

By the Committee on Environmental Preservation and Conservation;
and Senators Bennett and Gaetz

592-04554-08

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1 A bill to be entitled

2 An act relating to inland navigation; amending s. 374.975,
3 F.S.; providing that operation and maintenance of the
4 Intracoastal Waterway and certain other public navigation
5 channels by inland navigation districts is in the public
6 interest; amending s. 374.976, F.S.; authorizing inland
7 navigation districts to aid and cooperate with certain
8 nonmember counties, certain seaports, and navigation
9 districts in planning and carrying out certain projects
10 concerning waterways; authorizing inland navigation
11 districts to furnish assistance and support to seaports in
12 planning and carrying out projects concerning waterway-
13 related access; amending s. 374.977, F.S.; requiring that
14 the Fish and Wildlife Conservation Commission assume
15 certain responsibilities for posting and maintaining
16 regulatory markers concerning manatee protection speed
17 zones; allowing the commission to apply to inland
18 navigation districts for funding to assist with this
19 responsibility; amending s. 403.813, F.S.; removing
20 provisions requiring the Secretary of Environmental
21 Protection to adopt procedural rules for certain dredge
22 and fill projects; revising requirements governing
23 maintenance dredging by inland navigation districts and
24 certain seaports; granting mixing zones; authorizing
25 discharge of the return water from the site for the
26 disposal of the dredged material under certain conditions;
27 defining the term "manmade waters"; prohibiting the state
28 from charging an inland navigation district or a public
29 port authority for certain removed materials; authorizing

592-04554-08

2008758c1

30 the use of flocculants at a site for the disposal of
31 dredged material under certain conditions; authorizing the
32 Department of Environmental Protection to develop and
33 maintain a list concerning the use of flocculants;
34 providing that publication of the list is not a rule;
35 authorizing the department to approve the use of a
36 flocculant that is not on the list under specified
37 conditions; providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:
40

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

43 374.975 Inland navigation districts; legislative intent.--

44 (1) The Legislature hereby recognizes the continuing need
45 for inland navigation districts to undertake programs necessary
46 to accomplish the purposes of construction, maintenance, and
47 operation of Florida's inland waterways pursuant to s. 107 of the
48 federal River and Harbor Act of 1960, 433 U.S.C. s. 577, and
49 that it is in the public interest for inland navigation districts
50 to operate and maintain the intracoastal waterway and any other
51 public navigation channels authorized by the Board of Trustees of
52 the Internal Improvement Trust Fund.

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

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

57 (1) Each inland navigation district is empowered and
58 authorized to undertake programs intended to alleviate the

592-04554-08

2008758c1

59 | problems associated with its waterway or waterways, including,
60 | but not limited to, the following:

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

79 | (4) The Florida Inland Navigation District may furnish
80 | assistance and support to seaports for the purpose of planning
81 | and carrying out dredge material management projects, ~~and~~ other
82 | environmental mitigation projects, and other projects concerning
83 | waterway-related access. Port projects shall benefit publicly
84 | maintained channels and harbors. Any port eligible for funding
85 | shall be located in a member county of the district, and each
86 | port shall contribute matching funds for funded projects.
87 | Financial assistance for such port projects shall not be included

592-04554-08

2008758c1

88 in calculating the proportional share of ad valorem tax
89 collections of the county in which the port is located, provided
90 the port seeking assistance demonstrates a regional benefit
91 realized from the port's activities. However, the cost of a port
92 project funded under ~~pursuant to~~ this section may not exceed the
93 proportional share of ad valorem taxation of the counties in the
94 district which are benefited by the project.

