

2008758er

1  
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

2008758er

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.

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

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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

2008758er

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

2008758er

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

2008758er

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

2008758er

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

2008758er

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.