

1                                   A bill to be entitled  
2           An act relating to water supplies; amending s.  
3           403.813, F.S.; revising language with respect  
4           to permits issued at district centers; amending  
5           s. 373.0831, F.S.; revising the criteria by  
6           which water supply development projects may  
7           receive priority consideration for funding  
8           assistance; amending s. 373.139; F.S.;  
9           clarifying that title information is not  
10          confidential and exempt; amending s. 373.236,  
11          F.S.; encouraging water conservation measures  
12          in the permitting of consumptive uses of water;  
13          amending s. 373.4135, F.S.; conforming language  
14          to changes made by the act; amending s.  
15          373.414, F.S.; revising date for adoption by  
16          rule of a uniform mitigation assessment method  
17          for wetlands and other surface waters;  
18          clarifying scope of the rule; deleting a study  
19          and report; amending s. 378.212, F.S.; providing  
20          water resource enhancements as a basis for a  
21          variance from phosphate mining land reclamation  
22          requirements; amending s. 403.067, F.S.;  
23          authorizing the development of interim measures  
24          or best management practices for specified  
25          water bodies or segments for which total  
26          maximum daily loads or allocations have not yet  
27          been established; amending s. 403.1835, F.S.;  
28          providing for below-market interest rate loans  
29          for treatment of polluted water; providing for  
30          a public education program on state water  
31          resources; providing for a study of the

1 feasibility of discharging reclaimed wastewater  
2 into canals in Southeast Florida; requiring  
3 reports; repealing s. 373.498, F.S., relating  
4 to the Water Resources Development Account;  
5 providing an effective date.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

9 Section 1. Subsection (4) of section 373.0831, Florida  
10 Statutes, is amended to read:

11 373.0831 Water resource development; water supply  
12 development.--

13 (4)(a) Water supply development projects which are  
14 consistent with the relevant regional water supply plans and  
15 which meet at least one ~~or more~~ of the following criteria  
16 shall receive priority consideration for state or water  
17 management district funding assistance:

18 1. The project supports establishment of a dependable,  
19 sustainable supply of water which is not otherwise financially  
20 feasible;

21 2. The project provides substantial environmental  
22 benefits by preventing or limiting adverse water resource  
23 impacts, but requires funding assistance to be economically  
24 competitive with other options; or

25 3. The project significantly implements reuse,  
26 storage, recharge, or conservation of water in a manner that  
27 contributes to the efficient use and sustainability of  
28 regional water supply sources.

29 (b) Water supply development projects which meet the  
30 criteria in paragraph (a) and also bring about replacement of  
31 existing sources in order to help implement a minimum flow or

1 level shall be given first consideration for state or water  
2 management district funding assistance.

3 (c) If a proposed alternative water supply project is  
4 identified in the relevant approved regional water supply  
5 plan, the project shall be eligible for at least one of the  
6 following:

7 1. A 20-year consumptive use permit, if it otherwise  
8 meets the permit requirements under s. 373.223 and s. 373.236  
9 and rules adopted thereunder;

10 2. Consideration for priority funding pursuant to s.  
11 373.1961(2) with the implementation of the water resource  
12 development component of the proposed project.

13 Section 2. Subsection (3) of section 373.139, Florida  
14 Statutes, is amended to read:

15 373.139 Acquisition of real property.--

16 (3) The initial 5-year work plan and any subsequent  
17 modifications or additions thereto shall be adopted by each  
18 water management district after a public hearing. Each water  
19 management district shall provide at least 14 days' advance  
20 notice of the hearing date and shall separately notify each  
21 county commission within which a proposed work plan project or  
22 project modification or addition is located of the hearing  
23 date.

24 (a) Appraisal reports, offers, and counteroffers are  
25 confidential and exempt from the provisions of s. 119.07(1)  
26 until an option contract is executed or, if no option contract  
27 is executed, until 30 days before a contract or agreement for  
28 purchase is considered for approval by the governing board.  
29 However, each district may, at its discretion, disclose  
30 appraisal reports to private landowners during negotiations  
31 for acquisitions using alternatives to fee simple techniques,

