

1 A bill to be entitled
2 An act relating to water management; amending s. 374.975,
3 F.S.; providing that operation and maintenance of the
4 Intracoastal Waterway, the Okeechobee Waterway, and
5 certain other public navigation channels by inland
6 navigation districts is in the public interest; amending
7 s. 374.976, F.S.; authorizing inland navigation districts
8 to aid and cooperate with certain nonmember counties,
9 navigation districts, and seaports in addressing the
10 impacts of waterway development projects; authorizing
11 inland navigation districts to provide assistance and
12 support to seaports for certain waterway projects;
13 amending s. 374.977, F.S.; requiring the Fish and Wildlife
14 Conservation Commission to post and maintain regulatory
15 markers for manatee protection speed zones; authorizing
16 the commission to apply for certain funding from inland
17 navigation districts for such purpose; amending s.
18 403.813, F.S.; removing provisions requiring the Secretary
19 of Environmental Protection to adopt procedural rules for
20 certain dredge and fill projects; revising provisions for
21 maintenance dredging by seaports and inland navigation
22 districts; authorizing mixing zones; authorizing discharge
23 of the return water under certain conditions; defining the
24 term "manmade waters"; prohibiting the state from charging
25 seaports and inland navigation districts certain fees;
26 authorizing the use of flocculants under certain
27 conditions; providing specific time extensions for
28 maintenance dredging projects under certain conditions;

29 | authorizing the Department of Environmental Protection to
 30 | develop and maintain a list of flocculants the use of
 31 | which is permitted under part IV of chapter 373, F.S.,
 32 | relating to management and storage of surface waters;
 33 | amending ss. 253.03, 373.4145, and 380.061, F.S.;
 34 | conforming cross-references to changes made by the act;
 35 | providing an effective date.
 36 |

37 | Be It Enacted by the Legislature of the State of Florida:
 38 |

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

41 | 374.975 Inland navigation districts; legislative intent.--

42 | (1) The Legislature hereby recognizes the continuing need
 43 | for inland navigation districts to undertake programs necessary
 44 | to accomplish the purposes of construction, maintenance, and
 45 | operation of Florida's inland waterways pursuant to s. 107 of
 46 | the federal River and Harbor Act of 1960, (33 U.S.C. s. 577,)
 47 | and that is in the public interest for inland navigation
 48 | districts to operate and maintain the Intracoastal Waterway, the
 49 | Okeechobee Waterway, and any other public navigation channels
 50 | authorized by the Board of Trustees of the Internal Improvement
 51 | Trust Fund.

52 | Section 2. Paragraph (c) of subsection (1) and subsection
 53 | (4) of section 374.976, Florida Statutes, are amended to read:

54 | 374.976 Authority to address impacts of waterway
 55 | development projects.--

56 (1) Each inland navigation district is empowered and
57 authorized to undertake programs intended to alleviate the
58 problems associated with its waterway or waterways, including,
59 but not limited to, the following:

60 (c) The district is authorized to aid and cooperate with
61 the Federal Government, state, member counties, nonmember
62 counties that contain any part of the intracoastal waterway
63 within their boundaries, navigation districts, the seaports of
64 Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port
65 Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St.
66 Joe, Panama City, Pensacola, Key West, and Fernandina, and local
67 governments within the district in planning and carrying out
68 public navigation, local and regional anchorage management,
69 beach renourishment, public recreation, inlet management,
70 environmental education, and boating safety projects, directly
71 related to the waterways. The district is also authorized to
72 enter into cooperative agreements with the United States Army
73 Corps of Engineers, state, and member counties, and to covenant
74 in any such cooperative agreement to pay part of the costs of
75 acquisition, planning, development, construction,
76 reconstruction, extension, improvement, operation, and
77 maintenance of such projects.

78 (4) The Florida Inland Navigation District may furnish
79 assistance and support to seaports for the purpose of planning
80 and carrying out dredge material management projects, ~~and~~ other
81 environmental mitigation projects, and other projects concerning
82 waterway related access. Port projects shall benefit publicly
83 maintained channels and harbors. Any port eligible for funding

84 shall be located in a member county of the district, and each
 85 port shall contribute matching funds for funded projects.
 86 Financial assistance for such port projects shall not be
 87 included in calculating the proportional share of ad valorem tax
 88 collections of the county in which the port is located, provided
 89 the port seeking assistance demonstrates a regional benefit
 90 realized from the port's activities. However, the cost of a port
 91 project funded under ~~pursuant to~~ this section may not exceed the
 92 proportional share of ad valorem taxation of the counties in the
 93 district which are benefited by the project.

