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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

05/02/2011 03:47 PM

Senator Ring moved the following:

Senate Amendment (with title amendment)

Between lines 346 and 347

insert:

Section 9. 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 10. 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 the
25 Federal Government; state; member counties; nonmember counties
26 that contain any part of the intracoastal waterway within their
27 boundaries; navigation districts; the seaports of Jacksonville,
28 Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port
29 Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St.
30 Joe, Panama City, Pensacola, Key West, and Fernandina; and local
31 governments within the district in planning and carrying out
32 public navigation, local and regional anchorage management,
33 beach renourishment, public recreation, inlet management,
34 environmental education, and boating safety projects, directly
35 related to the waterways. The district is also authorized to
36 enter into cooperative agreements with the United States Army
37 Corps of Engineers, state, and member counties, and to covenant
38 in any such cooperative agreement to pay part of the costs of
39 acquisition, planning, development, construction,
40 reconstruction, extension, improvement, operation, and
41 maintenance of such projects.

42 Section 11. 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 12. 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 13. Section 403.816, Florida Statutes, is amended
104 to read:

105 403.816 Permits for maintenance dredging of deepwater ports
106 and beach restoration projects.—

107 (1) The department shall establish a permit system under
108 this chapter and chapter 253 which provides for the performance,
109 for up to 25 years from the issuance of the original permit, of
110 maintenance dredging of permitted navigation channels, port
111 harbors, turning basins, harbor berths, and beach restoration
112 projects approved pursuant to chapter 161. However, permits
113 issued for dredging river channels which are not a part of a
114 deepwater port shall be valid for no more than five years. No
115 charge shall be exacted by the state for material removed during
116 such maintenance dredging by a public port authority.

117 (2) The provisions of s. 253.77 do not apply to a permit
118 for maintenance dredging and spoil site approval when there is
119 no change in the size or location of the spoil disposal site and
120 when the applicant provides documentation to the department that
121 the appropriate lease, easement, or consent of use for the
122 project site issued pursuant to chapter 253 is recorded in the
123 county where the project is located.

124 (3) The provisions of this section relating to ports apply
125 only to the port waters, spoil disposal sites, port harbors,
126 navigation channels, turning basins, and harbor berths used for
127 deepwater commercial navigation in the ports of Jacksonville,
128 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
129 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.



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130 Petersburg, Port Bartow, Florida Power Corporation's Crystal
131 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

132

133 ===== T I T L E A M E N D M E N T =====

134 And the title is amended as follows:

135 Delete line 51

136 and insert:

137 the exemption; amending s. 310.002, F.S.; redefining
138 the term "port" to include Port Citrus; amending s.
139 374.976, F.S.; conforming provisions to include Port
140 Citrus in provisions relating to the authority of
141 inland navigation districts; amending s. 403.021,
142 F.S.; conforming provisions to include Port Citrus in
143 legislative declarations relating to environmental
144 control; amending s. 403.061, F.S.; conforming
145 provisions to include Port Citrus in provisions
146 relating to powers of the Department of Environmental
147 Protection; amending s. 403.816, F.S.; conforming
148 provisions to include Port Citrus in provisions
149 relating to certain maintenance projects at deepwater
150 ports and beach restoration projects; providing an
151 effective date.