

1                   A bill to be entitled  
2           An act relating to environmental protection;  
3           amending s. 253.03, F.S.; prohibiting the  
4           control, regulation, permitting, or imposition  
5           of charges on certain severed materials;  
6           amending s. 369.20, F.S.; authorizing certain  
7           riparian owners to remove aquatic plants  
8           without certain permits under certain  
9           circumstances; authorizing the Department of  
10          Environmental Protection to issue certain  
11          permits; providing criteria; providing  
12          construction; exempting such permits from  
13          certain water pollution operation permit  
14          requirements; amending s. 403.813, F.S.;  
15          exempting installation and repair of certain  
16          piers and docking facilities from certain  
17          permitting requirements; providing that certain  
18          environmental permits are not required for  
19          maintenance dredging of certain portions of  
20          natural water bodies within approved  
21          rights-of-way or drainage easements; providing  
22          limitations; providing an effective date.

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

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26           Section 1. Subsection (16) is added to section 253.03,  
27 Florida Statutes, 1996 Supplement, to read:

28           253.03 Board of trustees to administer state lands;  
29 lands enumerated.--

30           (16) The Board of Trustees of the Internal Improvement  
31 Trust Fund, and the state through its agencies, may not

1 control, regulate, permit, or charge for any severed materials  
2 which are removed from the area adjacent to an intake or  
3 discharge structure pursuant to an exemption authorized in s.  
4 403.813(2)(f).

5 Section 2. Subsections (8), (9), (10), and (11) are  
6 added to section 369.20, Florida Statutes, 1996 Supplement, to  
7 read:

8 369.20 Florida Aquatic Weed Control Act.--

9 (8) As an exemption to all permitting requirements in  
10 this section and ss. 369.22 and 369.25, in all freshwater  
11 bodies, except aquatic preserves designated under chapter 258  
12 and Outstanding Florida Waters designated under chapter 403, a  
13 riparian owner may physically or mechanically remove  
14 herbaceous aquatic plants and semi-woody herbaceous plants,  
15 such as shrub species and willow, within an area delimited by  
16 up to 50 percent of the property owner's frontage or 50 feet,  
17 whichever is less, and by a sufficient length waterward from,  
18 and perpendicular to, the riparian owner's shoreline to create  
19 a corridor to allow access for a boat or swimmer to reach open  
20 water. All unvegetated areas shall be cumulatively considered  
21 when determining the width of the exempt corridor. Physical  
22 or mechanical removal does not include the use of any  
23 chemicals or any activity that requires a permit pursuant to  
24 part IV of chapter 373.

25 (9) An aquatic plant control general permit for the  
26 removal of herbaceous aquatic plants and semi-woody herbaceous  
27 plants, such as shrub species and willow, the removal of  
28 tussocks, the associated replanting of indigenous aquatic  
29 plants, or the associated removal from freshwater bodies of  
30 organic detrital material that exists on the surface of  
31 natural mineral soil that is necessary to accomplish such

1 plant removal or replanting, or the removal of aquatic plants  
2 for aquatic plant management including associated incidental  
3 removal of sediment attached to plant roots, is created  
4 subject to the following conditions:

5 (a) The activities permitted pursuant to this  
6 subsection are exempt from the requirement to obtain a permit  
7 pursuant to part IV of chapter 373 and no fee shall be  
8 required.

9 (b) A riparian owner may physically or mechanically  
10 perform the activities permitted pursuant to this subsection  
11 within an area delimited by up to 50 percent of the property  
12 owner's frontage or 50 feet, whichever is less, and by a  
13 sufficient length waterward from, and perpendicular to, the  
14 riparian owner's shoreline to create a corridor to allow  
15 access for a boat or swimmer to reach open water.

16 (c) Organic detrital material that exists on the  
17 surface of natural mineral soil shall be permitted to be  
18 removed to a depth of 3 feet or to the natural mineral soils,  
19 whichever is less.

20 (d) All organic material removed pursuant to this  
21 subsection shall be deposited in an upland site in a manner  
22 that will prevent the reintroduction of the material into  
23 waters in the state except when spoil material is permitted to  
24 be used to create wildlife islands in freshwater bodies of the  
25 state when a governmental entity is permitted pursuant to this  
26 section to create such islands as a part of a restoration or  
27 enhancement project.

28 (e) All activities shall be performed in a manner to  
29 prevent violations of state water quality standards.  
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1           (f) The department is not authorized to adopt  
2 implementing rules for this subsection, notwithstanding any  
3 other provision of law.

