

## Committee Substitute for Senate Bill No. 758

An act relating to inland navigation; amending s. 374.975, F.S.; providing that operation and maintenance of the Intracoastal Waterway and certain other public navigation channels in inland navigation districts is in the public interest; amending s. 374.976, F.S.; authorizing inland navigation districts to aid and cooperate with certain nonmember counties, certain seaports, and navigation districts in planning and carrying out certain projects concerning waterways; authorizing inland navigation districts to furnish assistance and support to seaports in planning and carrying out projects concerning waterway-related access; amending s. 374.977, F.S.; requiring that the Fish and Wildlife Conservation Commission assume certain responsibilities for posting and maintaining regulatory markers concerning manatee protection speed zones; allowing the commission to apply to inland navigation districts for funding to assist with this responsibility; amending s. 403.813, F.S.; removing provisions requiring the Secretary of Environmental Protection to adopt procedural rules for certain dredge and fill projects; revising requirements governing maintenance dredging by inland navigation districts and certain seaports; granting mixing zones; authorizing discharge of the return water from the site for the disposal of the dredged material under certain conditions; defining the term “man-made waters”; prohibiting the state from charging an inland navigation district or a public port authority for certain removed materials; authorizing the use of flocculants at a site for the disposal of dredged material under certain conditions; authorizing the Department of Environmental Protection to develop and maintain a list concerning the use of flocculants; providing that publication of the list is not a rule; authorizing the department to approve the use of a flocculant that is not on the list under specified conditions; providing an effective date.

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

Section 1. Subsection (1) of section 374.975, Florida Statutes, is amended to read:

374.975 Inland navigation districts; legislative intent.—

(1) The Legislature hereby recognizes the continuing need for inland navigation districts to undertake programs necessary to accomplish the purposes of construction, maintenance, and operation of Florida’s inland waterways pursuant to s. 107 of the federal River and Harbor Act of 1960, (33 U.S.C. s. 577,) and that it is in the public interest for inland navigation districts to operate and maintain the intracoastal waterway and any other public navigation channels authorized by the Board of Trustees of the Internal Improvement Trust Fund.

Section 2. Paragraph (c) of subsection (1) and subsection (4) of section 374.976, Florida Statutes, are amended to read:

374.976 Authority to address impacts of waterway development projects.—

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

(c) The district is authorized to aid and cooperate with the Federal Government, state, member counties, nonmember counties that contain any part of the intracoastal waterway within their boundaries, navigation districts, the seaports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina, and local governments within the district in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects, directly related to the waterways. The district is also authorized to enter into cooperative agreements with the United States Army Corps of Engineers, state, and member counties, and to covenant in any such cooperative agreement to pay part of the costs of acquisition, planning, development, construction, reconstruction, extension, improvement, operation, and maintenance of such projects.

(4) The Florida Inland Navigation District may furnish assistance and support to seaports for the purpose of planning and carrying out dredge material management projects, and other environmental mitigation projects, and other projects concerning waterway-related access. Port projects shall benefit publicly maintained channels and harbors. Any port eligible for funding shall be located in a member county of the district, and each port shall contribute matching funds for funded projects. Financial assistance for such port projects shall not be included in calculating the proportional share of ad valorem tax collections of the county in which the port is located, provided the port seeking assistance demonstrates a regional benefit realized from the port's activities. However, the cost of a port project funded under pursuant to this section may not exceed the proportional share of ad valorem taxation of the counties in the district which are benefited by the project.

Section 3. Section 374.977, Florida Statutes, is amended to read:

374.977 Inland navigation districts; manatee protection speed zones, responsibility for sign posting.—~~The Fish and Wildlife Conservation Commission shall assume the~~ Each inland navigation district shall be responsible for posting and maintaining regulatory markers, as approved by the Fish and Wildlife Conservation Commission, for manatee protection speed zones. Such responsibility shall not be limited to the intracoastal waterway, but shall include all waters within each member county for which regulatory markers must be posted. Sign locations shall be jointly selected by the Fish and Wildlife Conservation Commission and the appropriate inland navigation district, pending necessary federal, state, and local approvals. Should an inland navigation district lack the resources or otherwise be unable to carry out its sign posting and maintenance duties, this responsibility for

posting and maintaining regulatory markers for manatee protection speed zones as posted by the inland navigation districts pursuant to a rule adopted by the commission under s. 370.12(2). shall then be assumed by The Fish and Wildlife Conservation Commission may apply to inland navigation districts for funding under s. 374.976 to assist with implementing its responsibility under this section for maintaining regulatory markers for manatee protection speed zones.

Section 4. Present subsections (2) and (3) of section 403.813, Florida Statutes, are redesignated as subsections (1) and (2), respectively, subsection (1) of that section is repealed, and subsection (4) is added to that section to read:

403.813 Permits issued at district centers; exceptions.—

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

(a) A mixing zone for turbidity is granted within a 100-meter radius from the point of dredging while dredging is ongoing, except that the mixing zone does not extend into areas supporting submerged aquatic vegetation or hardbottom communities.

(b) The discharge of the return water from the site used for the disposal of dredged material shall be allowed only if such discharge does not result in a violation of water quality standards in the receiving waters. However, any such return-water discharge into manmade waters that are not in Monroe County is granted a mixing zone for turbidity within a 150-meter radius from the point of discharge during and immediately after the discharge while dredging is ongoing, except that the mixing zone does not extend outside the manmade waters. As used in this paragraph, the term “manmade waters” means surface waters that were wholly excavated from lands other than wetlands and other surface waters or semienclosed port berths.

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

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

(e) This subsection does not prohibit maintenance dredging of areas where the loss of original design function and constructed configuration has been caused by a storm event, provided that the dredging is performed as soon as practical after the storm event. Maintenance dredging that commences within 2 years after the storm event shall be presumed to satisfy this provision. If more than 2 years are needed to commence the maintenance dredging after the storm event, a request for a specific time extension to perform the maintenance dredging shall be submitted to the department,

prior to the end of the 2-year period, accompanied by a statement, including supporting documentation, demonstrating that contractors are not available or that additional time is needed to obtain authorization for the maintenance dredging from the United States Army Corps of Engineers.

Section 5. The Department of Environmental Protection may develop and maintain a list of the flocculants that it has permitted to be used under part IV of chapter 373, Florida Statutes. The list may include information concerning any associated testing to determine compliance with state permitting standards and information on application rates and methods. Publication of this list is not a rule under chapter 120, Florida Statutes. This section does not prevent an entity from proposing or the department from approving the use of a flocculant that is not on the department's list subject to the entity providing the necessary documentation required by the department to ensure that the use of the flocculant will not cause harm to the water resources of the state.

Section 6. This act shall take effect July 1, 2008.

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.