94 Section 3. Section 374.977, Florida Statutes, is amended
 95 to read:

96 374.977 Inland navigation districts; manatee protection
 97 speed zones, responsibility for sign posting.--The Fish and
 98 Wildlife Conservation Commission ~~Each inland navigation district~~
 99 shall be responsible for posting and maintaining regulatory
 100 markers, ~~as approved by the Fish and Wildlife Conservation~~
 101 ~~Commission,~~ for manatee protection speed zones pursuant to a
 102 rule adopted by the commission. The commission may apply to
 103 inland navigation districts for funding under s. 374.976 to
 104 assist the commission with its responsibility under this
 105 section. ~~Such responsibility shall not be limited to the~~
 106 ~~intra-coastal waterway, but shall include all waters within each~~
 107 ~~member county for which regulatory markers must be posted. Sign~~
 108 ~~locations shall be jointly selected by the Fish and Wildlife~~
 109 ~~Conservation Commission and the appropriate inland navigation~~
 110 ~~district, pending necessary federal, state, and local approvals.~~
 111 ~~Should an inland navigation district lack the resources or~~

112 ~~otherwise be unable to carry out its sign posting and~~
113 ~~maintenance duties, this responsibility shall then be assumed by~~
114 ~~the Fish and Wildlife Conservation Commission.~~

115 Section 4. Section 403.813, Florida Statutes, is amended
116 to read:

117 403.813 Permits issued at district centers; exceptions.--

118 ~~(1) The secretary shall adopt procedural rules providing~~
119 ~~for a short form application for, and issuance at the district~~
120 ~~centers of, permits for:~~

121 ~~(a) Projects which affect less than 10 acres of~~
122 ~~jurisdictional area and are within the landward extent of waters~~
123 ~~of the state that are directly impacted by dredging or filling,~~
124 ~~including other areas severed from or connected to waters of the~~
125 ~~state as a result of dredge and fill activities.~~

126 ~~(b) Docking facilities of less than 10 wet slips, which~~
127 ~~facilities do not provide commercial or marine supplies or~~
128 ~~services.~~

129 ~~(c) New seawalls or similar structures which do not exceed~~
130 ~~500 linear feet of shoreline.~~

131 ~~(d) The installation of subaqueous transmission and~~
132 ~~distribution lines laid on, or embedded in, the bottoms of~~
133 ~~waters of the state carrying water, electricity, communication~~
134 ~~cables, oil, and gas, except as exempted by paragraph (2) (m) or~~
135 ~~paragraph (2) (n).~~

136 ~~(e) Other similar projects that are limited in scope as~~
137 ~~specified by rule.~~

138 (1)~~(2)~~ A permit is not required under this chapter,
139 chapter 373, chapter 61-691, Laws of Florida, or chapter 25214

140 or chapter 25270, 1949, Laws of Florida, for activities
141 associated with the following types of projects; however, except
142 as otherwise provided in this subsection, nothing in this
143 subsection relieves an applicant from any requirement to obtain
144 permission to use or occupy lands owned by the Board of Trustees
145 of the Internal Improvement Trust Fund or any water management
146 district in its governmental or proprietary capacity or from
147 complying with applicable local pollution control programs
148 authorized under this chapter or other requirements of county
149 and municipal governments:

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

153 (b) The installation and repair of mooring pilings and
154 dolphins associated with private docking facilities or piers and
155 the installation of private docks, piers and recreational
156 docking facilities, or piers and recreational docking facilities
157 of local governmental entities when the local governmental
158 entity's activities will not take place in any manatee habitat,
159 any of which docks:

160 1. Has 500 square feet or less of over-water surface area
161 for a dock which is located in an area designated as Outstanding
162 Florida Waters or 1,000 square feet or less of over-water
163 surface area for a dock which is located in an area which is not
164 designated as Outstanding Florida Waters;

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

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

170 4. Is used for recreational, noncommercial activities
171 associated with the mooring or storage of boats and boat
172 paraphernalia; and

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

178

179 Nothing in this paragraph shall prohibit the department from
180 taking appropriate enforcement action pursuant to this chapter
181 to abate or prohibit any activity otherwise exempt from
182 permitting pursuant to this paragraph if the department can
183 demonstrate that the exempted activity has caused water
184 pollution in violation of this chapter.

185 (c) The installation and maintenance to design
186 specifications of boat ramps on artificial bodies of water where
187 navigational access to the proposed ramp exists or the
188 installation of boat ramps open to the public in any waters of
189 the state where navigational access to the proposed ramp exists
190 and where the construction of the proposed ramp will be less
191 than 30 feet wide and will involve the removal of less than 25
192 cubic yards of material from the waters of the state, and the
193 maintenance to design specifications of such ramps; however, the
194 material to be removed shall be placed upon a self-contained
195 upland site so as to prevent the escape of the spoil material

196 into the waters of the state.

197 (d) The replacement or repair of existing docks and piers,
198 except that no fill material is to be used and provided that the
199 replacement or repaired dock or pier is in the same location and
200 of the same configuration and dimensions as the dock or pier
201 being replaced or repaired.

