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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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05/02/2011 05:00 PM

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Senator Latvala moved the following:

Senate Amendment (with title amendment)

Delete lines 48 - 59

and insert:

Section 1. Subsection (4) of section 310.002, Florida Statutes, is amended to read:

310.002 Definitions.—As used in this chapter, except where the context clearly indicates otherwise:

(4) "Port" means any place in the state into which vessels enter or depart and includes, without limitation, Fernandina, Nassau Inlet, Jacksonville, St. Augustine, Canaveral, Port Citrus, Ft. Pierce, Palm Beach, Port Everglades, Miami, Key West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port



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14 Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola,
15 Carrabelle, Panama City, Port St. Joe, and Pensacola.

16 Section 2. Paragraph (c) of subsection (1) of section
17 374.976, Florida Statutes, is amended to read:

18 374.976 Authority to address impacts of waterway
19 development projects.-

20 (1) Each inland navigation district is empowered and
21 authorized to undertake programs intended to alleviate the
22 problems associated with its waterway or waterways, including,
23 but not limited to, the following:

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

42 Section 3. Subsection (9) of section 403.021, Florida



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43 Statutes, is amended to read:

44 403.021 Legislative declaration; public policy.—

45 (9) (a) The Legislature finds and declares that it is
46 essential to preserve and maintain authorized water depth in the
47 existing navigation channels, port harbors, turning basins, and
48 harbor berths of this state in order to provide for the
49 continued safe navigation of deepwater shipping commerce. The
50 department shall recognize that maintenance of authorized water
51 depths consistent with port master plans developed pursuant to
52 s. 163.3178(2) (k) is an ongoing, continuous, beneficial, and
53 necessary activity that is in the public interest; and it shall
54 develop a regulatory process that shall enable the ports of this
55 state to conduct such activities in an environmentally sound,
56 safe, expeditious, and cost-efficient manner. It is the further
57 intent of the Legislature that the permitting and enforcement of
58 dredging, dredged-material management, and other related
59 activities for Florida's deepwater ports pursuant to this
60 chapter and chapters 161, 253, and 373 shall be consolidated
61 within the department's Division of Water Resource Management
62 and, with the concurrence of the affected deepwater port or
63 ports, may be administered by a district office of the
64 department or delegated to an approved local environmental
65 program.

66 (b) The provisions of paragraph (a) apply only to the port
67 waters, dredged-material management sites, port harbors,
68 navigation channels, turning basins, and harbor berths used for
69 deepwater commercial navigation in the ports of Jacksonville,
70 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
71 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.



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72 Petersburg, Pensacola, Fernandina, and Key West.

73 Section 4. Subsection (26) of section 403.061, Florida
74 Statutes, is amended to read:

75 403.061 Department; powers and duties.—The department shall
76 have the power and the duty to control and prohibit pollution of
77 air and water in accordance with the law and rules adopted and
78 promulgated by it and, for this purpose, to:

79 (26) (a) Develop standards and criteria for waters used for
80 deepwater shipping which standards and criteria consider
81 existing water quality; appropriate mixing zones and other
82 requirements for maintenance dredging in previously constructed
83 deepwater navigation channels, port harbors, turning basins, or
84 harbor berths; and appropriate mixing zones for disposal of
85 spoil material from dredging and, where necessary, develop a
86 separate classification for such waters. Such classification,
87 standards, and criteria shall recognize that the present
88 dedicated use of these waters is for deepwater commercial
89 navigation.

90 (b) The provisions of paragraph (a) apply only to the port
91 waters, spoil disposal sites, port harbors, navigation channels,
92 turning basins, and harbor berths used for deepwater commercial
93 navigation in the ports of Jacksonville, Tampa, Port Everglades,
94 Miami, Port Canaveral, Port Citrus, Ft. Pierce, Palm Beach, Port
95 Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow,
96 Florida Power Corporation's Crystal River Canal, Boca Grande,
97 Green Cove Springs, and Pensacola.

98
99 The department shall implement such programs in conjunction with
100 its other powers and duties and shall place special emphasis on



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101 reducing and eliminating contamination that presents a threat to
102 humans, animals or plants, or to the environment.

103 Section 5. Subsection (3) of section 403.813, Florida
104 Statutes, is amended to read:

105 403.813 Permits issued at district centers; exceptions.—

106 (3) For maintenance dredging conducted under this section
107 by the seaports of Jacksonville, Port Canaveral, Port Citrus,
108 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
109 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
110 West, and Fernandina or by inland navigation districts:

111 (a) A mixing zone for turbidity is granted within a 150-
112 meter radius from the point of dredging while dredging is
113 ongoing, except that the mixing zone may not extend into areas
114 supporting wetland communities, submerged aquatic vegetation, or
115 hardbottom communities.

116 (b) The discharge of the return water from the site used
117 for the disposal of dredged material shall be allowed only if
118 such discharge does not result in a violation of water quality
119 standards in the receiving waters. The return-water discharge
120 into receiving waters shall be granted a mixing zone for
121 turbidity within a 150-meter radius from the point of discharge
122 during and immediately after the dredging, except that the
123 mixing zone may not extend into areas supporting wetland
124 communities, submerged aquatic vegetation, or hardbottom
125 communities.

