chapter 161, and department rules must clearly indicate that
23 this exception does not constitute an exception from the
24 permitting requirements of chapter 161.

25 (p) The restoration of existing insect control
26 impoundment dikes which are less than 100 feet in length. Such
27 impoundments shall be connected to tidally influenced waters
28 for 6 months each year beginning September 1 and ending
29 February 28 if feasible or operated in accordance with an
30 impoundment management plan approved by the department. A
31 dike restoration may involve no more dredging than is

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1 necessary to restore the dike to its original design
2 specifications. For the purposes of this paragraph,
3 restoration does not include maintenance of impoundment dikes
4 of operating insect control impoundments.

5 (q) The construction, operation, or maintenance of
6 stormwater management facilities which are designed to serve
7 single-family residential projects, including duplexes,
8 triplexes, and quadruplexes, if they are less than 10 acres
9 total land and have less than 2 acres of impervious surface
10 and if the facilities:

11 1. Comply with all regulations or ordinances
12 applicable to stormwater management and adopted by a city or
13 county;

14 2. Are not part of a larger common plan of development
15 or sale; and

16 3. Discharge into a stormwater discharge facility
17 exempted or permitted by the department under this chapter
18 which has sufficient capacity and treatment capability as
19 specified in this chapter and is owned, maintained, or
20 operated by a city, county, special district with drainage
21 responsibility, or water management district; however, this
22 exemption does not authorize discharge to a facility without
23 the facility owner's prior written consent.

24 (r) The removal of aquatic plants, the removal of
25 tussocks, the associated replanting of indigenous aquatic
26 plants, or the associated removal from lakes of organic
27 material when such planting or removal is performed and
28 authorized by permit or exemption granted under s. 369.20 or
29 s. 369.25, if:

30 1. Organic material that exists on the surface of
31 natural mineral soil shall be allowed to be removed to a depth

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1 of 3 feet or to the natural mineral soils, whichever is less.

2 2. All organic material removal pursuant to this
3 subsection shall be deposited in an upland site in a manner
4 that will prevent the reintroduction of the material into
5 waters in the state except when spoil material is permitted to
6 be used to create wildlife islands in freshwater bodies of the
7 state when a governmental entity is permitted pursuant to this
8 section to create such islands as a part of a restoration or
9 enhancement project.

10 3. All activities are performed in a manner consistent
11 with state water quality standards.

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13 The department may not adopt implementing rules for this
14 paragraph, notwithstanding any other provision of law.

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

18 And the title is amended as follows:

19 On page 1, line 2, after the semicolon,

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21 insert:

22 amending s. 403.813, F.S.; revising language
23 with respect to permits issued at district
24 centers;

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