

By the Committee on Environmental Preservation and Conservation; and Senator Bennett

592-2281-07

1                                A bill to be entitled  
2                                An act relating to inland navigation districts;  
3                                amending s. 374.975, F.S.; providing that  
4                                operation and maintenance by the inland  
5                                navigation districts of the intracoastal  
6                                waterway and certain other public navigation  
7                                channels are in the public interest; amending  
8                                s. 374.976, F.S.; adding nonmember counties  
9                                that contain any part of the intracoastal  
10                                waterway within their boundaries to the list of  
11                                governmental entities with which a district can  
12                                aid and cooperate; authorizing the Department  
13                                of Environmental Protection to develop and  
14                                maintain a list of flocculants for certain  
15                                uses; amending s. 403.813, F.S.; specifying a  
16                                mixing zone for turbidity under certain  
17                                circumstances; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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

23                                374.975 Inland navigation districts; legislative  
24 intent.--

25                                (1) The Legislature hereby recognizes the continuing  
26 need for inland navigation districts to undertake programs  
27 necessary to accomplish the purposes of construction,  
28 maintenance, and operation of Florida's inland waterways  
29 pursuant to s. 107 of the federal River and Harbor Act of 1960  
30 (33 U.S.C. s. 577). Operation and maintenance by an inland  
31 navigation district of the intracoastal waterway and any other

1 public navigation channel as authorized by the Board of  
2 Trustees of the Internal Improvement Trust Fund is in the  
3 public interest.

4 Section 2. Paragraph (c) of subsection (1) of section  
5 374.976, Florida Statutes, is amended to read:

6 374.976 Authority to address impacts of waterway  
7 development projects.--

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

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

27 Section 3. The Department of Environmental Protection  
28 may develop and maintain a list of flocculants the use of  
29 which is permitted under part IV of chapter 373, Florida  
30 Statutes, including information concerning any associated  
31 testing to determine compliance with state permitting

1 standards and information on application rates and methods.  
2 Publication of this list is not a rule under the provisions of  
3 chapter 120, Florida Statutes. This section does not prevent  
4 an entity from proposing, or the department from approving,  
5 the use of a flocculant that is not on the department's list  
6 subject to the entity providing the necessary documentation  
7 required by the department to ensure that its use will not  
8 cause harm to the water resources of the state.

9           Section 4. Paragraph (f) of subsection (2) of section  
10 403.813, Florida Statutes, is amended to read:

11           403.813 Permits issued at district centers;  
12 exceptions.--

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

25           (f) The performance of maintenance dredging of  
26 existing manmade canals, channels, intake and discharge  
27 structures, and previously dredged portions of natural water  
28 bodies within drainage rights-of-way or drainage easements  
29 which have been recorded in the public records of the county,  
30 where the spoil material is to be removed and deposited on a  
31 self-contained, upland spoil site which will prevent the

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

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

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
22 COMMITTEE SUBSTITUTE FOR  
23 Senate Bill 2176

24 The committee substitute provides that the operation and  
25 maintenance by inland navigation districts of the intracoastal  
26 waterway and other public navigation channels is in the public  
27 interest.

28 The Department of Environmental Protection is authorized to  
29 develop and maintain a list of flocculants the use of which is  
30 permitted under Part IV, Ch. 373, F.S. Publication of this  
31 list is not considered a rule under the provisions of ch. 120,  
F.S.

Provides that certain maintenance dredging projects are  
granted a mixing zone for turbidity within a 100-meter radius  
around the point of dredging while the dredging is ongoing.  
The mixing zone may not extend into areas supporting submerged  
aquatic vegetation or hard-bottom communities.