



850322

CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/24/2008 9:18 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. Section 403.813, Florida Statutes, is amended to
36 read:

37 403.813 Permits issued at district centers; exceptions.--

38 ~~(1) The secretary shall adopt procedural rules providing~~
39 ~~for a short-form application for, and issuance at the district~~
40 ~~centers of, permits for:~~

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



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46 ~~(b) Docking facilities of less than 10 wet slips, which~~
47 ~~facilities do not provide commercial or marine supplies or~~
48 ~~services.~~

49 ~~(c) New seawalls or similar structures which do not exceed~~
50 ~~500 linear feet of shoreline.~~

51 ~~(d) The installation of subaqueous transmission and~~
52 ~~distribution lines laid on, or embedded in, the bottoms of waters~~
53 ~~of the state carrying water, electricity, communication cables,~~
54 ~~oil, and gas, except as exempted by paragraph (2) (m) or paragraph~~
55 ~~(2) (n).~~

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

58 (1)(2) A permit is not required under this chapter, chapter
59 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter
60 25270, 1949, Laws of Florida, and a local government may not
61 require further verification from the department for activities
62 associated with the following types of projects; however, except
63 as otherwise provided in this subsection, ~~nothing in this~~
64 subsection does not relieve ~~relieves~~ an applicant from any
65 requirement to obtain permission to use or occupy lands owned by
66 the Board of Trustees of the Internal Improvement Trust Fund or
67 any water management district in its governmental or proprietary
68 capacity or from complying with applicable local pollution
69 control programs authorized under this chapter or other
70 requirements of county and municipal governments:

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

74 (b) The installation and repair of mooring pilings and
75 dolphins associated with private docking facilities or piers and



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76 the installation of private docks, piers and recreational docking
77 facilities, or piers and recreational docking facilities of local
78 governmental entities when the local governmental entity's
79 activities will not take place in any manatee habitat, any of
80 which docks:

81 1. Has 500 square feet or less of over-water surface area
82 for a dock which is located in an area designated as Outstanding
83 Florida Waters or 1,000 square feet or less of over-water surface
84 area for a dock which is located in an area which is not
85 designated as Outstanding Florida Waters;

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

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

91 4. Is used for recreational, noncommercial activities
92 associated with the mooring or storage of boats and boat
93 paraphernalia; and

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

99

100 Nothing in this paragraph shall prohibit the department from
101 taking appropriate enforcement action pursuant to this chapter to
102 abate or prohibit any activity otherwise exempt from permitting
103 pursuant to this paragraph if the department can demonstrate that
104 the exempted activity has caused water pollution in violation of
105 this chapter.



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106 (c) The installation and maintenance to design
107 specifications of boat ramps on artificial bodies of water where
108 navigational access to the proposed ramp exists or the
109 installation of boat ramps open to the public in any waters of
110 the state where navigational access to the proposed ramp exists
111 and where the construction of the proposed ramp will be less than
112 30 feet wide and will involve the removal of less than 25 cubic
113 yards of material from the waters of the state, and the
114 maintenance to design specifications of such ramps; however, the
115 material to be removed shall be placed upon a self-contained
116 upland site so as to prevent the escape of the spoil material
117 into the waters of the state.

118 (d) The replacement or repair of existing docks and piers,
119 except that no fill material is to be used and provided that the
120 replacement or repaired dock or pier is in the same location and
121 of the same configuration and dimensions as the dock or pier
122 being replaced or repaired. This does not preclude the use of
123 different construction materials or minor deviations to allow
124 upgrades to current structural and design standards.

125 (e) The restoration of seawalls at their previous locations
126 or upland of, or within 1 foot waterward of, their previous
127 locations. However, this shall not affect the permitting
128 requirements of chapter 161, and department rules shall clearly
129 indicate that this exception does not constitute an exception
130 from the permitting requirements of chapter 161.

