

By Senators Bennett and Gaetz

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1 A bill to be entitled
2 An act relating to inland navigation districts; amending
3 s. 374.975, F.S.; providing legislative intent that
4 operation of a inland navigation district is in the public
5 interest; amending s. 374.976, F.S.; providing that an
6 inland navigation district may aid and cooperate with
7 specified groups in planning and carrying out certain
8 specified activities; amending s. 403.813, F.S.; deleting
9 certain provisions requiring the Secretary of
10 Environmental Protection to adopt procedural rules for the
11 issuance of permits; providing that certain projects are
12 exempt from the requirement to obtain a permit; providing
13 for maintenance dredging for certain areas previously
14 dredged; providing conditions precedent for maintenance
15 dredging; authorizing the Department of Environmental
16 Protection to develop and maintain a list of flocculants
17 that may be used at a disposal site of dredged material;
18 providing that the list does not prevent an entity from
19 proposing, or the department from approving, the use of a
20 flocculant that is not on the department's list; requiring
21 the entity to provide documentation that the flocculant
22 will not cause harm to the water resources of the state;
23 amending ss. 253.03, 373.4145, and 380.061, F.S.;
24 correcting cross-references; repealing s. 374.977, F.S.,
25 relating to manatee protection speed zones and
26 responsibility for sign posting; providing an effective
27 date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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

33 374.975 Inland navigation districts; legislative intent.--

34 (1) The Legislature hereby recognizes the continuing need
35 for inland navigation districts to undertake programs necessary
36 to accomplish the purposes of construction, maintenance, and
37 operation of Florida's inland waterways pursuant to s. 107 of the
38 federal River and Harbor Act of 1960 (33 U.S.C. s. 577).

39 Operation and maintenance by an inland navigation district of the
40 intracoastal waterway and any other public navigation channel
41 authorized by the Board of Trustees of the Internal Improvement
42 Trust Fund is in the public interest.

43 Section 2. Paragraph (c) of subsection (1) of section
44 374.976, Florida Statutes, is amended to read:

45 374.976 Authority to address impacts of waterway
46 development projects.--

47 (1) Each inland navigation district is empowered and
48 authorized to undertake programs intended to alleviate the
49 problems associated with its waterway or waterways, including,
50 but not limited to, the following:

51 (c) The district is authorized to aid and cooperate with
52 the Federal Government, the state, member counties, nonmember
53 counties that contain any part of the intracoastal waterway
54 within their boundaries, navigation districts, and local
55 governments within the district in planning and carrying out
56 public navigation, local and regional anchorage management, beach
57 renourishment, public recreation, inlet management, environmental
58 education, and boating safety projects, directly related to the

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59 | waterways. The district is also authorized to enter into
60 | cooperative agreements with the United States Army Corps of
61 | Engineers, the state, and member counties, and to covenant in any
62 | such cooperative agreement to pay part of the costs of
63 | acquisition, planning, development, construction, reconstruction,
64 | extension, improvement, operation, and maintenance of such
65 | projects.

66 | Section 3. Section 403.813, Florida Statutes, is amended to
67 | read:

68 | 403.813 Permits issued at district centers; exceptions.--

69 | ~~(1) The secretary shall adopt procedural rules providing~~
70 | ~~for a short-form application for, and issuance at the district~~
71 | ~~centers of, permits for:~~

72 | ~~(a) Projects which affect less than 10 acres of~~
73 | ~~jurisdictional area and are within the landward extent of waters~~
74 | ~~of the state that are directly impacted by dredging or filling,~~
75 | ~~including other areas severed from or connected to waters of the~~
76 | ~~state as a result of dredge and fill activities.~~

77 | ~~(b) Docking facilities of less than 10 wet slips, which~~
78 | ~~facilities do not provide commercial or marine supplies or~~
79 | ~~services.~~

80 | ~~(c) New seawalls or similar structures which do not exceed~~
81 | ~~500 linear feet of shoreline.~~

82 | ~~(d) The installation of subaqueous transmission and~~
83 | ~~distribution lines laid on, or embedded in, the bottoms of waters~~
84 | ~~of the state carrying water, electricity, communication cables,~~
85 | ~~oil, and gas, except as exempted by paragraph (2) (m) or paragraph~~
86 | ~~(2) (n).~~

