

By Senator Hays

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1                   A bill to be entitled  
2       An act relating to freshwater rivers and lakes;  
3       amending s. 403.813, F.S.; exempting from permit  
4       requirements certain projects that provide for removal  
5       of detrital material from certain freshwater rivers or  
6       lakes if a governmental agency sponsors or  
7       participates in the project and certain additional  
8       conditions are met; requiring that the district office  
9       of the Department of Environmental Protection be  
10      notified before work commences; providing for  
11      information that must be given in the notice;  
12      requiring that the department receive written  
13      certification of compliance; prohibiting the  
14      department from charging a fee for detrital material  
15      that is removed; authorizing the use of sovereignty  
16      submerged lands for the purposes authorized by the  
17      act; providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21       Section 1. Subsection (4) is added to section 403.813,  
22 Florida Statutes, to read:

23       403.813 Permits issued at district centers; exceptions.—

24       (4) Notwithstanding any provision to the contrary under  
25 chapter 253, chapter 369, chapter 373, chapter 61-691, Laws of  
26 Florida, or chapter 25214 or chapter 25270, 1949, Laws of  
27 Florida, or this chapter, a permit or other authorization is not  
28 required for a project to maintain, restore, or enhance  
29 navigational, environmental, or aquatic habitat and which

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30 provides for the removal of organic detrital material from a  
31 freshwater river or lake that has a natural sand or rocky  
32 substrate, if a governmental agency sponsors or participates in  
33 the project, through funding or otherwise, and if the following  
34 conditions are met:

35 (a) The organic detrital material and plant material that  
36 is removed must be deposited in an upland site in a manner that  
37 will not cause a water quality violation or must be redirected  
38 to a alternative beneficial reuse.

39 (b) A mixing zone for turbidity must be granted within a  
40 150-meter radius from the point of dredging while the dredging  
41 is ongoing.

42 (c) The return water, which may contain flocculants,  
43 resulting from dewatering of the dredge material or from the  
44 site used for the disposal or storage of dredged material must  
45 be allowed to return to the water body from which the material  
46 is dredged. If the return water is discharged into a mixing  
47 zone, it must be discharged within a radius not to exceed 1,000  
48 meters from the point of discharge into the receiving waters  
49 during and immediately after the dredging. The mixing zone may  
50 not extend into wetland areas. The return water discharged into  
51 mixing zones must be of sufficient dilution so that the return  
52 water is diluted to such an extent in the mixing zone as to  
53 avoid materially altering the natural state of the water outside  
54 the mixing zone.

55 (d) The applicable district office of the department must  
56 be notified in writing at least 30 days before work is  
57 commenced. The notice must include a plan for the removal of  
58 organic detrital material, a plan for the disposal of material,

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59 if applicable, and notification of intent to pursue alternative  
60 beneficial reuse of the material, if applicable.

61 (e) The department must be provided written certification  
62 of compliance with the terms and conditions of this subsection  
63 within 30 days after completion of any activity occurring under  
64 this exemption.

65 (f) The department may not charge a fee for the removal of  
66 destrital material pursuant to this subsection.

67 (g) Sovereignty submerged lands may be used for the  
68 purposes authorized in this subsection.

69 Section 2. This act shall take effect July 1, 2012.