



227268

CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/24/2008 11:39 AM

1 Senator Jones moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete line(s) 120-169

5 and insert:

6 Section 4. Present subsection (40) of section 403.061,
7 Florida Statutes, is redesignated as subsection (41), and a new
8 subsection (40) is added to that section to read:

9 403.061 Department; powers and duties.--The department
10 shall have the power and the duty to control and prohibit
11 pollution of air and water in accordance with the law and rules
12 adopted and promulgated by it and, for this purpose, to:

13 (40) Maintain a prioritized list of projects or activities
14 that applicants may consider when developing proposals to meet
15 the mitigation or public interest requirements of chapter 253,
16 chapter 373, or this chapter. The contents of such a list are not
17 a rule as defined in chapter 120, and listing a specific project



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18 or activity does not imply approval by the department for such
19 project or activity. Each county government is encouraged to
20 develop a prioritized inventory of projects or activities for
21 inclusion on the list by obtaining input from local stakeholders
22 in the public, private, and nonprofit sectors, including local
23 governments, port authorities, marine contractors, other
24 representatives of the marine construction industry,
25 environmental or conservation organizations, and other interested
26 parties. Counties may establish dedicated funds depositing public
27 interest donations into a reserve for future public interest
28 projects, including improvements to on-water law enforcement
29 activities.

30
31 The department shall implement such programs in conjunction with
32 its other powers and duties and shall place special emphasis on
33 reducing and eliminating contamination that presents a threat to
34 humans, animals or plants, or to the environment.

35 Section 5. Subsections (2) and (3) of section 403.813,
36 Florida Statutes, are amended and a new subsection (4) is added
37 to read:

38 403.813 Permits issued at district centers; exceptions.--

39 (2) A permit is not required under this chapter, chapter
40 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter
41 25270, 1949, Laws of Florida, and a local government may not
42 require further verification from the department for activities
43 associated with the following types of projects; however, except
44 as otherwise provided in this subsection, ~~nothing in this~~
45 subsection does not relieve ~~relieves~~ an applicant from any
46 requirement to obtain permission to use or occupy lands owned by
47 the Board of Trustees of the Internal Improvement Trust Fund or



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48 any water management district in its governmental or proprietary
49 capacity or from complying with applicable local pollution
50 control programs authorized under this chapter or other
51 requirements of county and municipal governments:

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

55 (b) The installation and repair of mooring pilings and
56 dolphins associated with private docking facilities or piers and
57 the installation of private docks, piers and recreational docking
58 facilities, or piers and recreational docking facilities of local
59 governmental entities when the local governmental entity's
60 activities will not take place in any manatee habitat, any of
61 which docks:

62 1. Has 500 square feet or less of over-water surface area
63 for a dock which is located in an area designated as Outstanding
64 Florida Waters or 1,000 square feet or less of over-water surface
65 area for a dock which is located in an area which is not
66 designated as Outstanding Florida Waters;

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

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

72 4. Is used for recreational, noncommercial activities
73 associated with the mooring or storage of boats and boat
74 paraphernalia; and

75 5. Is the sole dock constructed pursuant to this exemption
76 as measured along the shoreline for a distance of 65 feet, unless
77 the parcel of land or individual lot as platted is less than 65



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78 feet in length along the shoreline, in which case there may be
79 one exempt dock allowed per parcel or lot.

80
81 Nothing in this paragraph shall prohibit the department from
82 taking appropriate enforcement action pursuant to this chapter to
83 abate or prohibit any activity otherwise exempt from permitting
84 pursuant to this paragraph if the department can demonstrate that
85 the exempted activity has caused water pollution in violation of
86 this chapter.

87 (c) The installation and maintenance to design
88 specifications of boat ramps on artificial bodies of water where
89 navigational access to the proposed ramp exists or the
90 installation of boat ramps open to the public in any waters of
91 the state where navigational access to the proposed ramp exists
92 and where the construction of the proposed ramp will be less than
93 30 feet wide and will involve the removal of less than 25 cubic
94 yards of material from the waters of the state, and the
95 maintenance to design specifications of such ramps; however, the
96 material to be removed shall be placed upon a self-contained
97 upland site so as to prevent the escape of the spoil material
98 into the waters of the state.

99 (d) The replacement or repair of existing docks and piers,
100 except that no fill material is to be used and provided that the
101 replacement or repaired dock or pier is in the same location and
102 of the same configuration and dimensions as the dock or pier
103 being replaced or repaired. This does not preclude the use of
104 different construction materials or minor deviations to allow
105 upgrades to current structural and design standards.