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87 ~~(c) Other similar projects that are limited in scope as~~
88 ~~specified by rule.~~

89 (1)~~(2)~~ A permit is not required under this chapter, chapter
90 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter
91 25270, 1949, Laws of Florida, for activities associated with the
92 following types of projects; however, except as otherwise
93 provided in this subsection, ~~nothing in this subsection~~ does not
94 relieve ~~relieves~~ an applicant from any requirement to obtain
95 permission to use or occupy lands owned by the Board of Trustees
96 of the Internal Improvement Trust Fund or any water management
97 district in its governmental or proprietary capacity or from
98 complying with applicable local pollution control programs
99 authorized under this chapter or other requirements of county and
100 municipal governments:

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

104 (b) The installation and repair of mooring pilings and
105 dolphins associated with private docking facilities or piers and
106 the installation of private docks, piers and recreational docking
107 facilities, or piers and recreational docking facilities of local
108 governmental entities when the local governmental entity's
109 activities will not take place in any manatee habitat, any of
110 which docks:

111 1. Has 500 square feet or less of over-water surface area
112 for a dock which is located in an area designated as Outstanding
113 Florida Waters or 1,000 square feet or less of over-water surface
114 area for a dock which is located in an area which is not
115 designated as Outstanding Florida Waters;

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

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

121 4. Is used for recreational, noncommercial activities
122 associated with the mooring or storage of boats and boat
123 paraphernalia; and

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

129
130 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
131 from taking appropriate enforcement action pursuant to this
132 chapter to abate or prohibit any activity otherwise exempt from
133 permitting under ~~pursuant to~~ this paragraph if the department can
134 demonstrate that the exempted activity has caused water pollution
135 in violation of this chapter.

136 (c) The installation and maintenance to design
137 specifications of boat ramps on artificial bodies of water where
138 navigational access to the proposed ramp exists or the
139 installation of boat ramps open to the public in any waters of
140 the state where navigational access to the proposed ramp exists
141 and where the construction of the proposed ramp will be less than
142 30 feet wide and will involve the removal of less than 25 cubic
143 yards of material from the waters of the state, and the
144 maintenance to design specifications of such ramps; however, the

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145 material to be removed shall be placed upon a self-contained
146 upland site so as to prevent the escape of the spoil material
147 into the waters of the state.

148 (d) The replacement or repair of existing docks and piers,
149 except that no fill material is to be used and provided that the
150 replacement or repaired dock or pier is in the same location and
151 of the same configuration and dimensions as the dock or pier
152 being replaced or repaired.

153 (e) The restoration of seawalls at their previous locations
154 or upland of, or within 1 foot waterward of, their previous
155 locations. However, this shall not affect the permitting
156 requirements of chapter 161, and department rules shall clearly
157 indicate that this exception does not constitute an exception
158 from the permitting requirements of chapter 161.

159 (f) 1. Maintenance dredging of the following areas that have
160 been previously dredged or excavated:

161 a. Boat basins;

162 b. Boat slips;

163 c. Intake and discharge structures;

164 d. Navigation channels;

165 e. Portions of natural water bodies within drainage rights-
166 of-way or drainage easements that have been recorded in the
167 public records of the county;

168 f. Port facilities;

169 g. Predominantly residential canals and canal systems; or

170 h. Manmade waters that were wholly excavated from lands
171 other than wetlands and other surface waters such as canals,
172 irrigation ditches, drainage ditches, and semienclosed port
173 berths.

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174 2. All such maintenance dredging must meet the following
175 conditions:

176 a. The proposed work must be intended to maintain rather
177 than restore. Work is not maintenance work if the area to be
178 dredged fails to reasonably fulfill its original design function
179 or the repairs needed to return the system to its original design
180 are so extensive that they would cause more than a minimal
181 individual or cumulative adverse environmental impact. This sub-
182 subparagraph does not prohibit maintenance dredging of areas
183 where the loss of design function has been caused by storm events
184 if the dredging is performed as soon as practical after the storm
185 event. Maintenance dredging that begins within 2 years after the
186 storm event is presumed to be as soon as practical. If more than
187 2 years are needed to begin maintenance dredging after the storm
188 event, a request to dredge must be submitted to the department.
189 The request must include a statement, supported by documentation,
190 that dredging contractors are not available to perform the work
191 or that additional time is needed to obtain authorization to
192 dredge from the United States Army Corps of Engineers.