1 if the district determines that disclosure of such reports  
2 will bring the proposed acquisition to closure. In the event  
3 that negotiation is terminated by the district, the ~~title~~  
4 ~~information~~, appraisal report, offers, and counteroffers shall  
5 become available pursuant to s. 119.07(1). Notwithstanding the  
6 provisions of this section and s. 259.041, a district and the  
7 Division of State Lands may share and disclose ~~title~~  
8 ~~information~~, appraisal reports, appraisal information, offers,  
9 and counteroffers when joint acquisition of property is  
10 contemplated. A district and the Division of State Lands shall  
11 maintain the confidentiality of such ~~title information~~,  
12 appraisal reports, appraisal information, offers, and  
13 counteroffers in conformance with this section and s. 259.041,  
14 except in those cases in which a district and the division  
15 have exercised discretion to disclose such information. A  
16 district may disclose appraisal information, offers, and  
17 counteroffers to a third party who has entered into a  
18 contractual agreement with the district to work with or on the  
19 behalf of or to assist the district in connection with land  
20 acquisitions. The third party shall maintain the  
21 confidentiality of such information in conformance with this  
22 section. In addition, a district may use, as its own,  
23 appraisals obtained by a third party provided the appraiser is  
24 selected from the district's list of approved appraisers and  
25 the appraisal is reviewed and approved by the district.

26 (b) The Secretary of Environmental Protection shall  
27 release moneys from the appropriate account or trust fund to a  
28 district for preacquisition costs within 30 days after receipt  
29 of a resolution adopted by the district's governing board  
30 which identifies and justifies any such preacquisition costs  
31 necessary for the purchase of any lands listed in the

1 district's 5-year work plan. The district shall return to the  
 2 department any funds not used for the purposes stated in the  
 3 resolution, and the department shall deposit the unused funds  
 4 into the appropriate account or trust fund.

5 (c) The Secretary of Environmental Protection shall  
 6 release acquisition moneys from the appropriate account or  
 7 trust fund to a district following receipt of a resolution  
 8 adopted by the governing board identifying the lands being  
 9 acquired and certifying that such acquisition is consistent  
 10 with the 5-year work plan of acquisition and other provisions  
 11 of this section. The governing board also shall provide to the  
 12 Secretary of Environmental Protection a copy of all certified  
 13 appraisals used to determine the value of the land to be  
 14 purchased. Each parcel to be acquired must have at least one  
 15 appraisal. Two appraisals are required when the estimated  
 16 value of the parcel exceeds \$500,000. However, when both  
 17 appraisals exceed \$500,000 and differ significantly, a third  
 18 appraisal may be obtained. If the purchase price is greater  
 19 than the appraisal price, the governing board shall submit  
 20 written justification for the increased price. The Secretary  
 21 of Environmental Protection may withhold moneys for any  
 22 purchase that is not consistent with the 5-year plan or the  
 23 intent of this section or that is in excess of appraised  
 24 value. The governing board may appeal any denial to the Land  
 25 and Water Adjudicatory Commission pursuant to s. 373.114.

26 Section 3. Subsection (4) is added to section 373.236,  
 27 Florida Statutes, to read:

28 373.236 Duration of permits; compliance reports.--

29 (4) The department or the water management district  
 30 shall consider issuing longer duration permits to applicants  
 31 who implement and provide reasonable assurances of effective

1 and efficient conservation measures that exceed the average  
2 for the industry or type of water use and there is sufficient  
3 data to provide reasonable assurance that the conditions for  
4 permit issuance will be met for the duration of the permit.  
5 Permits issued for a 10-year duration or longer shall be  
6 subject to the provisions of subsection (3).

7 Section 4. Paragraph (c) of subsection (6) of section  
8 373.4135, Florida Statutes, is amended to read:

9 373.4135 Mitigation banks and offsite regional  
10 mitigation.--

11 (6) An environmental creation, preservation,  
12 enhancement, or restoration project, including regional  
13 offsite mitigation areas, for which money is donated or paid  
14 as mitigation, that is sponsored by the department, a water  
15 management district, or a local government and provides  
16 mitigation for five or more applicants for permits under this  
17 part, or for 35 or more acres of adverse impacts, shall be  
18 established and operated under a memorandum of agreement. The  
19 memorandum of agreement shall be between the governmental  
20 entity proposing the mitigation project and the department or  
21 water management district, as appropriate. Such memorandum of  
22 agreement need not be adopted by rule. For the purposes of  
23 this subsection, one creation, preservation, enhancement, or  
24 restoration project shall mean one or more parcels of land  
25 with similar ecological communities that are intended to be  
26 created, preserved, enhanced, or restored under a common  
27 scheme.

28 (c) At a minimum, the memorandum of agreement must  
29 address the following for each project authorized:

30 1. A description of the work that will be conducted on  
31 the site and a timeline for completion of such work.

1           2. A timeline for obtaining any required environmental  
2 resource permit.

3           3. The environmental success criteria that the project  
4 must achieve.

5           4. The monitoring and long-term management  
6 requirements that must be undertaken for the project.

7           5. An assessment of the project in accordance with s.  
8 373.4136(4)(a)-(i), until the adoption of the uniform ~~wetland~~  
9 mitigation assessment method for wetlands and other surface  
10 waters pursuant to s. 373.414(18).