106 (e) The restoration of seawalls at their previous locations
107 or upland of, or within 1 foot waterward of, their previous



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108 | locations. However, this shall not affect the permitting
109 | requirements of chapter 161, and department rules shall clearly
110 | indicate that this exception does not constitute an exception
111 | from the permitting requirements of chapter 161.

112 | (f) The performance of maintenance dredging of existing
113 | manmade canals, channels, intake and discharge structures, and
114 | previously dredged portions of natural water bodies within
115 | drainage rights-of-way or drainage easements which have been
116 | recorded in the public records of the county, where the spoil
117 | material is to be removed and deposited on a self-contained,
118 | upland spoil site which will prevent the escape of the spoil
119 | material into the waters of the state, provided that no more
120 | dredging is to be performed than is necessary to restore the
121 | canals, channels, and intake and discharge structures, and
122 | previously dredged portions of natural water bodies, to original
123 | design specifications or configurations, provided that the work
124 | is conducted in compliance with s. 370.12(2)(d), provided that no
125 | significant impacts occur to previously undisturbed natural
126 | areas, and provided that control devices for return flow and best
127 | management practices for erosion and sediment control are
128 | utilized to prevent bank erosion and scouring and to prevent
129 | turbidity, dredged material, and toxic or deleterious substances
130 | from discharging into adjacent waters during maintenance
131 | dredging. Further, for maintenance dredging of previously dredged
132 | portions of natural water bodies within recorded drainage rights-
133 | of-way or drainage easements, an entity that seeks an exemption
134 | must notify the department or water management district, as
135 | applicable, at least 30 days prior to dredging and provide
136 | documentation of original design specifications or configurations
137 | where such exist. This exemption applies to all canals and



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138 | previously dredged portions of natural water bodies within
139 | recorded drainage rights-of-way or drainage easements constructed
140 | prior to April 3, 1970, and to those canals and previously
141 | dredged portions of natural water bodies constructed on or after
142 | April 3, 1970, pursuant to all necessary state permits. This
143 | exemption does not apply to the removal of a natural or manmade
144 | barrier separating a canal or canal system from adjacent waters.
145 | When no previous permit has been issued by the Board of Trustees
146 | of the Internal Improvement Trust Fund or the United States Army
147 | Corps of Engineers for construction or maintenance dredging of
148 | the existing manmade canal or intake or discharge structure, such
149 | maintenance dredging shall be limited to a depth of no more than
150 | 5 feet below mean low water. The Board of Trustees of the
151 | Internal Improvement Trust Fund may fix and recover from the
152 | permittee an amount equal to the difference between the fair
153 | market value and the actual cost of the maintenance dredging for
154 | material removed during such maintenance dredging. However, no
155 | charge shall be exacted by the state for material removed during
156 | such maintenance dredging by a public port authority. The
157 | removing party may subsequently sell such material; however,
158 | proceeds from such sale that exceed the costs of maintenance
159 | dredging shall be remitted to the state and deposited in the
160 | Internal Improvement Trust Fund.

161 | (g) The maintenance of existing insect control structures,
162 | dikes, and irrigation and drainage ditches, provided that spoil
163 | material is deposited on a self-contained, upland spoil site
164 | which will prevent the escape of the spoil material into waters
165 | of the state. In the case of insect control structures, if the
166 | cost of using a self-contained upland spoil site is so excessive,
167 | as determined by the Department of Health, pursuant to s.



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168 403.088(1), that it will inhibit proposed insect control, then-
169 existing spoil sites or dikes may be used, upon notification to
170 the department. In the case of insect control where upland spoil
171 sites are not used pursuant to this exemption, turbidity control
172 devices shall be used to confine the spoil material discharge to
173 that area previously disturbed when the receiving body of water
174 is used as a potable water supply, is designated as shellfish
175 harvesting waters, or functions as a habitat for commercially or
176 recreationally important shellfish or finfish. In all cases, no
177 more dredging is to be performed than is necessary to restore the
178 dike or irrigation or drainage ditch to its original design
179 specifications.

180 (h) The repair or replacement of existing functional pipes
181 or culverts the purpose of which is the discharge or conveyance
182 of stormwater. In all cases, the invert elevation, the diameter,
183 and the length of the culvert shall not be changed. However, the
184 material used for the culvert may be different from the original.

