

1 A bill to be entitled
2 An act relating to environmental resources; amending s.
3 337.0261, providing definitions; providing legislative
4 intent; providing for an assessment of aggregate
5 construction materials in the state; providing duties for
6 the Department of Transportation, the Department of
7 Environmental Protection, the Department of Community
8 Affairs, and the Florida Geological Survey; providing
9 parameters for the assessment; providing rulemaking
10 authority; creating s. 373.4146, F.S.; providing
11 conditions for construction aggregate materials mining
12 permitting; providing and exemption for the Miami-Dade
13 Lake Belt Area; requiring the Department of Environmental
14 Protection to consider adverse impacts to all wetlands in
15 aggregate mining permits; providing for a definition;
16 amending s. 378.412, F.S.; prohibiting local governments
17 from enacting or enforcing ordinances, resolutions,
18 regulations, rules, policies, or other actions that
19 prohibit mining in certain lands zoned for mining;
20 providing and exemption for the Miami-Dade Lake Belt
21 areas; amending s. 403.061, F.S.; revising the
22 department's powers and duties to include maintaining a
23 list of projects or activities that applicants may
24 consider when developing proposals for certain projects or
25 activities; amending s. 403.813, F.S.; prohibiting a local
26 government from requiring further verification from the
27 department for certain projects that are exempt from
28 permit requirements other than a general permit;

29 | prohibiting local governments from specifying the format
 30 | for a determination made by the department or a water
 31 | management district that a proposed project meets
 32 | authorization requirements; providing an effective date.

33 |

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

35 |

36 | Section 1. Section 337.0261, Florida Statutes, is amended
 37 | to read:

38 | 337.0261 Construction Aggregate Materials.--

39 | (1) DEFINITIONS -- As used in this section, the term:

40 | (a) "Construction aggregate materials" means crushed stone,
 41 | limestone, dolomite, limerock, shell rock, cemented coquina,
 42 | sand for use as a component of mortars, concrete, bituminous
 43 | mixtures, or underdrain filters, and other mined resources
 44 | providing the basic material for concrete, asphalt, and road
 45 | base.

46 | (b) "Construction materials mining activities" shall be
 47 | defined as set forth in s. 552.30(1).

48 | (2) LEGISLATIVE INTENT.-- The Legislature finds that:

49 | (a) There is a strategic and critical need for an
 50 | available supply of construction aggregate materials within the
 51 | state and that a disruption of the supply would cause a
 52 | significant detriment to the state's construction industry,
 53 | transportation system, and overall health, safety, and welfare.

54 | (b) Construction aggregate materials are a finite natural
 55 | resource.

56 | (c) Construction aggregate materials mining is an industry

57 of critical importance to the state and is therefore in the
 58 public interest.

59 (d) There is a need for a reliable, predictable, and
 60 sustainable supply of construction aggregate materials so that
 61 public and private construction is maintained without
 62 interruption.

63 (e) There are a limited number of aggregate resource
 64 counties within the State where aggregate and sand resources
 65 exist.

66 (f) There is a need to accurately identify and locate
 67 available supplies of aggregate construction materials in the
 68 state.

70 (6) Strategic Aggregate Resource Assessment (SARA). --

71 (a) The Florida Department of Transportation shall
 72 organize and provide administrative support in the preparation
 73 of the SARA. The Department of Transportation shall work with
 74 the Florida Department of Environmental Protection, the Florida
 75 Department of Community Affairs, and local governments in the
 76 preparation of the SARA.

77 1. For construction aggregate materials:

78 a. The Florida Geological Survey shall identify and map
 79 areas where construction aggregate materials deposits are
 80 located in the state. Information may be submitted by willing
 81 land owners to the Florida Geological Survey for inclusion in
 82 the state data repository. Proprietary or business information
 83 submitted to or acquired by the Florida Geological Survey shall
 84 be maintained in an electronic database under the control of the

85 Florida Geological Survey and protected as trade secrets
86 pursuant to s. 815.045.

87 b. The Department of Transportation shall identify and
88 superimpose on the aggregate resource map a high to low quality
89 grading classification to identifying the areas that contain
90 geologically valuable resources needed for road building and
91 repair. The quality grading classification mapping shall be for
92 planning purposes only and shall not constitute a formal
93 determination by the department for any other reason.