193 b. The area to be dredged must have been lawfully dredged
194 or excavated pursuant to all applicable state and federal permits
195 or authorizations at the time of original construction.

196 c. No more dredging may be performed than is necessary to
197 maintain the area to be dredged in conformity with its original
198 design specification or configuration, whichever is less.
199 Dredging of intake or discharge structures or canals that were
200 constructed before the requirement to obtain a state or federal
201 permit is limited to a depth of no more than 5 feet below mean
202 low-water level for tidal waters or mean annual low-water level

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203 for nontidal waters, or the original design specification or
204 configuration, whichever is less.

205 d. Significant impacts may not occur to previously
206 undisturbed natural areas.

207 e. All dredged material must be removed and deposited
208 within a lawfully existing upland disposal site or in an offshore
209 dredged material disposal site located outside the state's
210 territorial limits which has been approved by the United States
211 Environmental Protection Agency under s. 102 of the Marine
212 Protection, Research, and Sanctuaries Act of 1972.

213 f. Turbidity curtains or other best-management practices
214 must be installed and maintained to minimize turbidity and
215 prevent erosion, scour, and the release of toxic or deleterious
216 substances such that the activity does not result in violations
217 of water quality standards at all points of dredging and
218 discharge, and at the dredged material disposal site, except as
219 provided in sub-sub-paragraphs (I) and (II):

220 (I) A mixing zone for turbidity is granted within a 100-
221 meter radius around the point of dredging while dredging is
222 ongoing if the mixing zone does not extend into areas supporting
223 submerged aquatic vegetation or hard-bottom communities.

224 (II) The discharge of return water from the dredged
225 material disposal site is allowed so long as the discharge water
226 does not result in a violation of water quality standards in the
227 receiving waters. However, return water discharges into manmade
228 waters as described in sub-subparagraph 1.h., other than those in
229 Monroe County, shall be granted a mixing zone for turbidity
230 within a 150-meter radius from the point of discharge during and
231 immediately following discharges while dredging is ongoing,

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232 except that such a mixing zone may not extend outside the manmade
233 waters.

234 g. All work performed under this paragraph shall be
235 conducted in compliance with s. 370.12(2)(d).

236 h. The state may not charge a public port authority or
237 inland navigation district for material removed during
238 maintenance dredging.

239 i. Dredging may not involve the removal or alteration of a
240 natural or manmade barrier separating manmade waters as described
241 in sub-subparagraph 1.h. from adjacent waters.

242 j. Any person seeking to use the exemption provided in this
243 paragraph in previously dredged portions of natural water bodies
244 within drainage rights-of-way or drainage easements that have
245 been recorded in the public records of the county must notify the
246 department or water management district, as applicable, at least
247 30 days before dredging, and provide documentation of the
248 original design specifications or configurations of the area to
249 be dredged, where such exist, in the notice.

250 k. The use of flocculants at the disposal site is allowed
251 if such use, including supporting documentation, has been
252 coordinated in advance with the department and determined not be
253 harmful to water resources. ~~The performance of maintenance~~
254 ~~dredging of existing manmade canals, channels, intake and~~
255 ~~discharge structures, and previously dredged portions of natural~~
256 ~~water bodies within drainage rights-of-way or drainage easements~~
257 ~~which have been recorded in the public records of the county,~~
258 ~~where the spoil material is to be removed and deposited on a~~
259 ~~self-contained, upland spoil site which will prevent the escape~~
260 ~~of the spoil material into the waters of the state, provided that~~