11           6. A designation of the entity responsible for the  
12 successful completion of the mitigation work.

13           7. A definition of the geographic area where the  
14 project may be used as mitigation established using the  
15 criteria of s. 373.4136(6).

16           8. Full cost accounting of the project, including  
17 annual review and adjustment.

18           9. Provision and a timetable for the acquisition of  
19 any lands necessary for the project.

20           10. Provision for preservation of the site.

21           11. Provision for application of all moneys received  
22 solely to the project for which they were collected.

23           12. Provision for termination of the agreement and  
24 cessation of use of the project as mitigation if any material  
25 contingency of the agreement has failed to occur.

26           Section 5. Paragraph (b) of subsection (1) and  
27 subsections (18) and (19) of section 373.414, Florida  
28 Statutes, are amended to read:

29           373.414 Additional criteria for activities in surface  
30 waters and wetlands.--

31

1           (1) As part of an applicant's demonstration that an  
2 activity regulated under this part will not be harmful to the  
3 water resources or will not be inconsistent with the overall  
4 objectives of the district, the governing board or the  
5 department shall require the applicant to provide reasonable  
6 assurance that state water quality standards applicable to  
7 waters as defined in s. 403.031(13) will not be violated and  
8 reasonable assurance that such activity in, on, or over  
9 surface waters or wetlands, as delineated in s. 373.421(1), is  
10 not contrary to the public interest. However, if such an  
11 activity significantly degrades or is within an Outstanding  
12 Florida Water, as provided by department rule, the applicant  
13 must provide reasonable assurance that the proposed activity  
14 will be clearly in the public interest.

15           (b) If the applicant is unable to otherwise meet the  
16 criteria set forth in this subsection, the governing board or  
17 the department, in deciding to grant or deny a permit, shall  
18 consider measures proposed by or acceptable to the applicant  
19 to mitigate adverse effects that may be caused by the  
20 regulated activity. Such measures may include, but are not  
21 limited to, onsite mitigation, offsite mitigation, offsite  
22 regional mitigation, and the purchase of mitigation credits  
23 from mitigation banks permitted under s. 373.4136. It shall  
24 be the responsibility of the applicant to choose the form of  
25 mitigation. The mitigation must offset the adverse effects  
26 caused by the regulated activity.

27           1. The department or water management districts may  
28 accept the donation of money as mitigation only where the  
29 donation is specified for use in a duly noticed environmental  
30 creation, preservation, enhancement, or restoration project,  
31 endorsed by the department or the governing board of the water



1 management district, which offsets the impacts of the activity  
2 permitted under this part. However, the provisions of this  
3 subsection shall not apply to projects undertaken pursuant to  
4 s. 373.4137 or chapter 378. Where a permit is required under  
5 this part to implement any project endorsed by the department  
6 or a water management district, all necessary permits must  
7 have been issued prior to the acceptance of any cash donation.  
8 After the effective date of this act, when money is donated to  
9 either the department or a water management district to offset  
10 impacts authorized by a permit under this part, the department  
11 or the water management district shall accept only a donation  
12 that represents the full cost to the department or water  
13 management district of undertaking the project that is  
14 intended to mitigate the adverse impacts. The full cost shall  
15 include all direct and indirect costs, as applicable, such as  
16 those for land acquisition, land restoration or enhancement,  
17 perpetual land management, and general overhead consisting of  
18 costs such as staff time, building, and vehicles. The  
19 department or the water management district may use a  
20 multiplier or percentage to add to other direct or indirect  
21 costs to estimate general overhead. Mitigation credit for  
22 such a donation shall be given only to the extent that the  
23 donation covers the full cost to the agency of undertaking the  
24 project that is intended to mitigate the adverse impacts.  
25 However, nothing herein shall be construed to prevent the  
26 department or a water management district from accepting a  
27 donation representing a portion of a larger project, provided  
28 that the donation covers the full cost of that portion and  
29 mitigation credit is given only for that portion. The  
30 department or water management district may deviate from the  
31 full cost requirements of this subparagraph to resolve a

1 proceeding brought pursuant to chapter 70 or a claim for  
2 inverse condemnation. Nothing in this section shall be  
3 construed to require the owner of a private mitigation bank,  
4 permitted under s. 373.4136, to include the full cost of a  
5 mitigation credit in the price of the credit to a purchaser of  
6 said credit.

7         2. The department and each water management district  
8 shall report to the Executive Office of the Governor by  
9 January 31 of each year all cash donations accepted under  
10 subparagraph 1. during the preceding calendar year for wetland  
11 mitigation purposes. The report shall exclude those  
12 contributions pursuant to s. 373.4137. The report shall  
13 include a description of the endorsed mitigation projects and,  
14 except for projects governed by s. 373.4135(6), shall address,  
15 as applicable, success criteria, project implementation status  
16 and timeframe, monitoring, long-term management, provisions  
17 for preservation, and full cost accounting.