185 (i) The construction of private docks of 1,000 square feet
186 or less of over-water surface area and seawalls in artificially
187 created waterways where such construction will not violate
188 existing water quality standards, impede navigation, or affect
189 flood control. Local governments may require permitting or a one-
190 time registration in order to ensure compliance with local
191 ordinances, codes, or regulations relating to building or zoning.

192 This exemption does not apply to the construction of vertical
193 seawalls in estuaries or lagoons unless the proposed construction
194 is within an existing manmade canal where the shoreline is
195 currently occupied in whole or part by vertical seawalls.

196 (j) The construction and maintenance of swales.



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

200 (l) The replacement or repair of existing open-trestle foot
201 bridges and vehicular bridges that are 100 feet or less in length
202 and two lanes or less in width, provided that no more dredging or
203 filling of submerged lands is performed other than that which is
204 necessary to replace or repair pilings and that the structure to
205 be replaced or repaired is the same length, the same
206 configuration, and in the same location as the original bridge.
207 No debris from the original bridge shall be allowed to remain in
208 the waters of the state.

209 (m) The installation of subaqueous transmission and
210 distribution lines laid on, or embedded in, the bottoms of waters
211 in the state, except in Class I and Class II waters and aquatic
212 preserves, provided no dredging or filling is necessary.

213 (n) The replacement or repair of subaqueous transmission
214 and distribution lines laid on, or embedded in, the bottoms of
215 waters of the state.

216 (o) The construction of private seawalls in wetlands or
217 other surface waters where such construction is between and
218 adjoins at both ends existing seawalls; follows a continuous and
219 uniform seawall construction line with the existing seawalls; is
220 no more than 150 feet in length; and does not violate existing
221 water quality standards, impede navigation, or affect flood
222 control. However, in estuaries and lagoons the construction of
223 vertical seawalls is limited to the circumstances and purposes
224 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
225 the permitting requirements of chapter 161, and department rules



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226 must clearly indicate that this exception does not constitute an
227 exception from the permitting requirements of chapter 161.

228 (p) The restoration of existing insect control impoundment
229 dikes which are less than 100 feet in length. Such impoundments
230 shall be connected to tidally influenced waters for 6 months each
231 year beginning September 1 and ending February 28 if feasible or
232 operated in accordance with an impoundment management plan
233 approved by the department. A dike restoration may involve no
234 more dredging than is necessary to restore the dike to its
235 original design specifications. For the purposes of this
236 paragraph, restoration does not include maintenance of
237 impoundment dikes of operating insect control impoundments.

238 (q) The construction, operation, or maintenance of
239 stormwater management facilities which are designed to serve
240 single-family residential projects, including duplexes,
241 triplexes, and quadruplexes, if they are less than 10 acres total
242 land and have less than 2 acres of impervious surface and if the
243 facilities:

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

246 2. Are not part of a larger common plan of development or
247 sale; and

248 3. Discharge into a stormwater discharge facility exempted
249 or permitted by the department under this chapter which has
250 sufficient capacity and treatment capability as specified in this
251 chapter and is owned, maintained, or operated by a city, county,
252 special district with drainage responsibility, or water
253 management district; however, this exemption does not authorize
254 discharge to a facility without the facility owner's prior
255 written consent.



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256 (r) The removal of aquatic plants, the removal of tussocks,
257 the associated replanting of indigenous aquatic plants, and the
258 associated removal from lakes of organic detrital material when
259 such planting or removal is performed and authorized by permit or
260 exemption granted under s. 369.20 or s. 369.25, provided that:

261 1. Organic detrital material that exists on the surface of
262 natural mineral substrate shall be allowed to be removed to a
263 depth of 3 feet or to the natural mineral substrate, whichever is
264 less;

265 2. All material removed pursuant to this paragraph shall be
266 deposited in an upland site in a manner that will prevent the
267 reintroduction of the material into waters in the state except
268 when spoil material is permitted to be used to create wildlife
269 islands in freshwater bodies of the state when a governmental
270 entity is permitted pursuant to s. 369.20 to create such islands
271 as a part of a restoration or enhancement project;

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

274 4. No activities under this exemption are conducted in
275 wetland areas, as defined by s. 373.019(25), which are supported
276 by a natural soil as shown in applicable United States Department
277 of Agriculture county soil surveys, except when a governmental
278 entity is permitted pursuant to s. 369.20 to conduct such
279 activities as a part of a restoration or enhancement project.

280
281 The department may not adopt implementing rules for this
282 paragraph, notwithstanding any other provision of law.