131 (f) The performance of maintenance dredging of existing
132 manmade canals, channels, intake and discharge structures, and
133 previously dredged portions of natural water bodies within
134 drainage rights-of-way or drainage easements which have been
135 recorded in the public records of the county, where the spoil



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136 material is to be removed and deposited on a self-contained,
137 upland spoil site which will prevent the escape of the spoil
138 material into the waters of the state, provided that no more
139 dredging is to be performed than is necessary to restore the
140 canals, channels, and intake and discharge structures, and
141 previously dredged portions of natural water bodies, to original
142 design specifications or configurations, provided that the work
143 is conducted in compliance with s. 370.12(2)(d), provided that no
144 significant impacts occur to previously undisturbed natural
145 areas, and provided that control devices for return flow and best
146 management practices for erosion and sediment control are
147 utilized to prevent bank erosion and scouring and to prevent
148 turbidity, dredged material, and toxic or deleterious substances
149 from discharging into adjacent waters during maintenance
150 dredging. Further, for maintenance dredging of previously dredged
151 portions of natural water bodies within recorded drainage rights-
152 of-way or drainage easements, an entity that seeks an exemption
153 must notify the department or water management district, as
154 applicable, at least 30 days prior to dredging and provide
155 documentation of original design specifications or configurations
156 where such exist. This exemption applies to all canals and
157 previously dredged portions of natural water bodies within
158 recorded drainage rights-of-way or drainage easements constructed
159 prior to April 3, 1970, and to those canals and previously
160 dredged portions of natural water bodies constructed on or after
161 April 3, 1970, pursuant to all necessary state permits. This
162 exemption does not apply to the removal of a natural or manmade
163 barrier separating a canal or canal system from adjacent waters.
164 When no previous permit has been issued by the Board of Trustees
165 of the Internal Improvement Trust Fund or the United States Army



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166 Corps of Engineers for construction or maintenance dredging of
167 the existing manmade canal or intake or discharge structure, such
168 maintenance dredging shall be limited to a depth of no more than
169 5 feet below mean low water. The Board of Trustees of the
170 Internal Improvement Trust Fund may fix and recover from the
171 permittee an amount equal to the difference between the fair
172 market value and the actual cost of the maintenance dredging for
173 material removed during such maintenance dredging. However, no
174 charge shall be exacted by the state for material removed during
175 such maintenance dredging by a public port authority. The
176 removing party may subsequently sell such material; however,
177 proceeds from such sale that exceed the costs of maintenance
178 dredging shall be remitted to the state and deposited in the
179 Internal Improvement Trust Fund.

180 (g) The maintenance of existing insect control structures,
181 dikes, and irrigation and drainage ditches, provided that spoil
182 material is deposited on a self-contained, upland spoil site
183 which will prevent the escape of the spoil material into waters
184 of the state. In the case of insect control structures, if the
185 cost of using a self-contained upland spoil site is so excessive,
186 as determined by the Department of Health, pursuant to s.
187 403.088(1), that it will inhibit proposed insect control, then-
188 existing spoil sites or dikes may be used, upon notification to
189 the department. In the case of insect control where upland spoil
190 sites are not used pursuant to this exemption, turbidity control
191 devices shall be used to confine the spoil material discharge to
192 that area previously disturbed when the receiving body of water
193 is used as a potable water supply, is designated as shellfish
194 harvesting waters, or functions as a habitat for commercially or
195 recreationally important shellfish or finfish. In all cases, no



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196 | more dredging is to be performed than is necessary to restore the
197 | dike or irrigation or drainage ditch to its original design
198 | specifications.

199 | (h) The repair or replacement of existing functional pipes
200 | or culverts the purpose of which is the discharge or conveyance
201 | of stormwater. In all cases, the invert elevation, the diameter,
202 | and the length of the culvert shall not be changed. However, the
203 | material used for the culvert may be different from the original.

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

211 | This exemption does not apply to the construction of vertical
212 | seawalls in estuaries or lagoons unless the proposed construction
213 | is within an existing manmade canal where the shoreline is
214 | currently occupied in whole or part by vertical seawalls.

215 | (j) The construction and maintenance of swales.

216 | (k) The installation of aids to navigation and buoys
217 | associated with such aids, provided the devices are marked
218 | pursuant to s. 327.40.