18         3. If the applicant is unable to meet water quality  
19 standards because existing ambient water quality does not meet  
20 standards, the governing board or the department shall  
21 consider mitigation measures proposed by or acceptable to the  
22 applicant that cause net improvement of the water quality in  
23 the receiving body of water for those parameters which do not  
24 meet standards.

25         4. If mitigation requirements imposed by a local  
26 government for surface water and wetland impacts of an  
27 activity regulated under this part cannot be reconciled with  
28 mitigation requirements approved under a permit for the same  
29 activity issued under this part, including application of the  
30 uniform ~~wetland~~ mitigation assessment method for wetlands and  
31 other surface waters adopted pursuant to subsection (18), the

1 mitigation requirements for surface water and wetland impacts  
2 shall be controlled by the permit issued under this part.

3 (18) The department and each water management district  
4 responsible for implementation of the environmental resource  
5 permitting program shall develop a uniform ~~wetland~~ mitigation  
6 assessment method for wetlands and other surface waters ~~no~~  
7 ~~later than October 1, 2001~~. The department shall adopt the  
8 uniform ~~wetland~~ mitigation assessment method by rule no later  
9 than July ~~January~~ 31, 2002. The rule shall provide an  
10 exclusive and consistent process for determining the amount of  
11 mitigation required to offset impacts to wetlands and other  
12 surface waters, and, once effective, shall supersede all  
13 rules, ordinances, and variance procedures from ordinances  
14 that determine the amount of mitigation needed to offset such  
15 impacts. Once the department adopts the uniform ~~wetland~~  
16 mitigation assessment method by rule, the uniform ~~wetland~~  
17 mitigation assessment method shall be binding on the  
18 department, the water management districts, local governments,  
19 and any other governmental agencies and shall be the sole  
20 means to determine the amount of mitigation needed to offset  
21 adverse impacts to wetlands and other surface waters and to  
22 award and deduct mitigation bank credits. A water management  
23 district and any other governmental agency subject to chapter  
24 120 may apply the uniform ~~wetland~~ mitigation assessment method  
25 without the need to adopt it pursuant to s. 120.54. It shall  
26 be a goal of the department and water management districts  
27 that the uniform ~~wetland~~ mitigation assessment method  
28 developed be practicable for use within the timeframes  
29 provided in the permitting process and result in a consistent  
30 process for determining mitigation requirements. It shall be  
31 recognized that any such method shall require the application

1 of reasonable scientific judgment. The uniform ~~wetland~~  
2 mitigation assessment method must determine the value of  
3 functions provided by wetlands and other surface waters  
4 considering the current conditions of these areas, utilization  
5 by fish and wildlife, location, uniqueness, and hydrologic  
6 connection, and, when applied to mitigation banks,~~in addition~~  
7 ~~to~~ the factors listed in s. 373.4136(4). The uniform ~~wetland~~  
8 mitigation assessment method shall also account for the  
9 expected time-lag associated with offsetting impacts and the  
10 degree of risk associated with the proposed mitigation. The  
11 uniform ~~wetland~~ mitigation assessment method shall account for  
12 different ecological communities in different areas of the  
13 state. In developing the uniform ~~wetland~~ mitigation assessment  
14 method, the department and water management districts shall  
15 consult with approved local programs under s. 403.182 which  
16 have an established ~~wetland~~ mitigation program for wetlands or  
17 other surface waters. The department and water management  
18 districts shall consider the recommendations submitted by such  
19 approved local programs, including any recommendations  
20 relating to the adoption by the department and water  
21 management districts of any uniform ~~wetland~~ mitigation  
22 methodology that has been adopted and used by an approved  
23 local program in its established ~~wetland~~ mitigation program  
24 for wetlands or other surface waters. Environmental resource  
25 permitting rules may establish categories of permits or  
26 thresholds for minor impacts under which the use of the  
27 uniform ~~wetland~~ mitigation assessment method will not be  
28 required. The application of the uniform ~~wetland~~ mitigation  
29 assessment method is not subject to s. 70.001. In the event  
30 the rule establishing the uniform ~~wetland~~ mitigation  
31 assessment method is deemed to be invalid, the applicable

1 rules related to establishing needed mitigation in existence  
2 prior to the adoption of the uniform ~~wetland~~ mitigation  
3 assessment method, including those adopted by a county which  
4 is an approved local program under s. 403.182, and the method  
5 described in paragraph (b) for existing mitigation banks,  
6 shall be authorized for use by the department, water  
7 management districts, local governments, and other state  
8 agencies.