202 (e) The restoration of seawalls at their previous
203 locations or upland of, or within 1 foot waterward of, their
204 previous locations. However, this shall not affect the
205 permitting requirements of chapter 161, and department rules
206 shall clearly indicate that this exception does not constitute
207 an exception from the permitting requirements of chapter 161.

208 (f) The performance of maintenance dredging of existing
209 manmade canals, channels, intake and discharge structures, and
210 previously dredged portions of natural water bodies within
211 drainage rights-of-way or drainage easements which have been
212 recorded in the public records of the county, where the spoil
213 material is to be removed and deposited on a self-contained,
214 upland spoil site which will prevent the escape of the spoil
215 material into the waters of the state, provided that no more
216 dredging is to be performed than is necessary to restore the
217 canals, channels, and intake and discharge structures, and
218 previously dredged portions of natural water bodies, to original
219 design specifications or configurations, provided that the work
220 is conducted in compliance with s. 370.12(2)(d), provided that
221 no significant impacts occur to previously undisturbed natural
222 areas, and provided that control devices for return flow and
223 best management practices for erosion and sediment control are

224 utilized to prevent bank erosion and scouring and to prevent
225 turbidity, dredged material, and toxic or deleterious substances
226 from discharging into adjacent waters during maintenance
227 dredging. Further, for maintenance dredging of previously
228 dredged portions of natural water bodies within recorded
229 drainage rights-of-way or drainage easements, an entity that
230 seeks an exemption must notify the department or water
231 management district, as applicable, at least 30 days prior to
232 dredging and provide documentation of original design
233 specifications or configurations where such exist. This
234 exemption applies to all canals and previously dredged portions
235 of natural water bodies within recorded drainage rights-of-way
236 or drainage easements constructed prior to April 3, 1970, and to
237 those canals and previously dredged portions of natural water
238 bodies constructed on or after April 3, 1970, pursuant to all
239 necessary state permits. This exemption does not apply to the
240 removal of a natural or manmade barrier separating a canal or
241 canal system from adjacent waters. When no previous permit has
242 been issued by the Board of Trustees of the Internal Improvement
243 Trust Fund or the United States Army Corps of Engineers for
244 construction or maintenance dredging of the existing manmade
245 canal or intake or discharge structure, such maintenance
246 dredging shall be limited to a depth of no more than 5 feet
247 below mean low water. The Board of Trustees of the Internal
248 Improvement Trust Fund may fix and recover from the permittee an
249 amount equal to the difference between the fair market value and
250 the actual cost of the maintenance dredging for material removed
251 during such maintenance dredging. However, no charge shall be

252 | exacted by the state for material removed during such
253 | maintenance dredging by a public port authority. The removing
254 | party may subsequently sell such material; however, proceeds
255 | from such sale that exceed the costs of maintenance dredging
256 | shall be remitted to the state and deposited in the Internal
257 | Improvement Trust Fund.

258 | (g) The maintenance of existing insect control structures,
259 | dikes, and irrigation and drainage ditches, provided that spoil
260 | material is deposited on a self-contained, upland spoil site
261 | which will prevent the escape of the spoil material into waters
262 | of the state. In the case of insect control structures, if the
263 | cost of using a self-contained upland spoil site is so
264 | excessive, as determined by the Department of Health, pursuant
265 | to s. 403.088(1), that it will inhibit proposed insect control,
266 | then-existing spoil sites or dikes may be used, upon
267 | notification to the department. In the case of insect control
268 | where upland spoil sites are not used pursuant to this
269 | exemption, turbidity control devices shall be used to confine
270 | the spoil material discharge to that area previously disturbed
271 | when the receiving body of water is used as a potable water
272 | supply, is designated as shellfish harvesting waters, or
273 | functions as a habitat for commercially or recreationally
274 | important shellfish or finfish. In all cases, no more dredging
275 | is to be performed than is necessary to restore the dike or
276 | irrigation or drainage ditch to its original design
277 | specifications.

278 | (h) The repair or replacement of existing functional pipes
279 | or culverts the purpose of which is the discharge or conveyance

280 of stormwater. In all cases, the invert elevation, the diameter,
281 and the length of the culvert shall not be changed. However, the
282 material used for the culvert may be different from the
283 original.

284 (i) The construction of private docks of 1,000 square feet
285 or less of over-water surface area and seawalls in artificially
286 created waterways where such construction will not violate
287 existing water quality standards, impede navigation, or affect
288 flood control. This exemption does not apply to the construction
289 of vertical seawalls in estuaries or lagoons unless the proposed
290 construction is within an existing manmade canal where the
291 shoreline is currently occupied in whole or part by vertical
292 seawalls.

293 (j) The construction and maintenance of swales.

