



527078

LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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05/02/2011 03:43 PM

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Senator Ring moved the following:

Senate Amendment (with title amendment)

Delete lines 68 - 385

and insert:

Section 2. Paragraph (a) of subsection (8) of section 373.4133, Florida Statutes, is amended to read:

373.4133 Port conceptual permits.-

(8) Except as otherwise provided in this section, the following procedures apply to the approval or denial of an application for a port conceptual permit or a final permit or authorization:

(a) Applications for a port conceptual permit, including any request for the conceptual approval of the use of



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14 sovereignty submerged lands, shall be processed in accordance
15 with the provisions of ss. 373.427 and 120.60, with the
16 following exceptions:-

17 1. An application for a port conceptual permit, and any
18 applications for subsequent construction contained in a port
19 conceptual permit, must be approved or denied within 60 days
20 after receipt of a completed application.

21 2. The department may request additional information no
22 more than twice, unless the applicant waives this limitation in
23 writing. If the applicant does not provide a response to the
24 second request for additional information within 90 days or
25 another time period mutually agreed upon between the applicant
26 and department, the application shall be considered withdrawn.
27 However,

28 3. If the applicant believes that any request for
29 additional information is not authorized by law or agency rule,
30 the applicant may request an informal hearing pursuant to s.
31 120.57(2) before the Secretary of Environmental Protection to
32 determine whether the application is complete.

33 4. If a third party petitions to challenge the issuance of
34 a port conceptual permit by the department, the petitioner
35 initiating the action has the burden of ultimate persuasion and,
36 in the first instance, has the burden of going forward with the
37 evidence.

38 Section 3. Subsection (3) of section 403.813, Florida
39 Statutes, is amended to read:

40 403.813 Permits issued at district centers; exceptions.—

41 (3) A permit is not required under this chapter, chapter
42 373, chapter 61-691, Laws of Florida, or chapter 25214 or



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43 chapter 25270, 1949, Laws of Florida, for maintenance dredging
44 conducted under this section by the seaports of Jacksonville,
45 Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami,
46 Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City,
47 Pensacola, Key West, and Fernandina or by inland navigation
48 districts if the dredging to be performed is no more than is
49 necessary to restore previously dredged areas to original design
50 specifications or configurations, previously undisturbed natural
51 areas are not significantly impacted, and the work conducted
52 does not violate the protections for manatees under s.
53 379.2431(2)(d). In addition:

54 (a) A mixing zone for turbidity is granted within a 150-
55 meter radius from the point of dredging while dredging is
56 ongoing, except that the mixing zone may not extend into areas
57 supporting wetland communities, submerged aquatic vegetation, or
58 hardbottom communities.

59 (b) The discharge of the return water from the site used
60 for the disposal of dredged material shall be allowed only if
61 such discharge does not result in a violation of water quality
62 standards in the receiving waters. The return-water discharge
63 into receiving waters shall be granted a mixing zone for
64 turbidity within a 150-meter radius from the point of discharge
65 into the receiving waters during and immediately after the
66 dredging, except that the mixing zone may not extend into areas
67 supporting wetland communities, submerged aquatic vegetation, or
68 hardbottom communities. Ditches, pipes, and similar types of
69 linear conveyances may not be considered receiving waters for
70 the purposes of this paragraph.

71 (c) The state may not exact a charge for material that this



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72 subsection allows a public port or an inland navigation district
73 to remove. In addition, consent to use any sovereignty submerged
74 lands pursuant to this section is hereby granted.

75 (d) The use of flocculants at the site used for disposal of
76 the dredged material is allowed if the use, including supporting
77 documentation, is coordinated in advance with the department and
78 the department has determined that the use is not harmful to
79 water resources.

80 (e) The spoil material from maintenance dredging may be
81 deposited in a self-contained, upland disposal site. The site is
82 not required to be permitted if:

83 1. The site exists as of January 1, 2011;

84 2. A professional engineer certifies that the site has been
85 designed in accordance with generally accepted engineering
86 standards for such disposal sites;

87 3. The site has adequate capacity to receive and retain the
88 dredged material; and

89 4. The site has operating and maintenance procedures
90 established which allow for discharge of return flow of water
91 and prevent the escape of the spoil material into the waters of
92 the state.

93 (f) The department must be notified at least 30 days before
94 the commencement of maintenance dredging. The notice must
95 include, if applicable, the professional engineer certification
96 required by paragraph (e).

97 (g) ~~(e)~~ This subsection does not prohibit maintenance
98 dredging of areas where the loss of original design function and
99 constructed configuration has been caused by a storm event,
100 provided that the dredging is performed as soon as practical



101 after the storm event. Maintenance dredging that commences
102 within 3 years after the storm event shall be presumed to
103 satisfy this provision. If more than 3 years are needed to
104 commence the maintenance dredging after the storm event, a
105 request for a specific time extension to perform the maintenance
106 dredging shall be submitted to the department, prior to the end
107 of the 3-year period, accompanied by a statement, including
108 supporting documentation, demonstrating that contractors are not
109 available or that additional time is needed to obtain
110 authorization for the maintenance dredging from the United
111 States Army Corps of Engineers.

112
113 ===== T I T L E A M E N D M E N T =====

114 And the title is amended as follows:

115 Delete lines 6 - 48

116 and insert:

117 amending s. 373.4133, F.S.; requiring the Department
118 of Environmental Protection to approve or deny an
119 application for a port conceptual permit within a
120 specified time; providing a limitation for the request
121 of additional information from an applicant by the
122 department; providing that failure of an applicant to
123 respond to such a request within a specified time
124 constitutes withdrawal of the application; providing
125 that a third party who challenges the issuance of a
126 port conceptual permit has the burden of ultimate
127 persuasion and the burden of going forward with
128 evidence; amending s. 403.813, F.S.; exempting
129 specified seaports and inland navigation districts



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130 from requirements to conduct maintenance dredging
131 under certain conditions; excluding ditches, pipes,
132 and similar linear conveyances from consideration as
133 receiving waters for the disposal of dredged
134 materials; authorizing public ports and inland
135 navigation districts to use sovereignty submerged
136 lands in connection with maintenance dredging;
137 authorizing the disposal of spoil material on
138 specified sites; providing an exemption from
139 permitting requirements for sites that meet specified
140 criteria; requiring notice to the Department of
141 Environmental Protection of intent to use the
142 exemption; providing an effective date.