9 (a) In developing the uniform ~~wetland~~ mitigation  
10 assessment method, the department shall seek input from the  
11 United States Army Corps of Engineers in order to promote  
12 consistency in the mitigation assessment methods used by the  
13 state and federal permitting programs.

14 (b) An entity which has received a mitigation bank  
15 permit prior to the adoption of the uniform ~~wetland~~ mitigation  
16 assessment method shall have impact sites assessed, for the  
17 purpose of deducting bank credits, using the credit assessment  
18 method, including any functional assessment methodology, which  
19 was in place when the bank was permitted; unless the entity  
20 elects to have its credits redetermined, and thereafter have  
21 its credits deducted, using the uniform ~~wetland~~ mitigation  
22 assessment method.

23 ~~(19) The Office of Program Policy Analysis and~~  
24 ~~Government Accountability shall study the cumulative impact~~  
25 ~~consideration required by subsection (8) and issue a report by~~  
26 ~~July 1, 2001. The study shall address the justification for~~  
27 ~~the cumulative impact consideration, changes that can provide~~  
28 ~~clarity and certainty in the cumulative impact consideration,~~  
29 ~~and whether a practicable, consistent, and equitable~~  
30 ~~methodology can be developed for considering cumulative~~  
31 ~~impacts within the environmental resource permitting program.~~

1 Section 6. Paragraph (g) is added to subsection (1) of  
2 section 378.212, Florida Statutes, to read:

3 378.212 Variances.--

4 (1) Upon application, the secretary may grant a  
5 variance from the provisions of this part or the rules adopted  
6 pursuant thereto. Variances and renewals thereof may be  
7 granted for any one of the following reasons:

8 (g) To accommodate reclamation that provides water  
9 supply development or water resource development consistent  
10 with the regional water supply plan approved pursuant to s.  
11 373.0361, provided regional water resources are not adversely  
12 affected.

13 Section 7. Subsection (11) of section 403.067, Florida  
14 Statutes, is amended to read:

15 403.067 Establishment and implementation of total  
16 maximum daily loads.--

17 (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

18 (a) The department shall not implement, without prior  
19 legislative approval, any additional regulatory authority  
20 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part  
21 130, if such implementation would result in water quality  
22 discharge regulation of activities not currently subject to  
23 regulation.

24 (b) Interim measures, best management practices, or  
25 other measures may be developed and voluntarily implemented  
26 pursuant to paragraph (7)(c) or paragraph (7)(d) for any water  
27 body or segment for which a total maximum daily load or  
28 allocation has not been established. The implementation of  
29 such pollution control programs may be considered by the  
30 department in the determination made pursuant to subsection  
31 (4).

1           Section 8. Paragraph (b) of subsection (3) of section  
2 403.1835, Florida Statutes, is amended to read:

3           403.1835 Water pollution control financial  
4 assistance.--

5           (3) The department may provide financial assistance  
6 through any program authorized under s. 603 of the Federal  
7 Water Pollution Control Act (Clean Water Act), Pub. L. No.  
8 92-500, as amended, including, but not limited to, making  
9 grants and loans, providing loan guarantees, purchasing loan  
10 insurance or other credit enhancements, and buying or  
11 refinancing local debt. This financial assistance must be  
12 administered in accordance with this section and applicable  
13 federal authorities. The department shall administer all  
14 programs operated from funds secured through the activities of  
15 the Florida Water Pollution Control Financing Corporation  
16 under s. 403.1837, to fulfill the purposes of this section.

17           (b) The department may make or request the corporation  
18 to make loans, grants, and deposits to other entities eligible  
19 to participate in the financial assistance programs authorized  
20 under the Federal Water Pollution Control Act, or as a result  
21 of other federal action, which entities may pledge any revenue  
22 available to them to repay any funds borrowed. Notwithstanding  
23 s. 18.10, the department may make deposits to financial  
24 institutions that earn less than the prevailing rate for  
25 United States Treasury securities with corresponding  
26 maturities for the purpose of enabling such financial  
27 institutions to make below-market interest rate loans to  
28 entities qualified to receive loans under this section and the  
29 rules of the department.