94 c. The Department of Environmental Protection shall
95 identify and superimpose on the aggregate resource map the areas
96 of natural resources that may be of concern during state
97 permitting in order to identify any potential conflicts between
98 the location of geologically valuable resources and natural land
99 and water resources. The mapping of natural resources shall be
100 for planning purposes only and shall not constitute a formal
101 determination of the landward extent of wetlands and other
102 surface waters pursuant to Part IV of Chapter 373.

103 e. The Department of Community Affairs, along with the
104 local governments, shall identify and superimpose on the
105 aggregate resource map the distribution, location and extent of
106 land uses within a local government jurisdiction in addition to
107 future land use map designations and zoning elements in order to
108 identify any potential conflicts between the areas where growth
109 and development is planned and areas with deposits of
110 geologically valuable resources. The mapping of land uses
111 within a local government jurisdiction shall be for planning

112 purposes only and shall not constitute a formal determination by
 113 the department or the local government for any other reason.

114
 115 The SARA shall provide a projection of 5 year, 25 year, and 50
 116 year demand for aggregate. In addition, the SARA shall provide
 117 an estimate of volume of aggregate available from already
 118 permitted mines to meet demand projections. The SARA shall
 119 identify international and out-of-state construction aggregate
 120 materials available to meet demand projections.

121 2. For infrastructure:

122 a. The SARA shall provide a rating structure assessing the
 123 ability to mine these deposits in an economic manner, taking
 124 into account the proximity of the materials to the available
 125 markets, the thickness of overburden, and the quantity and
 126 quality of the materials. In assessing the economic viability of
 127 a geologic deposit the SARA shall take into account the
 128 proximity to rail and port facilities where similar or
 129 replacement products can be imported at a lower cost than
 130 producing them locally.

131 b. The SARA shall identify the current and potential
 132 capacity of construction aggregate material imports into the
 133 state utilizing current and planned rail, connecting roadways
 134 and port infrastructure.

135 (b) The SARA shall be updated every five (5) years and be
 136 included as part of the Department of Transportation Florida
 137 Transportation Plan.

138 (c) The Department of Transportation shall prepare the
 139 findings of the SARA in an initial report submitted to the

140 Governor, the President of the Senate and the Speaker of the
 141 House no later than February 1, 2010. Subsequent reports shall
 142 be submitted by February 1 following each 5 year SARA update.

143 (d) The Department of Transportation is authorized to
 144 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
 145 this section and in the preparation of the SARA.

146 Section 2. Section 373.4146, Florida Statutes is created
 147 to read:

148 373.4146 Permitting of Mining of Construction Aggregate
 149 Materials --

150 (1) An applicant seeking an aggregate resource mining
 151 permit shall attend a pre-application meeting with the
 152 department to review construction, operation, environmental
 153 resource, and reclamation issues. The department shall invite
 154 the local government responsible for the review of the local
 155 regulations impacting the aggregate resource mining permit to
 156 attend the pre-application meeting to review land use issues
 157 with the applicant. Parties are encouraged to identify and
 158 resolve environmental and land use issues in order to streamline
 159 the application process to the greatest extent practicable.

160 (2) When permitting the construction, operation, and
 161 reclamation of construction aggregate material mines, including
 162 the permitting requirements in Part IV of Chapter 373, F.S., and
 163 the reclamation requirements in Part IV of Chapter 378, F.S.,
 164 the department is directed to consider adverse impacts to all
 165 wetlands and other surface waters, notwithstanding the
 166 provisions of subsection 373.414 (2) (a) F.S. The department
 167 shall also require groundwater monitoring within the permit

168 issued pursuant to Part IV of Chapter 373, F.S., to ensure that
169 water quality outside the mining pit is protected.

170 (3) For the purpose of this section, "Construction
171 Aggregate Material" shall mean crushed stone, limestone,
172 dolomite, limerock, shell rock, cemented coquina, and sand for
173 use as a component of mortars, concrete, bituminous mixtures, or
174 underdrain filters, and other mined resources providing the
175 basic material for concrete, asphalt, and road base. Mined
176 materials that do not require sorting and grading and that are
177 used for fill are not Construction Aggregate Materials.