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

297 (l) The replacement or repair of existing open-trestle
298 foot bridges and vehicular bridges that are 100 feet or less in
299 length and two lanes or less in width, provided that no more
300 dredging or filling of submerged lands is performed other than
301 that which is necessary to replace or repair pilings and that
302 the structure to be replaced or repaired is the same length, the
303 same configuration, and in the same location as the original
304 bridge. No debris from the original bridge shall be allowed to
305 remain in the waters of the state.

306 (m) The installation of subaqueous transmission and
307 distribution lines laid on, or embedded in, the bottoms of

308 | waters in the state, except in Class I and Class II waters and
309 | aquatic preserves, provided no dredging or filling is necessary.

310 | (n) The replacement or repair of subaqueous transmission
311 | and distribution lines laid on, or embedded in, the bottoms of
312 | waters of the state.

313 | (o) The construction of private seawalls in wetlands or
314 | other surface waters where such construction is between and
315 | adjoins at both ends existing seawalls; follows a continuous and
316 | uniform seawall construction line with the existing seawalls; is
317 | no more than 150 feet in length; and does not violate existing
318 | water quality standards, impede navigation, or affect flood
319 | control. However, in estuaries and lagoons the construction of
320 | vertical seawalls is limited to the circumstances and purposes
321 | stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
322 | the permitting requirements of chapter 161, and department rules
323 | must clearly indicate that this exception does not constitute an
324 | exception from the permitting requirements of chapter 161.

325 | (p) The restoration of existing insect control impoundment
326 | dikes which are less than 100 feet in length. Such impoundments
327 | shall be connected to tidally influenced waters for 6 months
328 | each year beginning September 1 and ending February 28 if
329 | feasible or operated in accordance with an impoundment
330 | management plan approved by the department. A dike restoration
331 | may involve no more dredging than is necessary to restore the
332 | dike to its original design specifications. For the purposes of
333 | this paragraph, restoration does not include maintenance of
334 | impoundment dikes of operating insect control impoundments.

335 (q) The construction, operation, or maintenance of
 336 stormwater management facilities which are designed to serve
 337 single-family residential projects, including duplexes,
 338 triplexes, and quadruplexes, if they are less than 10 acres
 339 total land and have less than 2 acres of impervious surface and
 340 if the facilities:

341 1. Comply with all regulations or ordinances applicable to
 342 stormwater management and adopted by a city or county;

343 2. Are not part of a larger common plan of development or
 344 sale; and

345 3. Discharge into a stormwater discharge facility exempted
 346 or permitted by the department under this chapter which has
 347 sufficient capacity and treatment capability as specified in
 348 this chapter and is owned, maintained, or operated by a city,
 349 county, special district with drainage responsibility, or water
 350 management district; however, this exemption does not authorize
 351 discharge to a facility without the facility owner's prior
 352 written consent.

353 (r) The removal of aquatic plants, the removal of
 354 tussocks, the associated replanting of indigenous aquatic
 355 plants, and the associated removal from lakes of organic
 356 detrital material when such planting or removal is performed and
 357 authorized by permit or exemption granted under s. 369.20 or s.
 358 369.25, provided that:

359 1. Organic detrital material that exists on the surface of
 360 natural mineral substrate shall be allowed to be removed to a
 361 depth of 3 feet or to the natural mineral substrate, whichever
 362 is less;

363 2. All material removed pursuant to this paragraph shall
 364 be deposited in an upland site in a manner that will prevent the
 365 reintroduction of the material into waters in the state except
 366 when spoil material is permitted to be used to create wildlife
 367 islands in freshwater bodies of the state when a governmental
 368 entity is permitted pursuant to s. 369.20 to create such islands
 369 as a part of a restoration or enhancement project;

370 3. All activities are performed in a manner consistent
 371 with state water quality standards; and

372 4. No activities under this exemption are conducted in
 373 wetland areas, as defined by s. 373.019(25), which are supported
 374 by a natural soil as shown in applicable United States
 375 Department of Agriculture county soil surveys, except when a
 376 governmental entity is permitted pursuant to s. 369.20 to
 377 conduct such activities as a part of a restoration or
 378 enhancement project.

379
 380 The department may not adopt implementing rules for this
 381 paragraph, notwithstanding any other provision of law.

