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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2011	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 406 and 407
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



211622

13 Citrus, Ft. Pierce, Palm Beach, Port Everglades, Miami, Key
14 West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port
15 Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola,
16 Carrabelle, Panama City, Port St. Joe, and Pensacola.

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

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

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

33 Section 8. Paragraph (c) of subsection (1) of section
34 374.976, Florida Statutes, is amended to read:

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

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

41 (c) The district is authorized to aid and cooperate with



211622

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

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

61 403.021 Legislative declaration; public policy.—

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



211622

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

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

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

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

96 (26) (a) Develop standards and criteria for waters used for
97 deepwater shipping which standards and criteria consider
98 existing water quality; appropriate mixing zones and other
99 requirements for maintenance dredging in previously constructed



211622

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

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

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

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

122 403.813 Permits issued at district centers; exceptions.—

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

128 (a) A mixing zone for turbidity is granted within a 150-



211622

129 meter radius from the point of dredging while dredging is
130 ongoing, except that the mixing zone may not extend into areas
131 supporting wetland communities, submerged aquatic vegetation, or
132 hardbottom communities.

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

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

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

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



211622

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

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

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

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

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



211622

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

195
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 36 and 37

199 insert:

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



211622

216 Environmental Protection district centers; amending s.
217 403.816, F.S.; conforming provisions to include Port
218 Citrus in provisions relating to certain maintenance
219 projects at deepwater ports and beach restoration
220 projects;