219 | (l) The replacement or repair of existing open-trestle foot
220 | bridges and vehicular bridges that are 100 feet or less in length
221 | and two lanes or less in width, provided that no more dredging or
222 | filling of submerged lands is performed other than that which is
223 | necessary to replace or repair pilings and that the structure to
224 | be replaced or repaired is the same length, the same
225 | configuration, and in the same location as the original bridge.



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226 No debris from the original bridge shall be allowed to remain in
227 the waters of the state.

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

232 (n) The replacement or repair of subaqueous transmission
233 and distribution lines laid on, or embedded in, the bottoms of
234 waters of the state.

235 (o) The construction of private seawalls in wetlands or
236 other surface waters where such construction is between and
237 adjoins at both ends existing seawalls; follows a continuous and
238 uniform seawall construction line with the existing seawalls; is
239 no more than 150 feet in length; and does not violate existing
240 water quality standards, impede navigation, or affect flood
241 control. However, in estuaries and lagoons the construction of
242 vertical seawalls is limited to the circumstances and purposes
243 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
244 the permitting requirements of chapter 161, and department rules
245 must clearly indicate that this exception does not constitute an
246 exception from the permitting requirements of chapter 161.

247 (p) The restoration of existing insect control impoundment
248 dikes which are less than 100 feet in length. Such impoundments
249 shall be connected to tidally influenced waters for 6 months each
250 year beginning September 1 and ending February 28 if feasible or
251 operated in accordance with an impoundment management plan
252 approved by the department. A dike restoration may involve no
253 more dredging than is necessary to restore the dike to its
254 original design specifications. For the purposes of this



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255 paragraph, restoration does not include maintenance of
256 impoundment dikes of operating insect control impoundments.

257 (q) The construction, operation, or maintenance of
258 stormwater management facilities which are designed to serve
259 single-family residential projects, including duplexes,
260 triplexes, and quadruplexes, if they are less than 10 acres total
261 land and have less than 2 acres of impervious surface and if the
262 facilities:

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

265 2. Are not part of a larger common plan of development or
266 sale; and

267 3. Discharge into a stormwater discharge facility exempted
268 or permitted by the department under this chapter which has
269 sufficient capacity and treatment capability as specified in this
270 chapter and is owned, maintained, or operated by a city, county,
271 special district with drainage responsibility, or water
272 management district; however, this exemption does not authorize
273 discharge to a facility without the facility owner's prior
274 written consent.

275 (r) The removal of aquatic plants, the removal of tussocks,
276 the associated replanting of indigenous aquatic plants, and the
277 associated removal from lakes of organic detrital material when
278 such planting or removal is performed and authorized by permit or
279 exemption granted under s. 369.20 or s. 369.25, provided that:

280 1. Organic detrital material that exists on the surface of
281 natural mineral substrate shall be allowed to be removed to a
282 depth of 3 feet or to the natural mineral substrate, whichever is
283 less;



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284 2. All material removed pursuant to this paragraph shall be
285 deposited in an upland site in a manner that will prevent the
286 reintroduction of the material into waters in the state except
287 when spoil material is permitted to be used to create wildlife
288 islands in freshwater bodies of the state when a governmental
289 entity is permitted pursuant to s. 369.20 to create such islands
290 as a part of a restoration or enhancement project;

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

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

299
300 The department may not adopt implementing rules for this
301 paragraph, notwithstanding any other provision of law.

302 (s) The construction, installation, operation, or
303 maintenance of floating vessel platforms or floating boat lifts,
304 provided that such structures:

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

308 2. Are wholly contained within a boat slip previously
309 permitted under ss. 403.91-403.929, 1984 Supplement to the
310 Florida Statutes 1983, as amended, or part IV of chapter 373, or
311 do not exceed a combined total of 500 square feet, or 200 square
312 feet in an Outstanding Florida Water, when associated with a dock
313 that is exempt under this subsection or associated with a



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314 | permitted dock with no defined boat slip or attached to a
315 | bulkhead on a parcel of land where there is no other docking
316 | structure;

317 | 3. Are not used for any commercial purpose or for mooring
318 | vessels that remain in the water when not in use, and do not
319 | substantially impede the flow of water, create a navigational
320 | hazard, or unreasonably infringe upon the riparian rights of
321 | adjacent property owners, as defined in s. 253.141;

322 | 4. Are constructed and used so as to minimize adverse
323 | impacts to submerged lands, wetlands, shellfish areas, aquatic
324 | plant and animal species, and other biological communities,
325 | including locating such structures in areas where seagrasses are
326 | least dense adjacent to the dock or bulkhead; and

327 | 5. Are not constructed in areas specifically prohibited for
328 | boat mooring under conditions of a permit issued in accordance
329 | with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
330 | 1983, as amended, or part IV of chapter 373, or other form of
331 | authorization issued by a local government.