178 (4) This section shall not apply to the Miami-Dade Lake
179 Belt Area as described in s. 373.4149.

180 Section 3. Present subsection (40) of section 403.061,
181 Florida Statutes, is redesignated as subsection (41), and a new
182 subsection (40) is added to that section to read:

183 403.061 Department; powers and duties.--The department
184 shall have the power and the duty to control and prohibit
185 pollution of air and water in accordance with the law and rules
186 adopted and promulgated by it and, for this purpose, to:

187 (40) Maintain a list of projects or activities that
188 applicants may consider when developing proposals to meet the
189 mitigation or public interest requirements of chapter 253,
190 chapter 373, or this chapter. The contents of such a list are
191 not a rule as defined in chapter 120, and listing a specific
192 project or activity does not imply approval by the department
193 for such project or activity. Each county government is
194 encouraged to develop an inventory of projects or activities for
195 inclusion on the list by obtaining input from local stakeholder

196 groups in the public, private, and nonprofit sectors, including
197 local governments, port authorities, marine contractors, other
198 representatives of the marine construction industry,
199 environmental or conservation organizations, and other
200 interested parties.

201 ~~(41)-(40)~~ Serve as the state's single point of contact for
202 performing the responsibilities described in Presidential
203 Executive Order 12372, including administration and operation of
204 the Florida State Clearinghouse. The Florida State Clearinghouse
205 shall be responsible for coordinating interagency reviews of the
206 following: federal activities and actions subject to the federal
207 consistency requirements of s. 307 of the Coastal Zone
208 Management Act; documents prepared pursuant to the National
209 Environmental Policy Act, 42 U.S.C. ss. 4321 et seq., and the
210 Outer Continental Shelf Lands Act, 43 U.S.C. ss. 1331 et seq.;
211 applications for federal funding pursuant to s. 216.212; and
212 other notices and information regarding federal activities in
213 the state, as appropriate. The Florida State Clearinghouse shall
214 ensure that state agency comments and recommendations on the
215 environmental, social, and economic impact of proposed federal
216 actions are communicated to federal agencies, applicants, local
217 governments, and interested parties.

218
219 The department shall implement such programs in conjunction with
220 its other powers and duties and shall place special emphasis on
221 reducing and eliminating contamination that presents a threat to
222 humans, animals or plants, or to the environment.

223 Section 4. Section 378.412, Florida Statutes, is amended
 224 to read:

225 378.412 Relationship with other laws.—

226 (a) It is the intent of the Legislature that ss. 378.202-
 227 378.804 supplement other laws regarding resource extraction.
 228 Nothing contained in such sections shall be construed to limit,
 229 abridge, or alter any agency's duties, authority, and
 230 responsibilities granted pursuant to another statute. Nothing
 231 in ss. 378.202-378.804 shall be deemed to preempt local
 232 ordinances that impose ~~stricter reclamation standards.~~ land use
 233 requirements for reclamation activities as set forth in the
 234 comprehensive plan or zoning regulations, provided however, and
 235 with the exception of the Miami-Dade Lake Belt Area as described
 236 in s. 373.4149, no county or municipality shall enact or enforce
 237 any ordinance, resolution, regulation, rule, policy, or other
 238 action which prohibits or prevents the construction or operation
 239 of a limestone mine based on issues or subject matters regulated
 240 by the department pursuant to this chapter or chapter 373, part
 241 IV.

242 Section 5. Subsections (2) and (3) of section 403.813,
 243 Florida Statutes, are amended to read:

244 403.813 Permits issued at district centers; exceptions.--

245 (2) A permit is not required under this chapter, chapter
 246 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 247 chapter 25270, 1949, Laws of Florida, and a local government may
 248 not require further verification from the department for
 249 activities associated with the following types of projects;
 250 however, except as otherwise provided in this subsection,

251 ~~nothing in~~ this subsection does not relieve ~~relieves~~ an
 252 applicant from any requirement to obtain permission to use or
 253 occupy lands owned by the Board of Trustees of the Internal
 254 Improvement Trust Fund or any water management district in its
 255 governmental or proprietary capacity or from complying with
 256 applicable local pollution control programs authorized under
 257 this chapter or other requirements of county and municipal
 258 governments:

259 (a) The installation of overhead transmission lines, with
 260 support structures which are not constructed in waters of the
 261 state and which do not create a navigational hazard.

