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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/6/2008	.	
	.	
	.	

1 The Committee on Environmental Preservation and Conservation  
 2 (Jones) recommended the following **amendment**:

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

5 Delete everything after the enacting clause  
 6 and insert:

7  
 8 Section 1. Subsection (1) of section 374.975, Florida  
 9 Statutes, is amended to read:

10 374.975 Inland navigation districts; legislative intent.--

11 (1) The Legislature hereby recognizes the continuing need  
 12 for inland navigation districts to undertake programs necessary  
 13 to accomplish the purposes of construction, maintenance, and  
 14 operation of Florida's inland waterways pursuant to s. 107 of  
 15 the federal River and Harbor Act of 1960, 43 U.S.C. s. 577, +

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16 and that it is in the public interest for inland navigation  
17 districts to operate and maintain the intracoastal waterway and  
18 any other public navigation channels authorized by the Board of  
19 Trustees of the Internal Improvement Trust Fund.

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

22 374.976 Authority to address impacts of waterway  
23 development projects.--

24 (1) Each inland navigation district is empowered and  
25 authorized to undertake programs intended to alleviate the  
26 problems associated with its waterway or waterways, including,  
27 but not limited to, the following:

28 (c) The district is authorized to aid and cooperate with  
29 the Federal Government, state, member counties, nonmember  
30 counties that contain any part of the intracoastal waterway  
31 within their boundaries, navigation districts, the seaports of  
32 Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port  
33 Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St.  
34 Joe, Panama City, Pensacola, Key West, and Fernandina, and local  
35 governments within the district in planning and carrying out  
36 public navigation, local and regional anchorage management,  
37 beach renourishment, public recreation, inlet management,  
38 environmental education, and boating safety projects, directly  
39 related to the waterways. The district is also authorized to  
40 enter into cooperative agreements with the United States Army  
41 Corps of Engineers, state, and member counties, and to covenant  
42 in any such cooperative agreement to pay part of the costs of  
43 acquisition, planning, development, construction,

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44 reconstruction, extension, improvement, operation, and  
45 maintenance of such projects.

46 (4) The Florida Inland Navigation District may furnish  
47 assistance and support to seaports for the purpose of planning  
48 and carrying out dredge material management projects, ~~and~~ other  
49 environmental mitigation projects, and other projects concerning  
50 waterway-related access. Port projects shall benefit publicly  
51 maintained channels and harbors. Any port eligible for funding  
52 shall be located in a member county of the district, and each  
53 port shall contribute matching funds for funded projects.  
54 Financial assistance for such port projects shall not be  
55 included in calculating the proportional share of ad valorem tax  
56 collections of the county in which the port is located, provided  
57 the port seeking assistance demonstrates a regional benefit  
58 realized from the port's activities. However, the cost of a port  
59 project funded under ~~pursuant to~~ this section may not exceed the  
60 proportional share of ad valorem taxation of the counties in the  
61 district which are benefited by the project.

62 Section 3. Section 374.977, Florida Statutes, is amended  
63 to read:

64 374.977 Inland navigation districts; manatee protection  
65 speed zones, responsibility for sign posting.--The Fish and  
66 Wildlife Conservation Commission shall assume the ~~Each inland~~  
67 ~~navigation district shall be responsible for posting and~~  
68 ~~maintaining regulatory markers, as approved by the Fish and~~  
69 ~~Wildlife Conservation Commission, for manatee protection speed~~  
70 ~~zones. Such responsibility shall not be limited to the~~  
71 ~~intra-coastal waterway, but shall include all waters within each~~

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72 ~~member county for which regulatory markers must be posted. Sign~~  
73 ~~locations shall be jointly selected by the Fish and Wildlife~~  
74 ~~Conservation Commission and the appropriate inland navigation~~  
75 ~~district, pending necessary federal, state, and local approvals.~~  
76 ~~Should an inland navigation district lack the resources or~~  
77 ~~otherwise be unable to carry out its sign posting and~~  
78 ~~maintenance duties, this responsibility for posting and~~  
79 maintaining regulatory markers for manatee protection speed  
80 zones as posted by the inland navigation districts pursuant to a  
81 rule adopted by the commission under s. 370.12(2). shall then be  
82 assumed by The Fish and Wildlife Conservation Commission may  
83 apply to inland navigation districts for funding under s.  
84 374.976 to assist with implementing its responsibility under  
85 this section for maintaining regulatory markers for manatee  
86 protection speed zones.