332 |
333 | Structures that qualify for this exemption are relieved from any
334 | requirement to obtain permission to use or occupy lands owned by
335 | the Board of Trustees of the Internal Improvement Trust Fund and,
336 | with the exception of those structures attached to a bulkhead on
337 | a parcel of land where there is no docking structure, shall not
338 | be subject to any more stringent permitting requirements,
339 | registration requirements, or other regulation by any local
340 | government. Local governments may require either permitting or
341 | one-time registration of floating vessel platforms to be attached
342 | to a bulkhead on a parcel of land where there is no other docking
343 | structure as necessary to ensure compliance with local



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344 ordinances, codes, or regulations. Local governments may require
345 either permitting or one-time registration of all other floating
346 vessel platforms as necessary to ensure compliance with the
347 exemption criteria in this section; to ensure compliance with
348 local ordinances, codes, or regulations relating to building or
349 zoning, which are no more stringent than the exemption criteria
350 in this section or address subjects other than subjects addressed
351 by the exemption criteria in this section; and to ensure proper
352 installation, maintenance, and precautionary or evacuation action
353 following a tropical storm or hurricane watch of a floating
354 vessel platform or floating boat lift that is proposed to be
355 attached to a bulkhead or parcel of land where there is no other
356 docking structure. The exemption provided in this paragraph shall
357 be in addition to the exemption provided in paragraph (b). The
358 department shall adopt a general permit by rule for the
359 construction, installation, operation, or maintenance of those
360 floating vessel platforms or floating boat lifts that do not
361 qualify for the exemption provided in this paragraph but do not
362 cause significant adverse impacts to occur individually or
363 cumulatively. The issuance of such general permit shall also
364 constitute permission to use or occupy lands owned by the Board
365 of Trustees of the Internal Improvement Trust Fund. No local
366 government shall impose a more stringent regulation, permitting
367 requirement, registration requirement, or other regulation
368 covered by such general permit. Local governments may require
369 either permitting or one-time registration of floating vessel
370 platforms as necessary to ensure compliance with the general
371 permit in this section; to ensure compliance with local
372 ordinances, codes, or regulations relating to building or zoning
373 that are no more stringent than the general permit in this



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374 section; and to ensure proper installation and maintenance of a
375 floating vessel platform or floating boat lift that is proposed
376 to be attached to a bulkhead or parcel of land where there is no
377 other docking structure.

378 (t) The repair, stabilization, or paving of existing county
379 maintained roads and the repair or replacement of bridges that
380 are part of the roadway, within the Northwest Florida Water
381 Management District and the Suwannee River Water Management
382 District, provided:

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

386 2. The construction activity does not realign the road or
387 expand the number of existing traffic lanes of the existing road;
388 however, the work may include the provision of safety shoulders,
389 clearance of vegetation, and other work reasonably necessary to
390 repair, stabilize, pave, or repave the road, provided that the
391 work is constructed by generally accepted engineering standards;

392 3. The construction activity does not expand the existing
393 width of an existing vehicular bridge in excess of that
394 reasonably necessary to properly connect the bridge with the road
395 being repaired, stabilized, paved, or repaved to safely
396 accommodate the traffic expected on the road, which may include
397 expanding the width of the bridge to match the existing connected
398 road. However, no debris from the original bridge shall be
399 allowed to remain in waters of the state, including wetlands;

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

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



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404 6. No more dredging or filling of wetlands or water of the
405 state is performed than that which is reasonably necessary to
406 repair, stabilize, pave, or repave the road or to repair or
407 replace the bridge, in accordance with generally accepted
408 engineering standards; and

409 7. Notice of intent to use the exemption is provided to the
410 department, if the work is to be performed within the Northwest
411 Florida Water Management District, or to the Suwannee River Water
412 Management District, if the work is to be performed within the
413 Suwannee River Water Management District, 30 days prior to
414 performing any work under the exemption.