262 (b) The installation and repair of mooring pilings and
 263 dolphins associated with private docking facilities or piers and
 264 the installation of private docks, piers and recreational
 265 docking facilities, or piers and recreational docking facilities
 266 of local governmental entities when the local governmental
 267 entity's activities will not take place in any manatee habitat,
 268 any of which docks:

269 1. Has 500 square feet or less of over-water surface area
 270 for a dock which is located in an area designated as Outstanding
 271 Florida Waters or 1,000 square feet or less of over-water
 272 surface area for a dock which is located in an area which is not
 273 designated as Outstanding Florida Waters;

274 2. Is constructed on or held in place by pilings or is a
 275 floating dock which is constructed so as not to involve filling
 276 or dredging other than that necessary to install the pilings;

277 3. Shall not substantially impede the flow of water or
 278 create a navigational hazard;

279 4. Is used for recreational, noncommercial activities
280 associated with the mooring or storage of boats and boat
281 paraphernalia; and

282 5. Is the sole dock constructed pursuant to this exemption
283 as measured along the shoreline for a distance of 65 feet,
284 unless the parcel of land or individual lot as platted is less
285 than 65 feet in length along the shoreline, in which case there
286 may be one exempt dock allowed per parcel or lot.

287

288 Nothing in this paragraph shall prohibit the department from
289 taking appropriate enforcement action pursuant to this chapter
290 to abate or prohibit any activity otherwise exempt from
291 permitting pursuant to this paragraph if the department can
292 demonstrate that the exempted activity has caused water
293 pollution in violation of this chapter.

294 (c) The installation and maintenance to design
295 specifications of boat ramps on artificial bodies of water where
296 navigational access to the proposed ramp exists or the
297 installation of boat ramps open to the public in any waters of
298 the state where navigational access to the proposed ramp exists
299 and where the construction of the proposed ramp will be less
300 than 30 feet wide and will involve the removal of less than 25
301 cubic yards of material from the waters of the state, and the
302 maintenance to design specifications of such ramps; however, the
303 material to be removed shall be placed upon a self-contained
304 upland site so as to prevent the escape of the spoil material
305 into the waters of the state.

306 (d) The replacement or repair of existing docks and piers,
307 except that no fill material is to be used and provided that the
308 replacement or repaired dock or pier is in the same location and
309 of the same configuration and dimensions as the dock or pier
310 being replaced or repaired. This shall not preclude the use of
311 different construction materials or minor deviations to allow
312 upgrades to current structural and design standards.

313 (e) The restoration of seawalls at their previous
314 locations or upland of, or within 1 foot waterward of, their
315 previous locations. However, this shall not affect the
316 permitting requirements of chapter 161, and department rules
317 shall clearly indicate that this exception does not constitute
318 an exception from the permitting requirements of chapter 161.

319 (f) The performance of maintenance dredging of existing
320 manmade canals, channels, intake and discharge structures, and
321 previously dredged portions of natural water bodies within
322 drainage rights-of-way or drainage easements which have been
323 recorded in the public records of the county, where the spoil
324 material is to be removed and deposited on a self-contained,
325 upland spoil site which will prevent the escape of the spoil
326 material into the waters of the state, provided that no more
327 dredging is to be performed than is necessary to restore the
328 canals, channels, and intake and discharge structures, and
329 previously dredged portions of natural water bodies, to original
330 design specifications or configurations, provided that the work
331 is conducted in compliance with s. 370.12(2)(d), provided that
332 no significant impacts occur to previously undisturbed natural
333 areas, and provided that control devices for return flow and