30           Section 9. Subsection (2) of section 403.813, Florida  
31 Statutes, is amended to read:

1           403.813 Permits issued at district centers;  
2 exceptions.--

3           (2) No permit under this chapter, chapter 373, chapter  
4 61-691, Laws of Florida, or chapter 25214 or chapter 25270,  
5 1949, Laws of Florida, shall be required for activities  
6 associated with the following types of projects; however,  
7 except as otherwise provided in this subsection,nothing in  
8 this subsection relieves an applicant from any requirement to  
9 obtain permission to use or occupy lands owned by the Board of  
10 Trustees of the Internal Improvement Trust Fund or any water  
11 management district in its governmental or proprietary  
12 capacity or from complying with applicable local pollution  
13 control programs authorized under this chapter or other  
14 requirements of county and municipal governments:

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

18           (b) The installation and repair of mooring pilings and  
19 dolphins associated with private docking facilities or piers  
20 and the installation of private docks, piers and recreational  
21 docking facilities, or piers and recreational docking  
22 facilities of local governmental entities when the local  
23 governmental entity's activities will not take place in any  
24 manatee habitat, any of which docks:

25           1. Has 500 square feet or less of over-water surface  
26 area for a dock which is located in an area designated as  
27 Outstanding Florida Waters or 1,000 square feet or less of  
28 over-water surface area for a dock which is located in an area  
29 which is not designated as Outstanding Florida Waters;

30           2. Is constructed on or held in place by pilings or is  
31 a floating dock which is constructed so as not to involve



1 filling or dredging other than that necessary to install the  
2 pilings;

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

5 4. Is used for recreational, noncommercial activities  
6 associated with the mooring or storage of boats and boat  
7 paraphernalia; and

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

13

14 Nothing in this paragraph shall prohibit the department from  
15 taking appropriate enforcement action pursuant to this chapter  
16 to abate or prohibit any activity otherwise exempt from  
17 permitting pursuant to this paragraph if the department can  
18 demonstrate that the exempted activity has caused water  
19 pollution in violation of this chapter.

20 (c) The installation and maintenance to design  
21 specifications of boat ramps on artificial bodies of water  
22 where navigational access to the proposed ramp exists or the  
23 installation of boat ramps open to the public in any waters of  
24 the state where navigational access to the proposed ramp  
25 exists and where the construction of the proposed ramp will be  
26 less than 30 feet wide and will involve the removal of less  
27 than 25 cubic yards of material from the waters of the state,  
28 and the maintenance to design specifications of such ramps;  
29 however, the material to be removed shall be placed upon a  
30 self-contained upland site so as to prevent the escape of the  
31 spoil material into the waters of the state.

1 (d) The replacement or repair of existing docks and  
2 piers, except that no fill material is to be used and provided  
3 that the replacement or repaired dock or pier is in the same  
4 location and of the same configuration and dimensions as the  
5 dock or pier being replaced or repaired.

6 (e) The restoration of seawalls at their previous  
7 locations or upland of, or within 1 foot waterward of, their  
8 previous locations. However, this shall not affect the  
9 permitting requirements of chapter 161, and department rules  
10 shall clearly indicate that this exception does not constitute  
11 an exception from the permitting requirements of chapter 161.

12 (f) The performance of maintenance dredging of  
13 existing manmade canals, channels, intake and discharge  
14 structures, and previously dredged portions of natural water  
15 bodies within drainage rights-of-way or drainage easements  
16 which have been recorded in the public records of the county,  
17 where the spoil material is to be removed and deposited on a  
18 self-contained, upland spoil site which will prevent the  
19 escape of the spoil material into the waters of the state,  
20 provided that no more dredging is to be performed than is  
21 necessary to restore the canals, channels, and intake and  
22 discharge structures, and previously dredged portions of  
23 natural water bodies, to original design specifications or  
24 configurations, provided that the work is conducted in  
25 compliance with s. 370.12(2)(d), provided that no significant  
26 impacts occur to previously undisturbed natural areas, and  
27 provided that control devices for return flow and best  
28 management practices for erosion and sediment control are  
29 utilized to prevent bank erosion and scouring and to prevent  
30 turbidity, dredged material, and toxic or deleterious  
31 substances from discharging into adjacent waters during

1 maintenance dredging. Further, for maintenance dredging of  
2 previously dredged portions of natural water bodies within  
3 recorded drainage rights-of-way or drainage easements, an  
4 entity that seeks an exemption must notify the department or  
5 water management district, as applicable, at least 30 days  
6 prior to dredging and provide documentation of original design  
7 specifications or configurations where such exist. This  
8 exemption applies to all canals and previously dredged  
9 portions of natural water bodies within recorded drainage  
10 rights-of-way or drainage easements constructed prior to April  
11 3, 1970, and to those canals and previously dredged portions  
12 of natural water bodies constructed on or after April 3, 1970,  
13 pursuant to all necessary state permits. This exemption does  
14 not apply to the removal of a natural or manmade barrier  
15 separating a canal or canal system from adjacent waters. When  
16 no previous permit has been issued by the Board of Trustees of  
17 the Internal Improvement Trust Fund or the United States Army  
18 Corps of Engineers for construction or maintenance dredging of  
19 the existing manmade canal or intake or discharge structure,  
20 such maintenance dredging shall be limited to a depth of no  
21 more than 5 feet below mean low water. The Board of Trustees  
22 of the Internal Improvement Trust Fund may fix and recover  
23 from the permittee an amount equal to the difference between  
24 the fair market value and the actual cost of the maintenance  
25 dredging for material removed during such maintenance  
26 dredging. However, no charge shall be exacted by the state for  
27 material removed during such maintenance dredging by a public  
28 port authority. The removing party may subsequently sell such  
29 material; however, proceeds from such sale that exceed the  
30 costs of maintenance dredging shall be remitted to the state  
31 and deposited in the Internal Improvement Trust Fund.