382 (s) The construction, installation, operation, or
 383 maintenance of floating vessel platforms or floating boat lifts,
 384 provided that such structures:

385 1. Float at all times in the water for the sole purpose of
 386 supporting a vessel so that the vessel is out of the water when
 387 not in use;

388 2. Are wholly contained within a boat slip previously
 389 permitted under ss. 403.91-403.929, 1984 Supplement to the
 390 Florida Statutes 1983, as amended, or part IV of chapter 373, or

391 do not exceed a combined total of 500 square feet, or 200 square
 392 feet in an Outstanding Florida Water, when associated with a
 393 dock that is exempt under this subsection or associated with a
 394 permitted dock with no defined boat slip or attached to a
 395 bulkhead on a parcel of land where there is no other docking
 396 structure;

397 3. Are not used for any commercial purpose or for mooring
 398 vessels that remain in the water when not in use, and do not
 399 substantially impede the flow of water, create a navigational
 400 hazard, or unreasonably infringe upon the riparian rights of
 401 adjacent property owners, as defined in s. 253.141;

402 4. Are constructed and used so as to minimize adverse
 403 impacts to submerged lands, wetlands, shellfish areas, aquatic
 404 plant and animal species, and other biological communities,
 405 including locating such structures in areas where seagrasses are
 406 least dense adjacent to the dock or bulkhead; and

407 5. Are not constructed in areas specifically prohibited
 408 for boat mooring under conditions of a permit issued in
 409 accordance with ss. 403.91-403.929, 1984 Supplement to the
 410 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 411 other form of authorization issued by a local government.

412
 413 Structures that qualify for this exemption are relieved from any
 414 requirement to obtain permission to use or occupy lands owned by
 415 the Board of Trustees of the Internal Improvement Trust Fund
 416 and, with the exception of those structures attached to a
 417 bulkhead on a parcel of land where there is no docking
 418 structure, shall not be subject to any more stringent permitting

419 requirements, registration requirements, or other regulation by
420 any local government. Local governments may require either
421 permitting or one-time registration of floating vessel platforms
422 to be attached to a bulkhead on a parcel of land where there is
423 no other docking structure as necessary to ensure compliance
424 with local ordinances, codes, or regulations. Local governments
425 may require either permitting or one-time registration of all
426 other floating vessel platforms as necessary to ensure
427 compliance with the exemption criteria in this section; to
428 ensure compliance with local ordinances, codes, or regulations
429 relating to building or zoning, which are no more stringent than
430 the exemption criteria in this section or address subjects other
431 than subjects addressed by the exemption criteria in this
432 section; and to ensure proper installation, maintenance, and
433 precautionary or evacuation action following a tropical storm or
434 hurricane watch of a floating vessel platform or floating boat
435 lift that is proposed to be attached to a bulkhead or parcel of
436 land where there is no other docking structure. The exemption
437 provided in this paragraph shall be in addition to the exemption
438 provided in paragraph (b). The department shall adopt a general
439 permit by rule for the construction, installation, operation, or
440 maintenance of those floating vessel platforms or floating boat
441 lifts that do not qualify for the exemption provided in this
442 paragraph but do not cause significant adverse impacts to occur
443 individually or cumulatively. The issuance of such general
444 permit shall also constitute permission to use or occupy lands
445 owned by the Board of Trustees of the Internal Improvement Trust
446 Fund. No local government shall impose a more stringent

447 regulation, permitting requirement, registration requirement, or
448 other regulation covered by such general permit. Local
449 governments may require either permitting or one-time
450 registration of floating vessel platforms as necessary to ensure
451 compliance with the general permit in this section; to ensure
452 compliance with local ordinances, codes, or regulations relating
453 to building or zoning that are no more stringent than the
454 general permit in this section; and to ensure proper
455 installation and maintenance of a floating vessel platform or
456 floating boat lift that is proposed to be attached to a bulkhead
457 or parcel of land where there is no other docking structure.

458 (t) The repair, stabilization, or paving of existing
459 county maintained roads and the repair or replacement of bridges
460 that are part of the roadway, within the Northwest Florida Water
461 Management District and the Suwannee River Water Management
462 District, provided:

463 1. The road and associated bridge were in existence and in
464 use as a public road or bridge, and were maintained by the
465 county as a public road or bridge on or before January 1, 2002;

466 2. The construction activity does not realign the road or
467 expand the number of existing traffic lanes of the existing
468 road; however, the work may include the provision of safety
469 shoulders, clearance of vegetation, and other work reasonably
470 necessary to repair, stabilize, pave, or repave the road,
471 provided that the work is constructed by generally accepted
472 engineering standards;

473 3. The construction activity does not expand the existing
474 width of an existing vehicular bridge in excess of that

475 reasonably necessary to properly connect the bridge with the
476 road being repaired, stabilized, paved, or repaved to safely
477 accommodate the traffic expected on the road, which may include
478 expanding the width of the bridge to match the existing
479 connected road. However, no debris from the original bridge
480 shall be allowed to remain in waters of the state, including
481 wetlands;

482 4. Best management practices for erosion control shall be
483 employed as necessary to prevent water quality violations;

484 5. Roadside swales or other effective means of stormwater
485 treatment must be incorporated as part of the project;

486 6. No more dredging or filling of wetlands or water of the
487 state is performed than that which is reasonably necessary to
488 repair, stabilize, pave, or repave the road or to repair or
489 replace the bridge, in accordance with generally accepted
490 engineering standards; and

491 7. Notice of intent to use the exemption is provided to
492 the department, if the work is to be performed within the
493 Northwest Florida Water Management District, or to the Suwannee
494 River Water Management District, if the work is to be performed
495 within the Suwannee River Water Management District, 30 days
496 prior to performing any work under the exemption.