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261 | ~~no more dredging is to be performed than is necessary to restore~~
262 | ~~the canals, channels, and intake and discharge structures, and~~
263 | ~~previously dredged portions of natural water bodies, to original~~
264 | ~~design specifications or configurations, provided that the work~~
265 | ~~is conducted in compliance with s. 370.12(2)(d), provided that no~~
266 | ~~significant impacts occur to previously undisturbed natural~~
267 | ~~areas, and provided that control devices for return flow and best~~
268 | ~~management practices for erosion and sediment control are~~
269 | ~~utilized to prevent bank erosion and scouring and to prevent~~
270 | ~~turbidity, dredged material, and toxic or deleterious substances~~
271 | ~~from discharging into adjacent waters during maintenance~~
272 | ~~dredging. Further, for maintenance dredging of previously dredged~~
273 | ~~portions of natural water bodies within recorded drainage rights-~~
274 | ~~of-way or drainage easements, an entity that seeks an exemption~~
275 | ~~must notify the department or water management district, as~~
276 | ~~applicable, at least 30 days prior to dredging and provide~~
277 | ~~documentation of original design specifications or configurations~~
278 | ~~where such exist. This exemption applies to all canals and~~
279 | ~~previously dredged portions of natural water bodies within~~
280 | ~~recorded drainage rights-of-way or drainage easements constructed~~
281 | ~~prior to April 3, 1970, and to those canals and previously~~
282 | ~~dredged portions of natural water bodies constructed on or after~~
283 | ~~April 3, 1970, pursuant to all necessary state permits. This~~
284 | ~~exemption does not apply to the removal of a natural or manmade~~
285 | ~~barrier separating a canal or canal system from adjacent waters.~~
286 | ~~When no previous permit has been issued by the Board of Trustees~~
287 | ~~of the Internal Improvement Trust Fund or the United States Army~~
288 | ~~Corps of Engineers for construction or maintenance dredging of~~
289 | ~~the existing manmade canal or intake or discharge structure, such~~

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290 maintenance dredging shall be limited to a depth of no more than
291 5 feet below mean low water. The Board of Trustees of the
292 Internal Improvement Trust Fund may fix and recover from the
293 permittee an amount equal to the difference between the fair
294 market value and the actual cost of the maintenance dredging for
295 material removed during such maintenance dredging. However, no
296 charge shall be exacted by the state for material removed during
297 such maintenance dredging by a public port authority. The
298 removing party may subsequently sell such material; however,
299 proceeds from such sale that exceed the costs of maintenance
300 dredging shall be remitted to the state and deposited in the
301 Internal Improvement Trust Fund.

302 (g) The maintenance of existing insect control structures,
303 and dikes, and irrigation and drainage ditches, provided that
304 spoil material is deposited on a self-contained, upland spoil
305 site which will prevent the escape of the spoil material into
306 waters of the state. In the case of insect control structures, if
307 the cost of using a self-contained upland spoil site is so
308 excessive, as determined by the Department of Health, pursuant to
309 s. 403.088(1), that it will inhibit proposed insect control,
310 then-existing spoil sites or dikes may be used, upon notification
311 to the department. In the case of insect control where upland
312 spoil sites are not used pursuant to this exemption, turbidity
313 control devices shall be used to confine the spoil material
314 discharge to that area previously disturbed when the receiving
315 body of water is used as a potable water supply, is designated as
316 shellfish harvesting waters, or functions as a habitat for
317 commercially or recreationally important shellfish or finfish. In
318 all cases, no more dredging is to be performed than is necessary

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319 | to maintain ~~restore~~ the dike ~~or irrigation or drainage ditch~~ to
320 | its original design specifications.

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

326 | (i) The construction of private docks of 1,000 square feet
327 | or less of over-water surface area and seawalls in artificially
328 | created waterways where such construction will not violate
329 | existing water quality standards, impede navigation, or affect
330 | flood control. This exemption does not apply to the construction
331 | of vertical seawalls in estuaries or lagoons unless the proposed
332 | construction is within an existing manmade canal where the
333 | shoreline is currently occupied in whole or part by vertical
334 | seawalls.

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

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

339 | (l) The replacement or repair of existing open-trestle foot
340 | bridges and vehicular bridges that are 100 feet or less in length
341 | and two lanes or less in width, provided that no more dredging or
342 | filling of submerged lands is performed other than that which is
343 | necessary to replace or repair pilings and that the structure to
344 | be replaced or repaired is the same length, the same
345 | configuration, and in the same location as the original bridge.
346 | No debris from the original bridge shall be allowed to remain in
347 | the waters of the state.

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

352 (n) The replacement or repair of subaqueous transmission
353 and distribution lines laid on, or embedded in, the bottoms of
354 waters of the state.

