

Bill No. SB 2176

Barcode 754466

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation and Conservation
(Rich) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (1) of section 374.975, Florida
Statutes, is amended to read:

374.975 Inland navigation districts; legislative
intent.--

(1) The Legislature hereby recognizes the continuing
need for inland navigation districts to undertake programs
necessary to accomplish the purposes of construction,
maintenance, and operation of Florida's inland waterways
pursuant to s. 107 of the federal River and Harbor Act of 1960
(33 U.S.C. s. 577). Operation and maintenance, by an inland
navigation district, of the intracoastal waterway and any
other public navigation channel, authorized by the Board of
Trustees of the Internal Improvement Trust Fund, is in the
public interest.

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1 Section 2. Paragraph (c) of subsection (1) of section
2 374.976, Florida Statutes, is amended to read:

3 374.976 Authority to address impacts of waterway
4 development projects.--

5 (1) Each inland navigation district is empowered and
6 authorized to undertake programs intended to alleviate the
7 problems associated with its waterway or waterways, including,
8 but not limited to, the following:

9 (c) The district is authorized to aid and cooperate
10 with the Federal Government, the state, member counties,
11 nonmember counties that contain any part of the intracoastal
12 waterway within their boundaries, and local governments within
13 the district in planning and carrying out public navigation,
14 local and regional anchorage management, beach renourishment,
15 public recreation, inlet management, environmental education,
16 and boating safety projects, directly related to the
17 waterways. The district is also authorized to enter into
18 cooperative agreements with the United States Army Corps of
19 Engineers, state, and member counties, and to covenant in any
20 such cooperative agreement to pay part of the costs of
21 acquisition, planning, development, construction,
22 reconstruction, extension, improvement, operation, and
23 maintenance of such projects.

24 Section 3. The Department of Environmental Protection
25 is authorized to develop and maintain a list of flocculants
26 whose use has been permitted under Part IV, Chapter 373, F.S.,
27 including information on any associated testing to determine
28 compliance with state permitting standards and information on
29 application rates and methods. Publication of this list shall
30 not be considered a rule under the provisions of chapter 120,
31 F.S. This section shall not prevent an entity from proposing,

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1 nor the department from approving, the use of a flocculent not
 2 on the department list subject to the entity providing the
 3 necessary documentation required by the department to ensure
 4 that its use will not cause harm to the water resources of the
 5 state.

6 Section 4. Paragraph (f) of subsection (2) of section
 7 403.813, Florida Statutes, is amended to read:

8 403.813 Permits issued at district centers;
 9 exceptions.--

10 (2) A permit is not required under this chapter,
 11 chapter 373, chapter 61-691, Laws of Florida, or chapter 25214
 12 or chapter 25270, 1949, Laws of Florida, for activities
 13 associated with the following types of projects; however,
 14 except as otherwise provided in this subsection, nothing in
 15 this subsection relieves an applicant from any requirement to
 16 obtain permission to use or occupy lands owned by the Board of
 17 Trustees of the Internal Improvement Trust Fund or any water
 18 management district in its governmental or proprietary
 19 capacity or from complying with applicable local pollution
 20 control programs authorized under this chapter or other
 21 requirements of county and municipal governments:

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

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1 discharge structures, and previously dredged portions of
2 natural water bodies, to original design specifications or
3 configurations, provided that the work is conducted in
4 compliance with s. 370.12(2)(d), provided that no significant
5 impacts occur to previously undisturbed natural areas, and
6 provided that control devices for return flow and best
7 management practices for erosion and sediment control are
8 utilized to prevent bank erosion and scouring and to prevent
9 turbidity, dredged material, and toxic or deleterious
10 substances from discharging into adjacent waters during
11 maintenance dredging. Further, for maintenance dredging of
12 previously dredged portions of natural water bodies within
13 recorded drainage rights-of-way or drainage easements, an
14 entity that seeks an exemption must notify the department or
15 water management district, as applicable, at least 30 days
16 prior to dredging and provide documentation of original design
17 specifications or configurations where such exist. This
18 exemption applies to all canals and previously dredged
19 portions of natural water bodies within recorded drainage
20 rights-of-way or drainage easements constructed prior to April
21 3, 1970, and to those canals and previously dredged portions
22 of natural water bodies constructed on or after April 3, 1970,
23 pursuant to all necessary state permits. A maintenance
24 dredging project which qualifies for this exemption is hereby
25 granted a mixing zone for turbidity within a 100 meter radius
26 around the point of dredging, while the dredging is on-going,
27 provided that the mixing zone does not extend into areas
28 supporting submerged aquatic vegetation or hardbottom
29 communities. This exemption does not apply to the removal of a
30 natural or manmade barrier separating a canal or canal system
31 from adjacent waters. When no previous permit has been issued

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1 by the Board of Trustees of the Internal Improvement Trust
2 Fund or the United States Army Corps of Engineers for
3 construction or maintenance dredging of the existing manmade
4 canal or intake or discharge structure, such maintenance
5 dredging shall be limited to a depth of no more than 5 feet
6 below mean low water. The Board of Trustees of the Internal
7 Improvement Trust Fund may fix and recover from the permittee
8 an amount equal to the difference between the fair market
9 value and the actual cost of the maintenance dredging for
10 material removed during such maintenance dredging. However, no
11 charge shall be exacted by the state for material removed
12 during such maintenance dredging by a public port authority.
13 The removing party may subsequently sell such material;
14 however, proceeds from such sale that exceed the costs of
15 maintenance dredging shall be remitted to the state and
16 deposited in the Internal Improvement Trust Fund.

17 Section 5. This act shall take effect July 1, 2007.

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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 Delete everything before the enacting clause

23
24 and insert:

25 A bill to be entitled

26 An act relating to inland navigation districts;

27 amending s. 374.975, F.S.; providing that

28 operation and maintenance by the inland

29 navigation districts of the intracoastal

30 waterway and certain other public navigation

31 channels is in the public interest; authorizing

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1 the Department of Environmental Protection to
2 develop and maintain a list of flocculants for
3 certain uses; amending s. 374.976, F.S.; adding
4 nonmember counties that contain any part of the
5 intracoastal waterway within their boundaries
6 to the list of governmental entities with which
7 a district can aid and cooperate; amending s.
8 403.813, F.S.; specifying a mixing zone for
9 turbidity under certain circumstances;
10 providing an effective date.

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