415
416 Within 30 days after this act becomes a law, the department shall
417 initiate rulemaking to adopt a no fee general permit for the
418 repair, stabilization, or paving of existing roads that are
419 maintained by the county and the repair or replacement of bridges
420 that are part of the roadway where such activities do not cause
421 significant adverse impacts to occur individually or
422 cumulatively. The general permit shall apply statewide and, with
423 no additional rulemaking required, apply to qualified projects
424 reviewed by the Suwannee River Water Management District, the St.
425 Johns River Water Management District, the Southwest Florida
426 Water Management District, and the South Florida Water Management
427 District under the division of responsibilities contained in the
428 operating agreements applicable to part IV of chapter 373. Upon
429 adoption, this general permit shall, pursuant to the provisions
430 of subsection (3), supersede and replace the exemption in this
431 paragraph.

432 (u) Notwithstanding any provision to the contrary in this
433 subsection, a permit or other authorization under chapter 253,



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434 chapter 369, chapter 373, or this chapter is not required for an
435 individual residential property owner for the removal of organic
436 detrital material from freshwater rivers or lakes that have a
437 natural sand or rocky substrate and that are not Aquatic
438 Preserves or for the associated removal and replanting of aquatic
439 vegetation for the purpose of environmental enhancement,
440 providing that:

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

445 2. No filling or peat mining is allowed.

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

448 4. When removing organic detrital material, no portion of
449 the underlying natural mineral substrate or rocky substrate is
450 removed.

451 5. Organic detrital material and plant material removed is
452 deposited in an upland site in a manner that will not cause water
453 quality violations.

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

457 7. Replanting with a variety of aquatic plants native to
458 the state shall occur in a minimum of 25 percent of the
459 preexisting vegetated areas where organic detrital material is
460 removed, except for areas where the material is removed to bare
461 rocky substrate; however, an area may be maintained clear of
462 vegetation as an access corridor. The access corridor width may
463 not exceed 50 percent of the property owner's frontage or 50



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464 feet, whichever is less, and may be a sufficient length waterward
465 to create a corridor to allow access for a boat or swimmer to
466 reach open water. Replanting must be at a minimum density of 2
467 feet on center and be completed within 90 days after removal of
468 existing aquatic vegetation, except that under dewatered
469 conditions replanting must be completed within 90 days after
470 reflooding. The area to be replanted must extend waterward from
471 the ordinary high water line to a point where normal water depth
472 would be 3 feet or the preexisting vegetation line, whichever is
473 less. Individuals are required to make a reasonable effort to
474 maintain planting density for a period of 6 months after
475 replanting is complete, and the plants, including naturally
476 recruited native aquatic plants, must be allowed to expand and
477 fill in the revegetation area. Native aquatic plants to be used
478 for revegetation must be salvaged from the enhancement project
479 site or obtained from an aquatic plant nursery regulated by the
480 Department of Agriculture and Consumer Services. Plants that are
481 not native to the state may not be used for replanting.

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

487 9. The person seeking this exemption notifies the
488 applicable department district office in writing at least 30 days
489 before commencing work and allows the department to conduct a
490 preconstruction site inspection. Notice must include an organic-
491 detrital-material removal and disposal plan and, if applicable, a
492 vegetation-removal and revegetation plan.



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493 10. The department is provided written certification of
494 compliance with the terms and conditions of this paragraph within
495 30 days after completion of any activity occurring under this
496 exemption.

497 (3) The provisions of subsection (2) are superseded by
498 general permits established pursuant to ss. 373.118 and 403.814
499 which include the same activities. Until such time as general
500 permits are established, or if should general permits are be
501 suspended or repealed, the exemptions under subsection (2) shall
502 remain or shall be reestablished in full force and effect.