355 (o) The construction of private seawalls in wetlands or
356 other surface waters where such construction is between and
357 adjoins at both ends existing seawalls; follows a continuous and
358 uniform seawall construction line with the existing seawalls; is
359 no more than 150 feet in length; and does not violate existing
360 water quality standards, impede navigation, or affect flood
361 control. However, in estuaries and lagoons the construction of
362 vertical seawalls is limited to the circumstances and purposes
363 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
364 the permitting requirements of chapter 161, and department rules
365 must clearly indicate that this exception does not constitute an
366 exception from the permitting requirements of chapter 161.

367 (p) The restoration of existing insect control impoundment
368 dikes which are less than 100 feet in length. Such impoundments
369 shall be connected to tidally influenced waters for 6 months each
370 year beginning September 1 and ending February 28 if feasible or
371 operated in accordance with an impoundment management plan
372 approved by the department. A dike restoration may involve no
373 more dredging than is necessary to restore the dike to its
374 original design specifications. For the purposes of this
375 paragraph, restoration does not include maintenance of
376 impoundment dikes of operating insect control impoundments.

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377 (q) The construction, operation, or maintenance of
378 stormwater management facilities which are designed to serve
379 single-family residential projects, including duplexes,
380 triplexes, and quadruplexes, if they are less than 10 acres total
381 land and have less than 2 acres of impervious surface and if the
382 facilities:

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

385 2. Are not part of a larger common plan of development or
386 sale; and

387 3. Discharge into a stormwater discharge facility exempted
388 or permitted by the department under this chapter which has
389 sufficient capacity and treatment capability as specified in this
390 chapter and is owned, maintained, or operated by a city, county,
391 special district with drainage responsibility, or water
392 management district; however, this exemption does not authorize
393 discharge to a facility without the facility owner's prior
394 written consent.

395 (r) The removal of aquatic plants, the removal of tussocks,
396 the associated replanting of indigenous aquatic plants, and the
397 associated removal from lakes of organic detrital material when
398 such planting or removal is performed and authorized by permit or
399 exemption granted under s. 369.20 or s. 369.25, provided that:

400 1. Organic detrital material that exists on the surface of
401 natural mineral substrate shall be allowed to be removed to a
402 depth of 3 feet or to the natural mineral substrate, whichever is
403 less;

404 2. All material removed pursuant to this paragraph shall be
405 deposited in an upland site in a manner that will prevent the

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406 reintroduction of the material into waters in the state except
407 when spoil material is permitted to be used to create wildlife
408 islands in freshwater bodies of the state when a governmental
409 entity is permitted pursuant to s. 369.20 to create such islands
410 as a part of a restoration or enhancement project;

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

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

419

420 The department may not adopt implementing rules for this
421 paragraph, notwithstanding any other provision of law.

422 (s) The construction, installation, operation, or
423 maintenance of floating vessel platforms or floating boat lifts,
424 provided that such structures:

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

428 2. Are wholly contained within a boat slip previously
429 permitted under ss. 403.91-403.929, 1984 Supplement to the
430 Florida Statutes 1983, as amended, or part IV of chapter 373, or
431 do not exceed a combined total of 500 square feet, or 200 square
432 feet in an Outstanding Florida Water, when associated with a dock
433 that is exempt under this subsection or associated with a
434 permitted dock with no defined boat slip or attached to a

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435 bulkhead on a parcel of land where there is no other docking
436 structure;

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

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

447 5. Are not constructed in areas specifically prohibited for
448 boat mooring under conditions of a permit issued in accordance
449 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
450 1983, as amended, or part IV of chapter 373, or other form of
451 authorization issued by a local government.

452
453 Structures that qualify for this exemption are relieved from any
454 requirement to obtain permission to use or occupy lands owned by
455 the Board of Trustees of the Internal Improvement Trust Fund and,
456 with the exception of those structures attached to a bulkhead on
457 a parcel of land where there is no docking structure, shall not
458 be subject to any more stringent permitting requirements,
459 registration requirements, or other regulation by any local
460 government. Local governments may require either permitting or
461 one-time registration of floating vessel platforms to be attached
462 to a bulkhead on a parcel of land where there is no other docking
463 structure as necessary to ensure compliance with local