283 (s) The construction, installation, operation, or
284 maintenance of floating vessel platforms or floating boat lifts,
285 provided that such structures:



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

289 2. Are wholly contained within a boat slip previously
290 permitted under ss. 403.91-403.929, 1984 Supplement to the
291 Florida Statutes 1983, as amended, or part IV of chapter 373, or
292 do not exceed a combined total of 500 square feet, or 200 square
293 feet in an Outstanding Florida Water, when associated with a dock
294 that is exempt under this subsection or associated with a
295 permitted dock with no defined boat slip or attached to a
296 bulkhead on a parcel of land where there is no other docking
297 structure;

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

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

308 5. Are not constructed in areas specifically prohibited for
309 boat mooring under conditions of a permit issued in accordance
310 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
311 1983, as amended, or part IV of chapter 373, or other form of
312 authorization issued by a local government.

313
314 Structures that qualify for this exemption are relieved from any
315 requirement to obtain permission to use or occupy lands owned by



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316 | the Board of Trustees of the Internal Improvement Trust Fund and,
317 | with the exception of those structures attached to a bulkhead on
318 | a parcel of land where there is no docking structure, shall not
319 | be subject to any more stringent permitting requirements,
320 | registration requirements, or other regulation by any local
321 | government. Local governments may require either permitting or
322 | one-time registration of floating vessel platforms to be attached
323 | to a bulkhead on a parcel of land where there is no other docking
324 | structure as necessary to ensure compliance with local
325 | ordinances, codes, or regulations. Local governments may require
326 | either permitting or one-time registration of all other floating
327 | vessel platforms as necessary to ensure compliance with the
328 | exemption criteria in this section; to ensure compliance with
329 | local ordinances, codes, or regulations relating to building or
330 | zoning, which are no more stringent than the exemption criteria
331 | in this section or address subjects other than subjects addressed
332 | by the exemption criteria in this section; and to ensure proper
333 | installation, maintenance, and precautionary or evacuation action
334 | following a tropical storm or hurricane watch of a floating
335 | vessel platform or floating boat lift that is proposed to be
336 | attached to a bulkhead or parcel of land where there is no other
337 | docking structure. The exemption provided in this paragraph shall
338 | be in addition to the exemption provided in paragraph (b). The
339 | department shall adopt a general permit by rule for the
340 | construction, installation, operation, or maintenance of those
341 | floating vessel platforms or floating boat lifts that do not
342 | qualify for the exemption provided in this paragraph but do not
343 | cause significant adverse impacts to occur individually or
344 | cumulatively. The issuance of such general permit shall also
345 | constitute permission to use or occupy lands owned by the Board



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346 of Trustees of the Internal Improvement Trust Fund. No local
347 government shall impose a more stringent regulation, permitting
348 requirement, registration requirement, or other regulation
349 covered by such general permit. Local governments may require
350 either permitting or one-time registration of floating vessel
351 platforms as necessary to ensure compliance with the general
352 permit in this section; to ensure compliance with local
353 ordinances, codes, or regulations relating to building or zoning
354 that are no more stringent than the general permit in this
355 section; and to ensure proper installation and maintenance of a
356 floating vessel platform or floating boat lift that is proposed
357 to be attached to a bulkhead or parcel of land where there is no
358 other docking structure.

359 (t) The repair, stabilization, or paving of existing county
360 maintained roads and the repair or replacement of bridges that
361 are part of the roadway, within the Northwest Florida Water
362 Management District and the Suwannee River Water Management
363 District, provided:

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

367 2. The construction activity does not realign the road or
368 expand the number of existing traffic lanes of the existing road;
369 however, the work may include the provision of safety shoulders,
370 clearance of vegetation, and other work reasonably necessary to
371 repair, stabilize, pave, or repave the road, provided that the
372 work is constructed by generally accepted engineering standards;

373 3. The construction activity does not expand the existing
374 width of an existing vehicular bridge in excess of that
375 reasonably necessary to properly connect the bridge with the road



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376 being repaired, stabilized, paved, or repaved to safely
377 accommodate the traffic expected on the road, which may include
378 expanding the width of the bridge to match the existing connected
379 road. However, no debris from the original bridge shall be
380 allowed to remain in waters of the state, including wetlands;

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

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

385 6. No more dredging or filling of wetlands or water of the
386 state is performed than that which is reasonably necessary to
387 repair, stabilize, pave, or repave the road or to repair or
388 replace the bridge, in accordance with generally accepted
389 engineering standards; and

390 7. Notice of intent to use the exemption is provided to the
391 department, if the work is to be performed within the Northwest
392 Florida Water Management District, or to the Suwannee River Water
393 Management District, if the work is to be performed within the
394 Suwannee River Water Management District, 30 days prior to
395 performing any work under the exemption.

