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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2011	.	
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The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 577 and 578  
insert:

Section 6. 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



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13 West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port  
14 Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola,  
15 Carrabelle, Panama City, Port St. Joe, and Pensacola.

16 Section 7. Subsection (1) of section 311.09, Florida  
17 Statutes, is amended to read:

18 311.09 Florida Seaport Transportation and Economic  
19 Development Council.—

20 (1) The Florida Seaport Transportation and Economic  
21 Development Council is created within the Department of  
22 Transportation. The council consists of the following 18 ~~17~~  
23 members: the port director, or the port director's designee, of  
24 each of the ports of Jacksonville, Port Canaveral, Port Citrus,  
25 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,  
26 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key  
27 West, and Fernandina; the secretary of the Department of  
28 Transportation or his or her designee; the director of the  
29 Office of Tourism, Trade, and Economic Development or his or her  
30 designee; and the secretary of the Department of Community  
31 Affairs or his or her designee.

32 Section 8. Paragraph (c) of subsection (1) of section  
33 374.976, Florida Statutes, is amended to read:

34 374.976 Authority to address impacts of waterway  
35 development projects.—

36 (1) Each inland navigation district is empowered and  
37 authorized to undertake programs intended to alleviate the  
38 problems associated with its waterway or waterways, including,  
39 but not limited to, the following:

40 (c) The district is authorized to aid and cooperate with  
41 the Federal Government; state; member counties; nonmember



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42 counties that contain any part of the intracoastal waterway  
43 within their boundaries; navigation districts; the seaports of  
44 Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm  
45 Beach, Port Everglades, Miami, Port Manatee, St. Petersburg,  
46 Tampa, Port St. Joe, Panama City, Pensacola, Key West, and  
47 Fernandina; and local governments within the district in  
48 planning and carrying out public navigation, local and regional  
49 anchorage management, beach renourishment, public recreation,  
50 inlet management, environmental education, and boating safety  
51 projects, directly related to the waterways. The district is  
52 also authorized to enter into cooperative agreements with the  
53 United States Army Corps of Engineers, state, and member  
54 counties, and to covenant in any such cooperative agreement to  
55 pay part of the costs of acquisition, planning, development,  
56 construction, reconstruction, extension, improvement, operation,  
57 and maintenance of such projects.

58 Section 9. Subsection (9) of section 403.021, Florida  
59 Statutes, is amended to read:

60 403.021 Legislative declaration; public policy.-

61 (9) (a) The Legislature finds and declares that it is  
62 essential to preserve and maintain authorized water depth in the  
63 existing navigation channels, port harbors, turning basins, and  
64 harbor berths of this state in order to provide for the  
65 continued safe navigation of deepwater shipping commerce. The  
66 department shall recognize that maintenance of authorized water  
67 depths consistent with port master plans developed pursuant to  
68 s. 163.3178(2) (k) is an ongoing, continuous, beneficial, and  
69 necessary activity that is in the public interest; and it shall  
70 develop a regulatory process that shall enable the ports of this



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71 state to conduct such activities in an environmentally sound,  
72 safe, expeditious, and cost-efficient manner. It is the further  
73 intent of the Legislature that the permitting and enforcement of  
74 dredging, dredged-material management, and other related  
75 activities for Florida's deepwater ports pursuant to this  
76 chapter and chapters 161, 253, and 373 shall be consolidated  
77 within the department's Division of Water Resource Management  
78 and, with the concurrence of the affected deepwater port or  
79 ports, may be administered by a district office of the  
80 department or delegated to an approved local environmental  
81 program.

82 (b) The provisions of paragraph (a) apply only to the port  
83 waters, dredged-material management sites, port harbors,  
84 navigation channels, turning basins, and harbor berths used for  
85 deepwater commercial navigation in the ports of Jacksonville,  
86 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.  
87 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.  
88 Petersburg, Pensacola, Fernandina, and Key West.

89 Section 10. Subsection (26) of section 403.061, Florida  
90 Statutes, is amended to read:

91 403.061 Department; powers and duties.—The department shall  
92 have the power and the duty to control and prohibit pollution of  
93 air and water in accordance with the law and rules adopted and  
94 promulgated by it and, for this purpose, to:

95 (26) (a) Develop standards and criteria for waters used for  
96 deepwater shipping which standards and criteria consider  
97 existing water quality; appropriate mixing zones and other  
98 requirements for maintenance dredging in previously constructed  
99 deepwater navigation channels, port harbors, turning basins, or



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100 harbor berths; and appropriate mixing zones for disposal of  
101 spoil material from dredging and, where necessary, develop a  
102 separate classification for such waters. Such classification,  
103 standards, and criteria shall recognize that the present  
104 dedicated use of these waters is for deepwater commercial  
105 navigation.