1           (g) The maintenance of existing insect control  
2 structures, dikes, and irrigation and drainage ditches,  
3 provided that spoil material is deposited on a self-contained,  
4 upland spoil site which will prevent the escape of the spoil  
5 material into waters of the state. In the case of insect  
6 control structures, if the cost of using a self-contained  
7 upland spoil site is so excessive, as determined by the  
8 Department of Health, pursuant to s. 403.088(1), that it will  
9 inhibit proposed insect control, then-existing spoil sites or  
10 dikes may be used, upon notification to the department. In  
11 the case of insect control where upland spoil sites are not  
12 used pursuant to this exemption, turbidity control devices  
13 shall be used to confine the spoil material discharge to that  
14 area previously disturbed when the receiving body of water is  
15 used as a potable water supply, is designated as shellfish  
16 harvesting waters, or functions as a habitat for commercially  
17 or recreationally important shellfish or finfish. In all  
18 cases, no more dredging is to be performed than is necessary  
19 to restore the dike or irrigation or drainage ditch to its  
20 original design specifications.

21           (h) The repair or replacement of existing functional  
22 pipes or culverts the purpose of which is the discharge or  
23 conveyance of stormwater. In all cases, the invert elevation,  
24 the diameter, and the length of the culvert shall not be  
25 changed. However, the material used for the culvert may be  
26 different from the original.

27           (i) The construction of private docks and seawalls in  
28 artificially created waterways where such construction will  
29 not violate existing water quality standards, impede  
30 navigation, or affect flood control. This exemption does not  
31 apply to the construction of vertical seawalls in estuaries or

1 lagoons unless the proposed construction is within an existing  
2 manmade canal where the shoreline is currently occupied in  
3 whole or part by vertical seawalls.

4 (j) The construction and maintenance of swales.

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

8 (l) The replacement or repair of existing open-trestle  
9 foot bridges and vehicular bridges that are 100 feet or less  
10 in length and two lanes or less in width, provided that no  
11 more dredging or filling of submerged lands is performed other  
12 than that which is necessary to replace or repair pilings and  
13 that the structure to be replaced or repaired is the same  
14 length, the same configuration, and in the same location as  
15 the original bridge. No debris from the original bridge shall  
16 be allowed to remain in the waters of the state.

17 (m) The installation of subaqueous transmission and  
18 distribution lines laid on, or embedded in, the bottoms of  
19 waters in the state, except in Class I and Class II waters and  
20 aquatic preserves, provided no dredging or filling is  
21 necessary.

22 (n) The replacement or repair of subaqueous  
23 transmission and distribution lines laid on, or embedded in,  
24 the bottoms of waters of the state.

25 (o) The construction of private seawalls in wetlands  
26 or other surface waters where such construction is between and  
27 adjoins at both ends existing seawalls; follows a continuous  
28 and uniform seawall construction line with the existing  
29 seawalls; is no more than 150 feet in length; and does not  
30 violate existing water quality standards, impede navigation,  
31 or affect flood control. However, in estuaries and lagoons the

1 construction of vertical seawalls is limited to the  
2 circumstances and purposes stated in s. 373.414(5)(b)1.-4.  
3 This paragraph does not affect the permitting requirements of  
4 chapter 161, and department rules must clearly indicate that  
5 this exception does not constitute an exception from the  
6 permitting requirements of chapter 161.

7 (p) The restoration of existing insect control  
8 impoundment dikes which are less than 100 feet in length. Such  
9 impoundments shall be connected to tidally influenced waters  
10 for 6 months each year beginning September 1 and ending  
11 February 28 if feasible or operated in accordance with an  
12 impoundment management plan approved by the department. A  
13 dike restoration may involve no more dredging than is  
14 necessary to restore the dike to its original design  
15 specifications. For the purposes of this paragraph,  
16 restoration does not include maintenance of impoundment dikes  
17 of operating insect control impoundments.