396
397 Within 30 days after this act becomes a law, the department shall
398 initiate rulemaking to adopt a no fee general permit for the
399 repair, stabilization, or paving of existing roads that are
400 maintained by the county and the repair or replacement of bridges
401 that are part of the roadway where such activities do not cause
402 significant adverse impacts to occur individually or
403 cumulatively. The general permit shall apply statewide and, with
404 no additional rulemaking required, apply to qualified projects
405 reviewed by the Suwannee River Water Management District, the St.



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406 | Johns River Water Management District, the Southwest Florida
407 | Water Management District, and the South Florida Water Management
408 | District under the division of responsibilities contained in the
409 | operating agreements applicable to part IV of chapter 373. Upon
410 | adoption, this general permit shall, pursuant to the provisions
411 | of subsection (3), supersede and replace the exemption in this
412 | paragraph.

413 | (u) Notwithstanding any provision to the contrary in this
414 | subsection, a permit or other authorization under chapter 253,
415 | chapter 369, chapter 373, or this chapter is not required for an
416 | individual residential property owner for the removal of organic
417 | detrital material from freshwater rivers or lakes that have a
418 | natural sand or rocky substrate and that are not Aquatic
419 | Preserves or for the associated removal and replanting of aquatic
420 | vegetation for the purpose of environmental enhancement,
421 | providing that:

422 | 1. No activities under this exemption are conducted in
423 | wetland areas, as defined by s. 373.019(25), which are supported
424 | by a natural soil as shown in applicable United States Department
425 | of Agriculture county soil surveys.

426 | 2. No filling or peat mining is allowed.

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

429 | 4. When removing organic detrital material, no portion of
430 | the underlying natural mineral substrate or rocky substrate is
431 | removed.

432 | 5. Organic detrital material and plant material removed is
433 | deposited in an upland site in a manner that will not cause water
434 | quality violations.



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

438 7. Replanting with a variety of aquatic plants native to
439 the state shall occur in a minimum of 25 percent of the
440 preexisting vegetated areas where organic detrital material is
441 removed, except for areas where the material is removed to bare
442 rocky substrate; however, an area may be maintained clear of
443 vegetation as an access corridor. The access corridor width may
444 not exceed 50 percent of the property owner's frontage or 50
445 feet, whichever is less, and may be a sufficient length waterward
446 to create a corridor to allow access for a boat or swimmer to
447 reach open water. Replanting must be at a minimum density of 2
448 feet on center and be completed within 90 days after removal of
449 existing aquatic vegetation, except that under dewatered
450 conditions replanting must be completed within 90 days after
451 reflooding. The area to be replanted must extend waterward from
452 the ordinary high water line to a point where normal water depth
453 would be 3 feet or the preexisting vegetation line, whichever is
454 less. Individuals are required to make a reasonable effort to
455 maintain planting density for a period of 6 months after
456 replanting is complete, and the plants, including naturally
457 recruited native aquatic plants, must be allowed to expand and
458 fill in the revegetation area. Native aquatic plants to be used
459 for revegetation must be salvaged from the enhancement project
460 site or obtained from an aquatic plant nursery regulated by the
461 Department of Agriculture and Consumer Services. Plants that are
462 not native to the state may not be used for replanting.

463 8. No activity occurs any farther than 100 feet waterward
464 of the ordinary high water line, and all activities must be



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465 designed and conducted in a manner that will not unreasonably
466 restrict or infringe upon the riparian rights of adjacent upland
467 riparian owners.

468 9. The person seeking this exemption notifies the
469 applicable department district office in writing at least 30 days
470 before commencing work and allows the department to conduct a
471 preconstruction site inspection. Notice must include an organic-
472 detrital-material removal and disposal plan and, if applicable, a
473 vegetation-removal and revegetation plan.

474 10. The department is provided written certification of
475 compliance with the terms and conditions of this paragraph within
476 30 days after completion of any activity occurring under this
477 exemption.

478 (3) The provisions of subsection (2) are superseded by
479 general permits established pursuant to ss. 373.118 and 403.814
480 which include the same activities. Until such time as general
481 permits are established, or if should general permits are ~~be~~
482 suspended or repealed, the exemptions under subsection (2) shall
483 remain or shall be reestablished in full force and effect.