334 best management practices for erosion and sediment control are
335 utilized to prevent bank erosion and scouring and to prevent
336 turbidity, dredged material, and toxic or deleterious substances
337 from discharging into adjacent waters during maintenance
338 dredging. Further, for maintenance dredging of previously
339 dredged portions of natural water bodies within recorded
340 drainage rights-of-way or drainage easements, an entity that
341 seeks an exemption must notify the department or water
342 management district, as applicable, at least 30 days prior to
343 dredging and provide documentation of original design
344 specifications or configurations where such exist. This
345 exemption applies to all canals and previously dredged portions
346 of natural water bodies within recorded drainage rights-of-way
347 or drainage easements constructed prior to April 3, 1970, and to
348 those canals and previously dredged portions of natural water
349 bodies constructed on or after April 3, 1970, pursuant to all
350 necessary state permits. This exemption does not apply to the
351 removal of a natural or manmade barrier separating a canal or
352 canal system from adjacent waters. When no previous permit has
353 been issued by the Board of Trustees of the Internal Improvement
354 Trust Fund or the United States Army Corps of Engineers for
355 construction or maintenance dredging of the existing manmade
356 canal or intake or discharge structure, such maintenance
357 dredging shall be limited to a depth of no more than 5 feet
358 below mean low water. The Board of Trustees of the Internal
359 Improvement Trust Fund may fix and recover from the permittee an
360 amount equal to the difference between the fair market value and
361 the actual cost of the maintenance dredging for material removed

362 during such maintenance dredging. However, no charge shall be
363 exacted by the state for material removed during such
364 maintenance dredging by a public port authority. The removing
365 party may subsequently sell such material; however, proceeds
366 from such sale that exceed the costs of maintenance dredging
367 shall be remitted to the state and deposited in the Internal
368 Improvement Trust Fund.

369 (g) The maintenance of existing insect control structures,
370 dikes, and irrigation and drainage ditches, provided that spoil
371 material is deposited on a self-contained, upland spoil site
372 which will prevent the escape of the spoil material into waters
373 of the state. In the case of insect control structures, if the
374 cost of using a self-contained upland spoil site is so
375 excessive, as determined by the Department of Health, pursuant
376 to s. 403.088(1), that it will inhibit proposed insect control,
377 then-existing spoil sites or dikes may be used, upon
378 notification to the department. In the case of insect control
379 where upland spoil sites are not used pursuant to this
380 exemption, turbidity control devices shall be used to confine
381 the spoil material discharge to that area previously disturbed
382 when the receiving body of water is used as a potable water
383 supply, is designated as shellfish harvesting waters, or
384 functions as a habitat for commercially or recreationally
385 important shellfish or finfish. In all cases, no more dredging
386 is to be performed than is necessary to restore the dike or
387 irrigation or drainage ditch to its original design
388 specifications.

389 (h) The repair or replacement of existing functional pipes
390 or culverts the purpose of which is the discharge or conveyance
391 of stormwater. In all cases, the invert elevation, the diameter,
392 and the length of the culvert shall not be changed. However, the
393 material used for the culvert may be different from the
394 original.

395 (i) The construction of private docks of 1,000 square feet
396 or less of over-water surface area and seawalls in artificially
397 created waterways where such construction will not violate
398 existing water quality standards, impede navigation, or affect
399 flood control. This exemption does not apply to the construction
400 of vertical seawalls in estuaries or lagoons unless the proposed
401 construction is within an existing manmade canal where the
402 shoreline is currently occupied in whole or part by vertical
403 seawalls.

404 (j) The construction and maintenance of swales.

405 (k) The installation of aids to navigation and buoys
406 associated with such aids, provided the devices are marked
407 pursuant to s. 327.40.

408 (l) The replacement or repair of existing open-trestle
409 foot bridges and vehicular bridges that are 100 feet or less in
410 length and two lanes or less in width, provided that no more
411 dredging or filling of submerged lands is performed other than
412 that which is necessary to replace or repair pilings and that
413 the structure to be replaced or repaired is the same length, the
414 same configuration, and in the same location as the original
415 bridge. No debris from the original bridge shall be allowed to
416 remain in the waters of the state.

417 (m) The installation of subaqueous transmission and
418 distribution lines laid on, or embedded in, the bottoms of
419 waters in the state, except in Class I and Class II waters and
420 aquatic preserves, provided no dredging or filling is necessary.

421 (n) The replacement or repair of subaqueous transmission
422 and distribution lines laid on, or embedded in, the bottoms of
423 waters of the state.