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

129 (d) The use of flocculants at the site used for disposal of



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130 the dredged material is allowed if the use, including supporting
131 documentation, is coordinated in advance with the department and
132 the department has determined that the use is not harmful to
133 water resources.

134 (e) This subsection does not prohibit maintenance dredging
135 of areas where the loss of original design function and
136 constructed configuration has been caused by a storm event,
137 provided that the dredging is performed as soon as practical
138 after the storm event. Maintenance dredging that commences
139 within 3 years after the storm event shall be presumed to
140 satisfy this provision. If more than 3 years are needed to
141 commence the maintenance dredging after the storm event, a
142 request for a specific time extension to perform the maintenance
143 dredging shall be submitted to the department, prior to the end
144 of the 3-year period, accompanied by a statement, including
145 supporting documentation, demonstrating that contractors are not
146 available or that additional time is needed to obtain
147 authorization for the maintenance dredging from the United
148 States Army Corps of Engineers.

149 Section 6. Section 403.816, Florida Statutes, is amended to
150 read:

151 403.816 Permits for maintenance dredging of deepwater ports
152 and beach restoration projects.—

153 (1) The department shall establish a permit system under
154 this chapter and chapter 253 which provides for the performance,
155 for up to 25 years from the issuance of the original permit, of
156 maintenance dredging of permitted navigation channels, port
157 harbors, turning basins, harbor berths, and beach restoration
158 projects approved pursuant to chapter 161. However, permits



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159 issued for dredging river channels which are not a part of a
160 deepwater port shall be valid for no more than five years. No
161 charge shall be exacted by the state for material removed during
162 such maintenance dredging by a public port authority.

163 (2) The provisions of s. 253.77 do not apply to a permit
164 for maintenance dredging and spoil site approval when there is
165 no change in the size or location of the spoil disposal site and
166 when the applicant provides documentation to the department that
167 the appropriate lease, easement, or consent of use for the
168 project site issued pursuant to chapter 253 is recorded in the
169 county where the project is located.

170 (3) The provisions of this section relating to ports apply
171 only to the port waters, spoil disposal sites, port harbors,
172 navigation channels, turning basins, and harbor berths used for
173 deepwater commercial navigation in the ports of Jacksonville,
174 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
175 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
176 Petersburg, Port Bartow, Florida Power Corporation's Crystal
177 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

178 Section 7. Subsection (1) of section 311.09, Florida
179 Statutes, is amended, and subsection (13) is added that section,
180 to read:

181 311.09 Florida Seaport Transportation and Economic
182 Development Council.—

183 (1) The Florida Seaport Transportation and Economic
184 Development Council is created within the Department of
185 Transportation. The council consists of the following 18 ~~17~~
186 members: the port director, or the port director's designee, of
187 each of the ports of Jacksonville, Port Canaveral, Port Citrus,



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188 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
189 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
190 West, and Fernandina; the secretary of the Department of
191 Transportation or his or her designee; the director of the
192 Office of Tourism, Trade, and Economic Development or his or her
193 designee; and the secretary of the Department of Community
194 Affairs or his or her designee.

195 (13) Until July 1, 2014, Citrus County may apply for a
196 grant through the Florida Seaport Transportation and Economic
197 Development Council to perform a feasibility study regarding the
198 establishment of a port in Citrus County. The council shall
199 evaluate such application pursuant to subsections (5)-(9) and,
200 if approved, the Department of Transportation shall include the
201 feasibility study in its budget request pursuant to subsection
202 (10). If the study determines that a port in Citrus County is
203 not feasible, the membership of Port Citrus on the council shall
204 terminate.

205
206 ===== T I T L E A M E N D M E N T =====

207 And the title is amended as follows:

208 Delete lines 2 - 8

209 and insert:

210 An act relating to seaports; amending s. 310.002,
211 F.S.; redefining the term "port" to include Port
212 Citrus; amending s. 374.976, F.S.; conforming
213 provisions to include Port Citrus in provisions
214 relating to the authority of inland navigation
215 districts; amending s. 403.021, F.S.; conforming
216 provisions to include Port Citrus in legislative



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217 declarations relating to environmental control;
218 amending s. 403.061, F.S.; conforming provisions to
219 include Port Citrus in provisions relating to powers
220 of the Department of Environmental Protection;
221 amending s. 403.813, F.S.; conforming provisions to
222 include Port Citrus in provisions relating to permits
223 issued at Department of Environmental Protection
224 district centers; amending s. 403.816, F.S.;
225 conforming provisions to include Port Citrus in
226 provisions relating to certain maintenance projects at
227 deepwater ports and beach restoration projects;
228 amending s. 311.09, F.S.; including a representative
229 of Port Citrus as a member of the Florida Seaport
230 Transportation and Economic Development Council;
231 providing that Citrus County may apply for a grant for
232 a feasibility study through the Florida Seaport
233 Transportation and Economic Development Council;
234 providing for the evaluation of the application;
235 requiring the Department of Transportation to include
236 the study in its budget request under certain
237 circumstances; terminating the membership of Port
238 Citrus on the council under certain circumstances;
239 amending s.