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

114  
115 The department shall implement such programs in conjunction with  
116 its other powers and duties and shall place special emphasis on  
117 reducing and eliminating contamination that presents a threat to  
118 humans, animals or plants, or to the environment.

119 Section 11. Subsection (3) of section 403.813, Florida  
120 Statutes, is amended to read:

121 403.813 Permits issued at district centers; exceptions.—

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

127 (a) A mixing zone for turbidity is granted within a 150-  
128 meter radius from the point of dredging while dredging is



129 ongoing, except that the mixing zone may not extend into areas  
130 supporting wetland communities, submerged aquatic vegetation, or  
131 hardbottom communities.

132 (b) The discharge of the return water from the site used  
133 for the disposal of dredged material shall be allowed only if  
134 such discharge does not result in a violation of water quality  
135 standards in the receiving waters. The return-water discharge  
136 into receiving waters shall be granted a mixing zone for  
137 turbidity within a 150-meter radius from the point of discharge  
138 during and immediately after the dredging, except that the  
139 mixing zone may not extend into areas supporting wetland  
140 communities, submerged aquatic vegetation, or hardbottom  
141 communities.

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

145 (d) The use of flocculants at the site used for disposal of  
146 the dredged material is allowed if the use, including supporting  
147 documentation, is coordinated in advance with the department and  
148 the department has determined that the use is not harmful to  
149 water resources.

150 (e) This subsection does not prohibit maintenance dredging  
151 of areas where the loss of original design function and  
152 constructed configuration has been caused by a storm event,  
153 provided that the dredging is performed as soon as practical  
154 after the storm event. Maintenance dredging that commences  
155 within 3 years after the storm event shall be presumed to  
156 satisfy this provision. If more than 3 years are needed to  
157 commence the maintenance dredging after the storm event, a



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158 request for a specific time extension to perform the maintenance  
159 dredging shall be submitted to the department, prior to the end  
160 of the 3-year period, accompanied by a statement, including  
161 supporting documentation, demonstrating that contractors are not  
162 available or that additional time is needed to obtain  
163 authorization for the maintenance dredging from the United  
164 States Army Corps of Engineers.

165 Section 12. Section 403.816, Florida Statutes, is amended  
166 to read:

167 403.816 Permits for maintenance dredging of deepwater ports  
168 and beach restoration projects.—

169 (1) The department shall establish a permit system under  
170 this chapter and chapter 253 which provides for the performance,  
171 for up to 25 years from the issuance of the original permit, of  
172 maintenance dredging of permitted navigation channels, port  
173 harbors, turning basins, harbor berths, and beach restoration  
174 projects approved pursuant to chapter 161. However, permits  
175 issued for dredging river channels which are not a part of a  
176 deepwater port shall be valid for no more than five years. No  
177 charge shall be exacted by the state for material removed during  
178 such maintenance dredging by a public port authority.

179 (2) The provisions of s. 253.77 do not apply to a permit  
180 for maintenance dredging and spoil site approval when there is  
181 no change in the size or location of the spoil disposal site and  
182 when the applicant provides documentation to the department that  
183 the appropriate lease, easement, or consent of use for the  
184 project site issued pursuant to chapter 253 is recorded in the  
185 county where the project is located.

186 (3) The provisions of this section relating to ports apply



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187 only to the port waters, spoil disposal sites, port harbors,  
188 navigation channels, turning basins, and harbor berths used for  
189 deepwater commercial navigation in the ports of Jacksonville,  
190 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.  
191 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.  
192 Petersburg, Port Bartow, Florida Power Corporation's Crystal  
193 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

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

197 And the title is amended as follows:

198 Between lines 32 and 33

199 insert:

200 amending s. 310.002, F.S.; redefining the term "port" to  
201 include Port Citrus; amending s. 311.09, F.S.; including a  
202 representative of Port Citrus as a member of the Florida Seaport  
203 Transportation and Economic Development Council; amending s.  
204 374.976, F.S.; conforming provisions to include Port Citrus in  
205 provisions relating to the authority of inland navigation  
206 districts; amending s. 403.021, F.S.; conforming provisions to  
207 include Port Citrus in legislative declarations relating to  
208 environmental control; amending s. 403.061, F.S.; conforming  
209 provisions to include Port Citrus in provisions relating to  
210 powers of the Department of Environmental Protection; amending  
211 s. 403.813, F.S.; conforming provisions to include Port Citrus  
212 in provisions relating to permits issued at Department of  
213 Environmental Protection district centers; amending s. 403.816,  
214 F.S.; conforming provisions to include Port Citrus in provisions  
215 relating to certain maintenance projects at deepwater ports and





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216 beach restoration projects;  
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