87 Section 4. Present subsections (2) and (3) of section  
88 403.813, Florida Statutes, are redesignated as subsections (1)  
89 and (2), respectively, subsection (1) is deleted, and subsection  
90 (4) is added to that section to read:

91 403.813 Permits issued at district centers; exceptions.--

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

97 (a) A mixing zone for turbidity is granted within a 100-  
98 meter radius from the point of dredging while dredging is  
99 ongoing, except that the mixing zone does not extend into areas



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100 supporting submerged aquatic vegetation or hardbottom  
101 communities.

102 (b) The discharge of the return water from the site used  
103 for the disposal of dredged material shall be allowed only if  
104 such discharge does not result in a violation of water quality  
105 standards in the receiving waters. However, any such return-  
106 water discharge into manmade waters that are not in Monroe  
107 County is granted a mixing zone for turbidity within a 150-meter  
108 radius from the point of discharge during and immediately after  
109 the discharge while dredging is ongoing, except that the mixing  
110 zone does not extend outside the manmade waters. As used in this  
111 paragraph, the term "manmade waters" means surface waters that  
112 were wholly excavated from lands other than wetlands, other  
113 surface waters, or semienclosed port berths.

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

117 (d) The use of flocculants at the site used for disposal  
118 of the dredged material is allowed if the use, including  
119 supporting documentation, is coordinated in advance with the  
120 department and the department has determined that the use is not  
121 harmful to water resources.

122 (e) Nothing herein shall be construed to prohibit  
123 maintenance dredging of areas where the loss of original design  
124 function and constructed configuration has been caused by a  
125 storm event, provided that the dredging is performed as soon as  
126 practical after the storm event. Maintenance dredging that  
127 commences within two years of the storm event shall be presumed



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128 to satisfy this provision. If more than two years are needed to  
 129 commence the maintenance dredging after the storm event, a  
 130 request for a specific time extension to maintenance dredge  
 131 shall be submitted to the department, prior to the end of the  
 132 two year period, accompanied by a statement, including  
 133 supporting documentation, demonstrating that contractors are not  
 134 available or that additional time is needed to obtain  
 135 authorization to maintenance dredge from the U.S. Army Corps of  
 136 Engineers.

137       Section 5. The Department of Environmental Protection may  
 138 develop and maintain a list of the flocculants that it has  
 139 permitted to be used under part IV of chapter 373, Florida  
 140 Statutes. The list may include information concerning any  
 141 associated testing to determine compliance with state permitting  
 142 standards and information on application rates and methods.  
 143 Publication of this list is not a rule under chapter 120,  
 144 Florida Statutes. This section does not prevent an entity from  
 145 proposing or the department from approving the use of a  
 146 flocculant that is not on the department's list subject to the  
 147 entity providing the necessary documentation required by the  
 148 department to ensure that the use of the flocculant will not  
 149 cause harm to the water resources of the state.

150       Section 6. This act shall take effect July 1, 2008.

151  
 152 ===== T I T L E   A M E N D M E N T =====

153 And the title is amended as follows:

154       Delete everything before the enacting clause  
 155 and insert:

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156                                   A bill to be entitled  
157           An act relating to inland navigation; amending s. 374.975,  
158           F.S.; providing that operation and maintenance of the  
159           Intracoastal Waterway and certain other public navigation  
160           channels by inland navigation districts is in the public  
161           interest; amending s. 374.976, F.S.; authorizing inland  
162           navigation districts to aid and cooperate with certain  
163           nonmember counties, certain seaports, and navigation  
164           districts in planning and carrying out certain projects  
165           concerning waterways; authorizing inland navigation  
166           districts to furnish assistance and support to seaports in  
167           planning and carrying out projects concerning waterway-  
168           related access; amending s. 374.977, F.S.; requiring that  
169           the Fish and Wildlife Conservation Commission assume  
170           certain responsibilities for posting and maintaining  
171           regulatory markers concerning manatee protection speed  
172           zones; allowing the commission to apply to inland  
173           navigation districts for funding to assist with this  
174           responsibility; amending s. 403.813, F.S.; removing  
175           provisions requiring the Secretary of Environmental  
176           Protection to adopt procedural rules for certain dredge  
177           and fill projects; revising requirements governing  
178           maintenance dredging by inland navigation districts and  
179           certain seaports; granting mixing zones; authorizing  
180           discharge of the return water from the site for the  
181           disposal of the dredged material under certain conditions;  
182           defining the term "manmade waters"; prohibiting the state  
183           from charging an inland navigation district or a public

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184 port authority for certain removed materials; authorizing  
185 the use of flocculants at a site for the disposal of  
186 dredged material under certain conditions; authorizing the  
187 Department of Environmental Protection to develop and  
188 maintain a list concerning the use of flocculants;  
189 providing that publication of the list is not a rule;  
190 authorizing the department to approve the use of a  
191 flocculant that is not on the list under specified  
192 conditions; providing an effective date.