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5 Any person complying with the requirements of this general  
6 permit may use the permit 15 days after the department  
7 receives notice from the applicant, by certified return  
8 receipt requested mail, without any agency action by the  
9 department. The notice must provide sufficient information  
10 for someone to locate the project site, locate the specific  
11 area in which the permitted activities are proposed and what  
12 the anticipated starting and ending date of the project is.

13           (10) A permit issued pursuant to this section to  
14 control, eradicate, remove, or replant aquatic plants, to  
15 remove tussocks, or to remove organic detrital material on  
16 sovereign submerged lands or other state lands constitutes  
17 consent of use and authorization required pursuant to chapter  
18 253 for such activities.

19           (11) A permit issued pursuant to this section for the  
20 application of herbicides to waters in the state for the  
21 control of aquatic plants, algae, or invasive exotic plants is  
22 exempt from the requirement to obtain a water pollution  
23 operation permit pursuant to s. 403.088.

24           Section 3. Paragraphs (d) and (f) of subsection (2) of  
25 section 403.813, Florida Statutes, 1996 Supplement, are  
26 amended to read:

27           403.813 Permits issued at district centers;  
28 exceptions.--

29           (2) No permit under this chapter, chapter 373, chapter  
30 61-691, Laws of Florida, or chapter 25214 or chapter 25270,  
31 Laws of Florida, 1949, shall be required for activities

1 associated with the following types of projects; however,  
2 nothing in this subsection relieves an applicant from any  
3 requirement to obtain permission to use or occupy lands owned  
4 by the Board of Trustees of the Internal Improvement Trust  
5 Fund or any water management district in its governmental or  
6 proprietary capacity or from complying with applicable local  
7 pollution control programs authorized under this chapter or  
8 other requirements of county and municipal governments:

9 (d) The replacement or repair of existing docks and  
10 piers, except that no fill material is to be used and provided  
11 that the replacement or repaired dock or pier is in the same  
12 location and of the same configuration and dimensions as the  
13 dock or pier being replaced or repaired.

14 (f) The performance of maintenance dredging of  
15 existing manmade canals, channels, ~~and~~ intake and discharge  
16 structures, and previously dredged portions of natural water  
17 bodies within recorded drainage rights-of-way or drainage  
18 easements, where the spoil material is to be removed and  
19 deposited on a self-contained, upland spoil site which will  
20 prevent the escape of the spoil material into the waters of  
21 the state, provided ~~that~~ no more dredging is to be performed  
22 than is necessary to restore the canals, channels, ~~and~~ intake  
23 and discharge structures, and previously dredged portions of  
24 natural water bodies to original design specifications or  
25 configurations, provided the work is conducted in compliance  
26 with s. 370.12(2)(d) and notice is given to the department  
27 prior to commencement of the dredging activity, provided no  
28 significant impacts occur to previously undisturbed natural  
29 areas, and provided ~~that~~ control devices and best management  
30 practices for erosion and sediment control are utilized to  
31 prevent bank erosion and scouring and to prevent turbidity,

1 dredged material, and ~~prevent~~ toxic or deleterious substances  
2 from discharging into adjacent waters during maintenance  
3 dredging. This exemption applies to all canals and previously  
4 dredged portions of natural water bodies within recorded  
5 drainage rights-of-way or drainage easements constructed prior  
6 to April 3, 1970, and to those canals and previously dredged  
7 portions of natural water bodies constructed on or after April  
8 3, 1970, pursuant to all necessary state permits. This  
9 exemption does not apply to the removal of a natural or  
10 manmade barrier separating a canal or canal system from  
11 adjacent waters. When no previous permit has been issued by  
12 the Board of Trustees of the Internal Improvement Trust Fund  
13 or the United States Army Corps of Engineers for construction  
14 or maintenance dredging of the existing manmade canal or  
15 intake or discharge structure, such maintenance dredging shall  
16 be limited to a depth of no more than 5 feet below mean low  
17 water. The Board of Trustees of the Internal Improvement Trust  
18 Fund may fix and recover from the permittee an amount equal to  
19 the difference between the fair market value and the actual  
20 cost of the maintenance dredging for material removed during  
21 such maintenance dredging. However, no charge shall be exacted  
22 by the state for material removed during such maintenance  
23 dredging by a public port authority. The removing party may  
24 subsequently sell such material; however, proceeds from such  
25 sale that exceed the costs of maintenance dredging shall be  
26 remitted to the state and deposited in the Internal  
27 Improvement Trust Fund.

28 Section 4. This act shall take effect October 1, 1997.  
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