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464 ordinances, codes, or regulations. Local governments may require
465 either permitting or one-time registration of all other floating
466 vessel platforms as necessary to ensure compliance with the
467 exemption criteria in this section; to ensure compliance with
468 local ordinances, codes, or regulations relating to building or
469 zoning, which are no more stringent than the exemption criteria
470 in this section or address subjects other than subjects addressed
471 by the exemption criteria in this section; and to ensure proper
472 installation, maintenance, and precautionary or evacuation action
473 following a tropical storm or hurricane watch of a floating
474 vessel platform or floating boat lift that is proposed to be
475 attached to a bulkhead or parcel of land where there is no other
476 docking structure. The exemption provided in this paragraph shall
477 be in addition to the exemption provided in paragraph (b). The
478 department shall adopt a general permit by rule for the
479 construction, installation, operation, or maintenance of those
480 floating vessel platforms or floating boat lifts that do not
481 qualify for the exemption provided in this paragraph but do not
482 cause significant adverse impacts to occur individually or
483 cumulatively. The issuance of such general permit shall also
484 constitute permission to use or occupy lands owned by the Board
485 of Trustees of the Internal Improvement Trust Fund. No local
486 government shall impose a more stringent regulation, permitting
487 requirement, registration requirement, or other regulation
488 covered by such general permit. Local governments may require
489 either permitting or one-time registration of floating vessel
490 platforms as necessary to ensure compliance with the general
491 permit in this section; to ensure compliance with local
492 ordinances, codes, or regulations relating to building or zoning

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493 that are no more stringent than the general permit in this
494 section; and to ensure proper installation and maintenance of a
495 floating vessel platform or floating boat lift that is proposed
496 to be attached to a bulkhead or parcel of land where there is no
497 other docking structure.

498 (t) The repair, stabilization, or paving of existing county
499 maintained roads and the repair or replacement of bridges that
500 are part of the roadway, within the Northwest Florida Water
501 Management District and the Suwannee River Water Management
502 District, provided:

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

506 2. The construction activity does not realign the road or
507 expand the number of existing traffic lanes of the existing road;
508 however, the work may include the provision of safety shoulders,
509 clearance of vegetation, and other work reasonably necessary to
510 repair, stabilize, pave, or repave the road, provided that the
511 work is constructed by generally accepted engineering standards;

512 3. The construction activity does not expand the existing
513 width of an existing vehicular bridge in excess of that
514 reasonably necessary to properly connect the bridge with the road
515 being repaired, stabilized, paved, or repaved to safely
516 accommodate the traffic expected on the road, which may include
517 expanding the width of the bridge to match the existing connected
518 road. However, no debris from the original bridge shall be
519 allowed to remain in waters of the state, including wetlands;

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

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

524 6. No more dredging or filling of wetlands or water of the
525 state is performed than that which is reasonably necessary to
526 repair, stabilize, pave, or repave the road or to repair or
527 replace the bridge, in accordance with generally accepted
528 engineering standards; and

529 7. Notice of intent to use the exemption is provided to the
530 department, if the work is to be performed within the Northwest
531 Florida Water Management District, or to the Suwannee River Water
532 Management District, if the work is to be performed within the
533 Suwannee River Water Management District, 30 days prior to
534 performing any work under the exemption.

535
536 Within 30 days after this act becomes a law, the department shall
537 initiate rulemaking to adopt a no fee general permit for the
538 repair, stabilization, or paving of existing roads that are
539 maintained by the county and the repair or replacement of bridges
540 that are part of the roadway where such activities do not cause
541 significant adverse impacts to occur individually or
542 cumulatively. The general permit shall apply statewide and, with
543 no additional rulemaking required, apply to qualified projects
544 reviewed by the Suwannee River Water Management District, the St.
545 Johns River Water Management District, the Southwest Florida
546 Water Management District, and the South Florida Water Management
547 District under the division of responsibilities contained in the
548 operating agreements applicable to part IV of chapter 373. Upon
549 adoption, this general permit shall, pursuant to the provisions

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550 of subsection (2) ~~(3)~~, supersede and replace the exemption in
551 this paragraph.

552 (u) Notwithstanding any provision to the contrary in this
553 subsection, a permit or other authorization under chapter 253,
554 chapter 369, chapter 373, or this chapter is not required for an
555 individual residential property owner for the removal of organic
556 detrital material from freshwater rivers or lakes that have a
557 natural sand or rocky substrate and that are not Aquatic
558 Preserves or for the associated removal and replanting of aquatic
559 vegetation for the purpose of environmental enhancement,
560 providing that:

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

565 2. No filling or peat mining is allowed.