484 (4) For maintenance dredging conducted under this section
485 by the seaports of Jacksonville, Port Canaveral, Fort Pierce,
486 Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg,
487 Tampa, Port St. Joe, Panama City, Pensacola, Key West, and
488 Fernandina or by inland navigation districts:

489 (a) A mixing zone for turbidity is granted within a 100-
490 meter radius from the point of dredging while dredging is
491 ongoing, except that the mixing zone does not extend into areas
492 supporting submerged aquatic vegetation or hardbottom
493 communities.



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494 (b) The discharge of the return water from the site used
495 for the disposal of dredged material shall be allowed only if
496 such discharge does not result in a violation of water quality
497 standards in the receiving waters. However, any such return-water
498 discharge into manmade waters that are not in Monroe County is
499 granted a mixing zone for turbidity within a 150-meter radius
500 from the point of discharge during and immediately after the
501 discharge while dredging is ongoing, except that the mixing zone
502 does not extend outside the manmade waters. As used in this
503 paragraph, the term "manmade waters" means surface waters that
504 were wholly excavated from lands other than wetlands and other
505 surface waters or semienclosed port berths.

506 (c) The state may not exact a charge for material that this
507 subsection allows a public port or an inland navigation district
508 to remove.

509 (d) The use of flocculants at the site used for disposal of
510 the dredged material is allowed if the use, including supporting
511 documentation, is coordinated in advance with the department and
512 the department has determined that the use is not harmful to
513 water resources.

514 (e) This subsection does not prohibit maintenance dredging
515 of areas where the loss of original design function and
516 constructed configuration has been caused by a storm event,
517 provided that the dredging is performed as soon as practical
518 after the storm event. Maintenance dredging that commences within
519 2 years after the storm event shall be presumed to satisfy this
520 provision. If more than 2 years are needed to commence the
521 maintenance dredging after the storm event, a request for a
522 specific time extension to perform the maintenance dredging shall
523 be submitted to the department, prior to the end of the 2-year



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524 period, accompanied by a statement, including supporting
525 documentation, demonstrating that contractors are not available
526 or that additional time is needed to obtain authorization for the
527 maintenance dredging from the United States Army Corps of
528 Engineers.

529 Section 6. The Department of Environmental Protection shall
530 develop a project management plan that implements the remaining
531 phases of an e-permitting program that allows for timely
532 submittal, processing, and exchange of information relating to
533 permit applications and compliance. The plan must include an
534 implementation timetable, estimated costs, and transaction fees.
535 The department shall submit the plan to the President of the
536 Senate, the Speaker of the House of Representatives, and the
537 Legislative Committee on Intergovernmental Relations by November
538 1, 2008.

539 Section 7. Notwithstanding any other provisions of law to
540 the contrary, a local government may not require the production
541 of written documentation from the Department of Environmental
542 Protection or a water management district showing that a project
543 does not require a permit pursuant to s. 403.813(2), Florida
544 Statutes.

545
546 ===== T I T L E A M E N D M E N T =====

547 And the title is amended as follows:

548 Delete line(s) 19-31

549 and insert:

550 responsibility; amending s. 403.061, F.S.; revising the
551 department's powers and duties to include maintaining a
552 list of projects or activities that applicants may
553 consider when developing proposals for certain projects or



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554 activities; amending s. 403.813, F.S.; removing provisions
555 requiring the Secretary of Environmental Protection to
556 adopt procedural rules for certain dredge and fill
557 projects; prohibiting a local government from requiring
558 further verification from the department for certain
559 projects that are exempt from permit requirements other
560 than a general permit; authorizing local governments to
561 require permitting or a one-time registration for the
562 construction of certain private docks; revising a
563 provision relating to the replacement or repair of
564 existing docks and piers; revising requirements governing
565 maintenance dredging by inland navigation districts and
566 certain seaports; granting mixing zones; authorizing
567 discharge of the return water from the site for the
568 disposal of the dredged material under certain conditions;
569 defining the term "manmade waters"; prohibiting the state
570 from charging an inland navigation district or a public
571 port authority for certain removed materials; authorizing
572 the use of flocculants at a site for the disposal of
573 dredged material under certain conditions; requiring the
574 department to develop a plan to implement the remaining
575 phases of an e-permitting program and submit such plan to
576 the President of the Senate, the Speaker of the House of
577 Representatives, and the Legislative Committee on
578 Intergovernmental Relations; prohibiting local governments
579 from requiring the production of certain written
580 documentation from the Department of Environmental
581 Protection or a water management district showing that a
582 project does not require a particular permit; authorizing
583 the