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

97 374.977 Inland navigation districts; manatee protection
98 speed zones, responsibility for sign posting.--The Fish and
99 Wildlife Conservation Commission shall assume the ~~Each inland~~
100 ~~navigation district shall be responsible for posting and~~
101 ~~maintaining regulatory markers, as approved by the Fish and~~
102 ~~Wildlife Conservation Commission, for manatee protection speed~~
103 ~~zones. Such responsibility shall not be limited to the~~
104 ~~intra-coastal waterway, but shall include all waters within each~~
105 ~~member county for which regulatory markers must be posted. Sign~~
106 ~~locations shall be jointly selected by the Fish and Wildlife~~
107 ~~Conservation Commission and the appropriate inland navigation~~
108 ~~district, pending necessary federal, state, and local approvals.~~
109 ~~Should an inland navigation district lack the resources or~~
110 ~~otherwise be unable to carry out its sign posting and maintenance~~
111 ~~duties, this responsibility~~ for posting and maintaining
112 regulatory markers for manatee protection speed zones as posted
113 by the inland navigation districts pursuant to a rule adopted by
114 the commission under s. 370.12(2). ~~shall then be assumed by The~~
115 ~~Fish and Wildlife Conservation Commission~~ may apply to inland
116 navigation districts for funding under s. 374.976 to assist with

592-04554-08

2008758c1

117 implementing its responsibility under this section for
118 maintaining regulatory markers for manatee protection speed
119 zones.

120 Section 4. Present subsections (2) and (3) of section
121 403.813, Florida Statutes, are redesignated as subsections (1)
122 and (2), respectively, subsection (1) of that section is
123 repealed, and subsection (4) is added to that section to read:

124 403.813 Permits issued at district centers; exceptions.--

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

130 (a) A mixing zone for turbidity is granted within a 100-
131 meter radius from the point of dredging while dredging is
132 ongoing, except that the mixing zone does not extend into areas
133 supporting submerged aquatic vegetation or hardbottom
134 communities.

135 (b) The discharge of the return water from the site used
136 for the disposal of dredged material shall be allowed only if
137 such discharge does not result in a violation of water quality
138 standards in the receiving waters. However, any such return-water
139 discharge into manmade waters that are not in Monroe County is
140 granted a mixing zone for turbidity within a 150-meter radius
141 from the point of discharge during and immediately after the
142 discharge while dredging is ongoing, except that the mixing zone
143 does not extend outside the manmade waters. As used in this
144 paragraph, the term "manmade waters" means surface waters that
145 were wholly excavated from lands other than wetlands and other

592-04554-08

2008758c1

146 surface waters or semienclosed port berths.

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

150 (d) The use of flocculants at the site used for disposal of
151 the dredged material is allowed if the use, including supporting
152 documentation, is coordinated in advance with the department and
153 the department has determined that the use is not harmful to
154 water resources.

155 (e) This subsection does not prohibit maintenance dredging
156 of areas where the loss of original design function and
157 constructed configuration has been caused by a storm event,
158 provided that the dredging is performed as soon as practical
159 after the storm event. Maintenance dredging that commences within
160 2 years after the storm event shall be presumed to satisfy this
161 provision. If more than 2 years are needed to commence the
162 maintenance dredging after the storm event, a request for a
163 specific time extension to perform the maintenance dredging shall
164 be submitted to the department, prior to the end of the 2-year
165 period, accompanied by a statement, including supporting
166 documentation, demonstrating that contractors are not available
167 or that additional time is needed to obtain authorization for the
168 maintenance dredging from the United States Army Corps of
169 Engineers.

170 Section 5. The Department of Environmental Protection may
171 develop and maintain a list of the flocculants that it has
172 permitted to be used under part IV of chapter 373, Florida
173 Statutes. The list may include information concerning any
174 associated testing to determine compliance with state permitting

592-04554-08

2008758c1

175 | standards and information on application rates and methods.
176 | Publication of this list is not a rule under chapter 120, Florida
177 | Statutes. This section does not prevent an entity from proposing
178 | or the department from approving the use of a flocculant that is
179 | not on the department's list subject to the entity providing the
180 | necessary documentation required by the department to ensure that
181 | the use of the flocculant will not cause harm to the water
182 | resources of the state.

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