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

568 4. When removing organic detrital material, no portion of
569 the underlying natural mineral substrate or rocky substrate is
570 removed.

571 5. Organic detrital material and plant material removed is
572 deposited in an upland site in a manner that will not cause water
573 quality violations.

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

577 7. Replanting with a variety of aquatic plants native to
578 the state shall occur in a minimum of 25 percent of the

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579 preexisting vegetated areas where organic detrital material is
580 removed, except for areas where the material is removed to bare
581 rocky substrate; however, an area may be maintained clear of
582 vegetation as an access corridor. The access corridor width may
583 not exceed 50 percent of the property owner's frontage or 50
584 feet, whichever is less, and may be a sufficient length waterward
585 to create a corridor to allow access for a boat or swimmer to
586 reach open water. Replanting must be at a minimum density of 2
587 feet on center and be completed within 90 days after removal of
588 existing aquatic vegetation, except that under dewatered
589 conditions replanting must be completed within 90 days after
590 reflooding. The area to be replanted must extend waterward from
591 the ordinary high water line to a point where normal water depth
592 would be 3 feet or the preexisting vegetation line, whichever is
593 less. Individuals are required to make a reasonable effort to
594 maintain planting density for a period of 6 months after
595 replanting is complete, and the plants, including naturally
596 recruited native aquatic plants, must be allowed to expand and
597 fill in the revegetation area. Native aquatic plants to be used
598 for revegetation must be salvaged from the enhancement project
599 site or obtained from an aquatic plant nursery regulated by the
600 Department of Agriculture and Consumer Services. Plants that are
601 not native to the state may not be used for replanting.

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

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607 9. The person seeking this exemption notifies the
608 applicable department district office in writing at least 30 days
609 before commencing work and allows the department to conduct a
610 preconstruction site inspection. Notice must include an organic-
611 detrital-material removal and disposal plan and, if applicable, a
612 vegetation-removal and revegetation plan.

613 10. The department is provided written certification of
614 compliance with the terms and conditions of this paragraph within
615 30 days after completion of any activity occurring under this
616 exemption.

617 ~~(2)(3)~~ The provisions of subsection (1) ~~(2)~~ are superseded
618 by general permits established pursuant to ss. 373.118 and
619 403.814 which include the same activities. Until such time as
620 general permits are established, or should general permits be
621 suspended or repealed, the exemptions under subsection (1) ~~(2)~~
622 shall remain or shall be reestablished in full force and effect.

623 Section 4. The Department of Environmental Protection may
624 develop and maintain a list of flocculants the use of which is
625 permitted under part IV of chapter 373, Florida Statutes,
626 including information concerning any associated testing to
627 determine compliance with state permitting standards and
628 information on application rates and methods. Publication of this
629 list is not a rule under the provisions of chapter 120, Florida
630 Statutes. This section does not prevent an entity from proposing,
631 or the department from approving, the use of a flocculant that is
632 not on the department's list subject to the entity providing the
633 necessary documentation required by the department to ensure that
634 its use will not cause harm to the water resources of the state.

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635 Section 5. Subsection (16) of section 253.03, Florida
636 Statutes, is amended to read:

637 253.03 Board of trustees to administer state lands; lands
638 enumerated.--

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

645 Section 6. Paragraphs (a) and (e) of subsection (3) of
646 section 373.4145, Florida Statutes, are amended to read:

647 373.4145 Part IV permitting program within the geographical
648 jurisdiction of the Northwest Florida Water Management
649 District.--

650 (3) The rules adopted under subsection (1), as applicable,
651 shall:

652 (a) Incorporate the exemptions in ss. 373.406 and
653 403.813(1) ~~403.813(2)~~.

654 (e) Provide an exemption for the repair, stabilization, or
655 paving of county-maintained roads existing on or before January
656 1, 2002, and the repair or replacement of bridges that are part
657 of the roadway consistent with the provisions of s. 403.813(1)(t)
658 ~~s. 403.813(2)(t)~~, notwithstanding the provisions of s.
659 403.813(1)(t)7. ~~s. 403.813(2)(t)7.~~ requiring adoption of a
660 general permit applicable within the Northwest Florida Water
661 Management District and the repeal of such exemption upon the
662 adoption of a general permit.