18 (q) The construction, operation, or maintenance of  
19 stormwater management facilities which are designed to serve  
20 single-family residential projects, including duplexes,  
21 triplexes, and quadruplexes, if they are less than 10 acres  
22 total land and have less than 2 acres of impervious surface  
23 and if the facilities:

- 24 1. Comply with all regulations or ordinances  
25 applicable to stormwater management and adopted by a city or  
26 county;
- 27 2. Are not part of a larger common plan of development  
28 or sale; and
- 29 3. Discharge into a stormwater discharge facility  
30 exempted or permitted by the department under this chapter  
31 which has sufficient capacity and treatment capability as

1 specified in this chapter and is owned, maintained, or  
2 operated by a city, county, special district with drainage  
3 responsibility, or water management district; however, this  
4 exemption does not authorize discharge to a facility without  
5 the facility owner's prior written consent.

6 (r) The removal of aquatic plants, the removal of  
7 tussocks, the associated replanting of indigenous aquatic  
8 plants, or the associated removal from lakes of organic  
9 material when such planting or removal is performed and  
10 authorized by permit or exemption granted under s. 369.20 or  
11 s. 369.25, if:

12 1. Organic material that exists on the surface of  
13 natural mineral soil shall be allowed to be removed to a depth  
14 of 3 feet or to the natural mineral soils, whichever is less.

15 2. All organic material removal pursuant to this  
16 subsection shall be deposited in an upland site in a manner  
17 that will prevent the reintroduction of the material into  
18 waters in the state except when spoil material is permitted to  
19 be used to create wildlife islands in freshwater bodies of the  
20 state when a governmental entity is permitted pursuant to this  
21 section to create such islands as a part of a restoration or  
22 enhancement project.

23 3. All activities are performed in a manner consistent  
24 with state water quality standards.

25  
26 The department may not adopt implementing rules for this  
27 paragraph, notwithstanding any other provision of law.

28 Section 10. In order to aid in the development of a  
29 better understanding of the unique surface and ground water  
30 resources of this state, the water management districts shall  
31 develop an information program designed to provide information

1 on existing hydrologic conditions of major surface and ground  
2 water sources in this state and suggestions for good  
3 conservation practices within those areas. The program shall  
4 be developed no later than December 31, 2002. Beginning  
5 January 1, 2003, and on a regular basis no less than every 6  
6 months thereafter, the information developed pursuant to this  
7 section shall be distributed to every member of the Senate and  
8 the House of Representatives and to local print and broadcast  
9 news organizations. Each water management district shall be  
10 responsible for the distribution of this information within  
11 its established geographic area.

12           Section 11. The Legislature finds that within the area  
13 identified in the Lower East Coast Regional Water Supply Plan  
14 approved by the South Florida Water Management District  
15 pursuant to s. 373.0361, the groundwater levels can benefit  
16 from augmentation. The Legislature finds that the discharge  
17 of reclaimed water into canals for transport and subsequent  
18 reuse may provide an environmentally acceptable means to  
19 augment water supplies and enhance natural systems; however,  
20 the Legislature also recognizes that there are water quality  
21 and water quantity issues that must be better understood and  
22 resolved. In addition, there are cost savings possible by  
23 collocating enclosed conduits for conveyance of water for  
24 reuse in this area within canal right-of-way that should be  
25 investigated. Toward that end, the Department of  
26 Environmental Protection, in consultation with the South  
27 Florida Water Management District, Southeast Florida  
28 utilities, affected local governments, including local  
29 governments with principal responsibility for the operation  
30 and maintenance of a water control system capable of conveying  
31 reclaimed wastewater for reuse, representatives of the



1 environmental and engineering communities, public health  
2 professionals, and individuals having expertise in water  
3 quality, shall conduct a study to investigate the feasibility  
4 of discharging reclaimed wastewater into canals as an  
5 environmentally acceptable means of augmenting groundwater  
6 supplies, enhancing natural systems, and conveying reuse water  
7 within enclosed conduits within the canal right-of-way. The  
8 study shall include an assessment of the water quality, water  
9 supply, public health, technical, and legal implications  
10 related to the canal discharge and collocation concepts. The  
11 department shall issue a preliminary written report containing  
12 draft findings and recommendations for public comment by  
13 November 1, 2002. The department shall provide a written  
14 report on the results of its study to the Governor and the  
15 substantive committees of the House of Representatives and the  
16 Senate by January 31, 2003. Nothing in this section shall be  
17 used to alter the purpose of the Comprehensive Everglades  
18 Restoration Plan or the implementation of the Water Resources  
19 Development Act of 2000.

20           Section 12. Section 373.498, Florida Statutes, is  
21 repealed.

22           Section 13. This act shall take effect upon becoming a  
23 law.

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