424 (o) The construction of private seawalls in wetlands or
425 other surface waters where such construction is between and
426 adjoins at both ends existing seawalls; follows a continuous and
427 uniform seawall construction line with the existing seawalls; is
428 no more than 150 feet in length; and does not violate existing
429 water quality standards, impede navigation, or affect flood
430 control. However, in estuaries and lagoons the construction of
431 vertical seawalls is limited to the circumstances and purposes
432 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
433 the permitting requirements of chapter 161, and department rules
434 must clearly indicate that this exception does not constitute an
435 exception from the permitting requirements of chapter 161.

436 (p) The restoration of existing insect control impoundment
437 dikes which are less than 100 feet in length. Such impoundments
438 shall be connected to tidally influenced waters for 6 months
439 each year beginning September 1 and ending February 28 if
440 feasible or operated in accordance with an impoundment
441 management plan approved by the department. A dike restoration
442 may involve no more dredging than is necessary to restore the
443 dike to its original design specifications. For the purposes of

444 this paragraph, restoration does not include maintenance of
445 impoundment dikes of operating insect control impoundments.

446 (q) The construction, operation, or maintenance of
447 stormwater management facilities which are designed to serve
448 single-family residential projects, including duplexes,
449 triplexes, and quadruplexes, if they are less than 10 acres
450 total land and have less than 2 acres of impervious surface and
451 if the facilities:

452 1. Comply with all regulations or ordinances applicable to
453 stormwater management and adopted by a city or county;

454 2. Are not part of a larger common plan of development or
455 sale; and

456 3. Discharge into a stormwater discharge facility exempted
457 or permitted by the department under this chapter which has
458 sufficient capacity and treatment capability as specified in
459 this chapter and is owned, maintained, or operated by a city,
460 county, special district with drainage responsibility, or water
461 management district; however, this exemption does not authorize
462 discharge to a facility without the facility owner's prior
463 written consent.

464 (r) The removal of aquatic plants, the removal of
465 tussocks, the associated replanting of indigenous aquatic
466 plants, and the associated removal from lakes of organic
467 detrital material when such planting or removal is performed and
468 authorized by permit or exemption granted under s. 369.20 or s.
469 369.25, provided that:

470 1. Organic detrital material that exists on the surface of
471 natural mineral substrate shall be allowed to be removed to a

472 depth of 3 feet or to the natural mineral substrate, whichever
473 is less;

474 2. All material removed pursuant to this paragraph shall
475 be deposited in an upland site in a manner that will prevent the
476 reintroduction of the material into waters in the state except
477 when spoil material is permitted to be used to create wildlife
478 islands in freshwater bodies of the state when a governmental
479 entity is permitted pursuant to s. 369.20 to create such islands
480 as a part of a restoration or enhancement project;

481 3. All activities are performed in a manner consistent
482 with state water quality standards; and

483 4. No activities under this exemption are conducted in
484 wetland areas, as defined by s. 373.019(25), which are supported
485 by a natural soil as shown in applicable United States
486 Department of Agriculture county soil surveys, except when a
487 governmental entity is permitted pursuant to s. 369.20 to
488 conduct such activities as a part of a restoration or
489 enhancement project.

490

491 The department may not adopt implementing rules for this
492 paragraph, notwithstanding any other provision of law.

493 (s) The construction, installation, operation, or
494 maintenance of floating vessel platforms or floating boat lifts,
495 provided that such structures:

496 1. Float at all times in the water for the sole purpose of
497 supporting a vessel so that the vessel is out of the water when
498 not in use;

499 2. Are wholly contained within a boat slip previously
 500 permitted under ss. 403.91-403.929, 1984 Supplement to the
 501 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 502 do not exceed a combined total of 500 square feet, or 200 square
 503 feet in an Outstanding Florida Water, when associated with a
 504 dock that is exempt under this subsection or associated with a
 505 permitted dock with no defined boat slip or attached to a
 506 bulkhead on a parcel of land where there is no other docking
 507 structure;

508 3. Are not used for any commercial purpose or for mooring
 509 vessels that remain in the water when not in use, and do not
 510 substantially impede the flow of water, create a navigational
 511 hazard, or unreasonably infringe upon the riparian rights of
 512 adjacent property owners, as defined in s. 253.141;