497

498 Within 30 days after this act becomes a law, the department
499 shall initiate rulemaking to adopt a no fee general permit for
500 the repair, stabilization, or paving of existing roads that are
501 maintained by the county and the repair or replacement of
502 bridges that are part of the roadway where such activities do

503 not cause significant adverse impacts to occur individually or
 504 cumulatively. The general permit shall apply statewide and, with
 505 no additional rulemaking required, apply to qualified projects
 506 reviewed by the Suwannee River Water Management District, the
 507 St. Johns River Water Management District, the Southwest Florida
 508 Water Management District, and the South Florida Water
 509 Management District under the division of responsibilities
 510 contained in the operating agreements applicable to part IV of
 511 chapter 373. Upon adoption, this general permit shall, pursuant
 512 to the provisions of subsection (2) ~~(3)~~, supersede and replace
 513 the exemption in this paragraph.

514 (u) Notwithstanding any provision to the contrary in this
 515 subsection, a permit or other authorization under chapter 253,
 516 chapter 369, chapter 373, or this chapter is not required for an
 517 individual residential property owner for the removal of organic
 518 detrital material from freshwater rivers or lakes that have a
 519 natural sand or rocky substrate and that are not Aquatic
 520 Preserves or for the associated removal and replanting of
 521 aquatic vegetation for the purpose of environmental enhancement,
 522 providing that:

523 1. No activities under this exemption are conducted in
 524 wetland areas, as defined by s. 373.019(25), which are supported
 525 by a natural soil as shown in applicable United States
 526 Department of Agriculture county soil surveys.

527 2. No filling or peat mining is allowed.

528 3. No removal of native wetland trees, including, but not
 529 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

530 4. When removing organic detrital material, no portion of
531 the underlying natural mineral substrate or rocky substrate is
532 removed.

533 5. Organic detrital material and plant material removed is
534 deposited in an upland site in a manner that will not cause
535 water quality violations.

536 6. All activities are conducted in such a manner, and with
537 appropriate turbidity controls, so as to prevent any water
538 quality violations outside the immediate work area.

539 7. Replanting with a variety of aquatic plants native to
540 the state shall occur in a minimum of 25 percent of the
541 preexisting vegetated areas where organic detrital material is
542 removed, except for areas where the material is removed to bare
543 rocky substrate; however, an area may be maintained clear of
544 vegetation as an access corridor. The access corridor width may
545 not exceed 50 percent of the property owner's frontage or 50
546 feet, whichever is less, and may be a sufficient length
547 waterward to create a corridor to allow access for a boat or
548 swimmer to reach open water. Replanting must be at a minimum
549 density of 2 feet on center and be completed within 90 days
550 after removal of existing aquatic vegetation, except that under
551 dewatered conditions replanting must be completed within 90 days
552 after reflooding. The area to be replanted must extend waterward
553 from the ordinary high water line to a point where normal water
554 depth would be 3 feet or the preexisting vegetation line,
555 whichever is less. Individuals are required to make a reasonable
556 effort to maintain planting density for a period of 6 months
557 after replanting is complete, and the plants, including

558 naturally recruited native aquatic plants, must be allowed to
559 expand and fill in the revegetation area. Native aquatic plants
560 to be used for revegetation must be salvaged from the
561 enhancement project site or obtained from an aquatic plant
562 nursery regulated by the Department of Agriculture and Consumer
563 Services. Plants that are not native to the state may not be
564 used for replanting.

565 8. No activity occurs any farther than 100 feet waterward
566 of the ordinary high water line, and all activities must be
567 designed and conducted in a manner that will not unreasonably
568 restrict or infringe upon the riparian rights of adjacent upland
569 riparian owners.

570 9. The person seeking this exemption notifies the
571 applicable department district office in writing at least 30
572 days before commencing work and allows the department to conduct
573 a preconstruction site inspection. Notice must include an
574 organic-detrital-material removal and disposal plan and, if
575 applicable, a vegetation-removal and revegetation plan.

576 10. The department is provided written certification of
577 compliance with the terms and conditions of this paragraph
578 within 30 days after completion of any activity occurring under
579 this exemption.

580 ~~(2)-(3)~~ The provisions of subsection (1) ~~(2)~~ are superseded
581 by general permits established pursuant to ss. 373.118 and
582 403.814 which include the same activities. Until such time as
583 general permits are established, or should general permits be
584 suspended or repealed, the exemptions under subsection (1) ~~(2)~~
585 shall remain or shall be reestablished in full force and effect.