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

508 (a) A mixing zone for turbidity is granted within a 100-
509 meter radius from the point of dredging while dredging is
510 ongoing, except that the mixing zone does not extend into areas
511 supporting submerged aquatic vegetation or hardbottom
512 communities.

513 (b) The discharge of the return water from the site used
514 for the disposal of dredged material shall be allowed only if
515 such discharge does not result in a violation of water quality
516 standards in the receiving waters. However, any such return-water
517 discharge into manmade waters that are not in Monroe County is
518 granted a mixing zone for turbidity within a 150-meter radius
519 from the point of discharge during and immediately after the
520 discharge while dredging is ongoing, except that the mixing zone
521 does not extend outside the manmade waters. As used in this
522 paragraph, the term "manmade waters" means surface waters that



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523 were wholly excavated from lands other than wetlands and other
524 surface waters or semienclosed port berths.

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

528 (d) The use of flocculants at the site used for disposal of
529 the dredged material is allowed if the use, including supporting
530 documentation, is coordinated in advance with the department and
531 the department has determined that the use is not harmful to
532 water resources.

533 (e) This subsection does not prohibit maintenance dredging
534 of areas where the loss of original design function and
535 constructed configuration has been caused by a storm event,
536 provided that the dredging is performed as soon as practical
537 after the storm event. Maintenance dredging that commences within
538 2 years after the storm event shall be presumed to satisfy this
539 provision. If more than 2 years are needed to commence the
540 maintenance dredging after the storm event, a request for a
541 specific time extension to perform the maintenance dredging shall
542 be submitted to the department, prior to the end of the 2-year
543 period, accompanied by a statement, including supporting
544 documentation, demonstrating that contractors are not available
545 or that additional time is needed to obtain authorization for the
546 maintenance dredging from the United States Army Corps of
547 Engineers.

548 Section 6. The Department of Environmental Protection shall
549 develop a project management plan that implements the remaining
550 phases of an e-permitting program that allows for timely
551 submittal, processing, and exchange of information relating to
552 permit applications and compliance. The plan must include an



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553 implementation timetable, estimated costs, and transaction fees.
554 The department shall submit the plan to the President of the
555 Senate, the Speaker of the House of Representatives, and the
556 Legislative Committee on Intergovernmental Relations by November
557 1, 2008.

558 Section 7. Notwithstanding any other provisions of law to
559 the contrary, a local government may not require the production
560 of written documentation from the Department of Environmental
561 Protection or a water management district showing that a project
562 does not require a permit pursuant to s. 403.813(2), Florida
563 Statutes.

564
565 ===== T I T L E A M E N D M E N T =====

566 And the title is amended as follows:

567 Delete line(s) 19-31

568 and insert:

569 responsibility; amending s. 403.061, F.S.; revising the
570 department's powers and duties to include maintaining a
571 list of projects or activities that applicants may
572 consider when developing proposals for certain projects or
573 activities; amending s. 403.813, F.S.; removing provisions
574 requiring the Secretary of Environmental Protection to
575 adopt procedural rules for certain dredge and fill
576 projects; prohibiting a local government from requiring
577 further verification from the department for certain
578 projects that are exempt from permit requirements other
579 than a general permit; authorizing local governments to
580 require permitting or a one-time registration for the
581 construction of certain private docks; revising a
582 provision relating to the replacement or repair of



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583 existing docks and piers; revising requirements governing
584 maintenance dredging by inland navigation districts and
585 certain seaports; granting mixing zones; authorizing
586 discharge of the return water from the site for the
587 disposal of the dredged material under certain conditions;
588 defining the term "manmade waters"; prohibiting the state
589 from charging an inland navigation district or a public
590 port authority for certain removed materials; authorizing
591 the use of flocculants at a site for the disposal of
592 dredged material under certain conditions; requiring the
593 department to develop a plan to implement the remaining
594 phases of an e-permitting program and submit such plan to
595 the President of the Senate, the Speaker of the House of
596 Representatives, and the Legislative Committee on
597 Intergovernmental Relations; prohibiting local governments
598 from requiring the production of certain written
599 documentation from the Department of Environmental
600 Protection or a water management district showing that a
601 project does not require a particular permit; authorizing
602 the