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663 Section 7. Paragraph (a) of subsection (3) of section
664 380.061, Florida Statutes, is amended to read:

665 380.061 The Florida Quality Developments program.--

666 (3) (a) To be eligible for designation under this program,
667 the developer shall comply with each of the following
668 requirements which is applicable to the site of a qualified
669 development:

670 1. Have donated or entered into a binding commitment to
671 donate the fee or a lesser interest sufficient to protect, in
672 perpetuity, the natural attributes of the types of land listed
673 below. In lieu of the above requirement, the developer may enter
674 into a binding commitment which runs with the land to set aside
675 such areas on the property, in perpetuity, as open space to be
676 retained in a natural condition or as otherwise permitted under
677 this subparagraph. Under the requirements of this subparagraph,
678 the developer may reserve the right to use such areas for the
679 purpose of passive recreation that is consistent with the
680 purposes for which the land was preserved.

681 a. Those wetlands and water bodies throughout the state as
682 would be delineated if the provisions of s. 373.4145(1)(b) were
683 applied. The developer may use such areas for the purpose of site
684 access, provided other routes of access are unavailable or
685 impracticable; may use such areas for the purpose of stormwater
686 or domestic sewage management and other necessary utilities to
687 the extent that such uses are permitted pursuant to chapter 403;
688 or may redesign or alter wetlands and water bodies within the
689 jurisdiction of the Department of Environmental Protection which
690 have been artificially created, if the redesign or alteration is
691 done so as to produce a more naturally functioning system.

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692 b. Active beach or primary and, where appropriate,
693 secondary dunes, to maintain the integrity of the dune system and
694 adequate public accessways to the beach. However, the developer
695 may retain the right to construct and maintain elevated walkways
696 over the dunes to provide access to the beach.

697 c. Known archaeological sites determined to be of
698 significance by the Division of Historical Resources of the
699 Department of State.

700 d. Areas known to be important to animal species designated
701 as endangered or threatened animal species by the United States
702 Fish and Wildlife Service or by the Fish and Wildlife
703 Conservation Commission, for reproduction, feeding, or nesting;
704 for traveling between such areas used for reproduction, feeding,
705 or nesting; or for escape from predation.

706 e. Areas known to contain plant species designated as
707 endangered plant species by the Department of Agriculture and
708 Consumer Services.

709 2. Produce, or dispose of, no substances designated as
710 hazardous or toxic substances by the United States Environmental
711 Protection Agency or by the Department of Environmental
712 Protection or the Department of Agriculture and Consumer
713 Services. This subparagraph is not intended to apply to the
714 production of these substances in nonsignificant amounts as would
715 occur through household use or incidental use by businesses.

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

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

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721 those waters are permitted pursuant to s. 403.813(1) ~~s.~~
722 ~~403.813(2)~~ and the developer demonstrates that those activities
723 meet the standards under Class II waters, Outstanding Florida
724 Waters, or aquatic preserves, as applicable.

725 5. Include open space, recreation areas, Xeriscape as
726 defined in s. 373.185, and energy conservation and minimize
727 impermeable surfaces as appropriate to the location and type of
728 project.

729 6. Provide for construction and maintenance of all onsite
730 infrastructure necessary to support the project and enter into a
731 binding commitment with local government to provide an
732 appropriate fair-share contribution toward the offsite impacts
733 which the development will impose on publicly funded facilities
734 and services, except offsite transportation, and condition or
735 phase the commencement of development to ensure that public
736 facilities and services, except offsite transportation, will be
737 available concurrent with the impacts of the development. For the
738 purposes of offsite transportation impacts, the developer shall
739 comply, at a minimum, with the standards of the state land
740 planning agency's development-of-regional-impact transportation
741 rule, the approved strategic regional policy plan, any applicable
742 regional planning council transportation rule, and the approved
743 local government comprehensive plan and land development
744 regulations adopted pursuant to part II of chapter 163.

745 7. Design and construct the development in a manner that is
746 consistent with the adopted state plan, the applicable strategic
747 regional policy plan, and the applicable adopted local government
748 comprehensive plan.

749 Section 8. Section 374.977, Florida Statutes, is repealed.

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