586 (3) The following provisions shall apply to maintenance
587 dredging conducted pursuant to this section by the seaports of
588 Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port
589 Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St.
590 Joe, Panama City, Pensacola, Key West, and Fernandina, or by
591 inland navigation districts:

592 (a) A mixing zone for turbidity shall be allowed within a
593 100-meter radius from the point of dredging while dredging is
594 ongoing, except that the mixing zone does not extend into areas
595 supporting submerged aquatic vegetation or hardbottom
596 communities.

597 (b) The discharge of the return water from the site used
598 for the disposal of dredged material shall be allowed only if
599 such discharge does not result in a violation of water quality
600 standards in the receiving waters. However, any such return
601 water discharge into manmade waters that are not in Monroe
602 County shall be allowed a mixing zone for turbidity within a
603 150-meter radius from the point of discharge during and
604 immediately after the discharge while dredging is ongoing,
605 except that the mixing zone shall not extend outside the manmade
606 waters. As used in this paragraph, the term "manmade waters"
607 means semienclosed port berths and surface waters that were
608 wholly excavated from lands other than wetlands and other
609 surface waters.

610 (c) The state shall not charge a seaport or an inland
611 navigation district a fee for material that is removed under
612 this subsection.

613 (d) The use of flocculants at the site used for disposal

614 of the dredged material shall be allowed if the use, including
615 supporting documentation, is coordinated in advance with the
616 department and the department has determined that the use is not
617 harmful to water resources.

618 (e) Nothing in this subsection shall be construed to
619 prohibit maintenance dredging of areas where the loss of
620 original design function and constructed configuration has been
621 caused by a storm event, provided that the dredging is performed
622 as soon as practical after the storm event. Maintenance dredging
623 that commences within 2 years after the storm event shall be
624 presumed to satisfy this provision. If more than 2 years are
625 needed to commence the maintenance dredging after the storm
626 event, a request for a specific time extension to maintenance
627 dredge shall be submitted to the department, prior to the end of
628 the 2-year period, accompanied by a statement, including
629 supporting documentation, demonstrating that contractors are not
630 available or that additional time is needed to obtain
631 authorization to maintenance dredge from the United States Army
632 Corps of Engineers.

633 Section 5. The Department of Environmental Protection may
634 develop and maintain a list of flocculants the use of which is
635 permitted under part IV of chapter 373, Florida Statutes,
636 including information concerning any associated testing to
637 determine compliance with state permitting standards and
638 information on application rates and methods. Publication of
639 this list is not a rule under the provisions of chapter 120,
640 Florida Statutes. This section does not prevent an entity from
641 proposing, or the department from approving, the use of a

642 flocculant that is not on the department's list subject to the
 643 entity providing the necessary documentation required by the
 644 department to ensure that use of the flocculant will not cause
 645 harm to the water resources of the state.

646 Section 6. Subsection (16) of section 253.03, Florida
 647 Statutes, is amended to read:

648 253.03 Board of trustees to administer state lands; lands
 649 enumerated.--

650 (16) The Board of Trustees of the Internal Improvement
 651 Trust Fund, and the state through its agencies, may not control,
 652 regulate, permit, or charge for any severed materials which are
 653 removed from the area adjacent to an intake or discharge
 654 structure pursuant to an exemption authorized in s.
 655 403.813 (1) ~~(2)~~ (f) and (r).

656 Section 7. Subsection (3) of section 373.4145, Florida
 657 Statutes, is amended to read:

658 373.4145 Part IV permitting program within the
 659 geographical jurisdiction of the Northwest Florida Water
 660 Management District.--

661 (3) The rules adopted under subsection (1), as applicable,
 662 shall:

663 (a) Incorporate the exemptions in ss. 373.406 and
 664 403.813 (1) ~~(2)~~.

665 (b) Incorporate the provisions of rule 62-341.475(1)(f),
 666 Florida Administrative Code, applicable to single-family homes
 667 located entirely or partially within wholly owned, isolated
 668 wetlands.

669 (c) Exempt from the notice and permitting requirements of
 670 this part the construction or private use of a single-family
 671 dwelling unit, duplex, triplex, or quadruplex that:

672 1. Is not part of a larger common plan of development or
 673 sale proposed by the applicant.

674 2. Does not involve wetlands or other surface waters.

675 (d) Incorporate the exemptions and general permits that
 676 are effective under this part and have been enacted by rule by
 677 the department and other water management districts, including
 678 the general permits authorized by s. 403.814.

679 (e) Provide an exemption for the repair, stabilization, or
 680 paving of county-maintained roads existing on or before January
 681 1, 2002, and the repair or replacement of bridges that are part
 682 of the roadway consistent with the provisions of s.
 683 403.813 (1) ~~(2)~~ (t), notwithstanding the provisions of s.
 684 403.813 (1) ~~(2)~~ (t) 7. requiring adoption of a general permit
 685 applicable within the Northwest Florida Water Management
 686 District and the repeal of such exemption upon the adoption of a
 687 general permit.

688 (f) Exempt from rule criteria under paragraph (1) (b) an
 689 alteration of a wholly owned, artificial surface water created
 690 entirely from uplands that does not connect to surface waters of
 691 the state, except for those created for the purpose of providing
 692 mitigation under this part.

693 Section 8. Paragraph (a) of subsection (3) of section
 694 380.061, Florida Statutes, is amended to read:

695 380.061 The Florida Quality Developments program.--

696 (3) (a) To be eligible for designation under this program,
697 the developer shall comply with each of the following
698 requirements which is applicable to the site of a qualified
699 development:

700 1. Have donated or entered into a binding commitment to
701 donate the fee or a lesser interest sufficient to protect, in
702 perpetuity, the natural attributes of the types of land listed
703 below. In lieu of the above requirement, the developer may enter
704 into a binding commitment which runs with the land to set aside
705 such areas on the property, in perpetuity, as open space to be
706 retained in a natural condition or as otherwise permitted under
707 this subparagraph. Under the requirements of this subparagraph,
708 the developer may reserve the right to use such areas for the
709 purpose of passive recreation that is consistent with the
710 purposes for which the land was preserved.

711 a. Those wetlands and water bodies throughout the state as
712 would be delineated if the provisions of s. 373.4145(1)(b) were
713 applied. The developer may use such areas for the purpose of
714 site access, provided other routes of access are unavailable or
715 impracticable; may use such areas for the purpose of stormwater
716 or domestic sewage management and other necessary utilities to
717 the extent that such uses are permitted pursuant to chapter 403;
718 or may redesign or alter wetlands and water bodies within the
719 jurisdiction of the Department of Environmental Protection which
720 have been artificially created, if the redesign or alteration is
721 done so as to produce a more naturally functioning system.

722 b. Active beach or primary and, where appropriate,
723 secondary dunes, to maintain the integrity of the dune system

724 and adequate public accessways to the beach. However, the
725 developer may retain the right to construct and maintain
726 elevated walkways over the dunes to provide access to the beach.

727 c. Known archaeological sites determined to be of
728 significance by the Division of Historical Resources of the
729 Department of State.

730 d. Areas known to be important to animal species
731 designated as endangered or threatened animal species by the
732 United States Fish and Wildlife Service or by the Fish and
733 Wildlife Conservation Commission, for reproduction, feeding, or
734 nesting; for traveling between such areas used for reproduction,
735 feeding, or nesting; or for escape from predation.

736 e. Areas known to contain plant species designated as
737 endangered plant species by the Department of Agriculture and
738 Consumer Services.

739 2. Produce, or dispose of, no substances designated as
740 hazardous or toxic substances by the United States Environmental
741 Protection Agency or by the Department of Environmental
742 Protection or the Department of Agriculture and Consumer
743 Services. This subparagraph is not intended to apply to the
744 production of these substances in nonsignificant amounts as
745 would occur through household use or incidental use by
746 businesses.

747 3. Participate in a downtown reuse or redevelopment
748 program to improve and rehabilitate a declining downtown area.

749 4. Incorporate no dredge and fill activities in, and no
750 stormwater discharge into, waters designated as Class II,
751 aquatic preserves, or Outstanding Florida Waters, except as

752 activities in those waters are permitted pursuant to s.
753 403.813 (1) ~~(2)~~ and the developer demonstrates that those
754 activities meet the standards under Class II waters, Outstanding
755 Florida Waters, or aquatic preserves, as applicable.

756 5. Include open space, recreation areas, Xeriscape as
757 defined in s. 373.185, and energy conservation and minimize
758 impermeable surfaces as appropriate to the location and type of
759 project.

760 6. Provide for construction and maintenance of all onsite
761 infrastructure necessary to support the project and enter into a
762 binding commitment with local government to provide an
763 appropriate fair-share contribution toward the offsite impacts
764 which the development will impose on publicly funded facilities
765 and services, except offsite transportation, and condition or
766 phase the commencement of development to ensure that public
767 facilities and services, except offsite transportation, will be
768 available concurrent with the impacts of the development. For
769 the purposes of offsite transportation impacts, the developer
770 shall comply, at a minimum, with the standards of the state land
771 planning agency's development-of-regional-impact transportation
772 rule, the approved strategic regional policy plan, any
773 applicable regional planning council transportation rule, and
774 the approved local government comprehensive plan and land
775 development regulations adopted pursuant to part II of chapter
776 163.

777 7. Design and construct the development in a manner that
778 is consistent with the adopted state plan, the applicable

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779 | strategic regional policy plan, and the applicable adopted local
780 | government comprehensive plan.

781 | Section 9. This act shall take effect July 1, 2008.