513 4. Are constructed and used so as to minimize adverse
 514 impacts to submerged lands, wetlands, shellfish areas, aquatic
 515 plant and animal species, and other biological communities,
 516 including locating such structures in areas where seagrasses are
 517 least dense adjacent to the dock or bulkhead; and

518 5. Are not constructed in areas specifically prohibited
 519 for boat mooring under conditions of a permit issued in
 520 accordance with ss. 403.91-403.929, 1984 Supplement to the
 521 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 522 other form of authorization issued by a local government.

523
 524 Structures that qualify for this exemption are relieved from any
 525 requirement to obtain permission to use or occupy lands owned by
 526 the Board of Trustees of the Internal Improvement Trust Fund

527 and, with the exception of those structures attached to a
528 bulkhead on a parcel of land where there is no docking
529 structure, shall not be subject to any more stringent permitting
530 requirements, registration requirements, or other regulation by
531 any local government. Local governments may require either
532 permitting or one-time registration of floating vessel platforms
533 to be attached to a bulkhead on a parcel of land where there is
534 no other docking structure as necessary to ensure compliance
535 with local ordinances, codes, or regulations. Local governments
536 may require either permitting or one-time registration of all
537 other floating vessel platforms as necessary to ensure
538 compliance with the exemption criteria in this section; to
539 ensure compliance with local ordinances, codes, or regulations
540 relating to building or zoning, which are no more stringent than
541 the exemption criteria in this section or address subjects other
542 than subjects addressed by the exemption criteria in this
543 section; and to ensure proper installation, maintenance, and
544 precautionary or evacuation action following a tropical storm or
545 hurricane watch of a floating vessel platform or floating boat
546 lift that is proposed to be attached to a bulkhead or parcel of
547 land where there is no other docking structure. The exemption
548 provided in this paragraph shall be in addition to the exemption
549 provided in paragraph (b). The department shall adopt a general
550 permit by rule for the construction, installation, operation, or
551 maintenance of those floating vessel platforms or floating boat
552 lifts that do not qualify for the exemption provided in this
553 paragraph but do not cause significant adverse impacts to occur
554 individually or cumulatively. The issuance of such general

555 permit shall also constitute permission to use or occupy lands
556 owned by the Board of Trustees of the Internal Improvement Trust
557 Fund. No local government shall impose a more stringent
558 regulation, permitting requirement, registration requirement, or
559 other regulation covered by such general permit. Local
560 governments may require either permitting or one-time
561 registration of floating vessel platforms as necessary to ensure
562 compliance with the general permit in this section; to ensure
563 compliance with local ordinances, codes, or regulations relating
564 to building or zoning that are no more stringent than the
565 general permit in this section; and to ensure proper
566 installation and maintenance of a floating vessel platform or
567 floating boat lift that is proposed to be attached to a bulkhead
568 or parcel of land where there is no other docking structure.

569 (t) The repair, stabilization, or paving of existing
570 county maintained roads and the repair or replacement of bridges
571 that are part of the roadway, within the Northwest Florida Water
572 Management District and the Suwannee River Water Management
573 District, provided:

574 1. The road and associated bridge were in existence and in
575 use as a public road or bridge, and were maintained by the
576 county as a public road or bridge on or before January 1, 2002;

577 2. The construction activity does not realign the road or
578 expand the number of existing traffic lanes of the existing
579 road; however, the work may include the provision of safety
580 shoulders, clearance of vegetation, and other work reasonably
581 necessary to repair, stabilize, pave, or repave the road,

582 provided that the work is constructed by generally accepted
583 engineering standards;

584 3. The construction activity does not expand the existing
585 width of an existing vehicular bridge in excess of that
586 reasonably necessary to properly connect the bridge with the
587 road being repaired, stabilized, paved, or repaved to safely
588 accommodate the traffic expected on the road, which may include
589 expanding the width of the bridge to match the existing
590 connected road. However, no debris from the original bridge
591 shall be allowed to remain in waters of the state, including
592 wetlands;

593 4. Best management practices for erosion control shall be
594 employed as necessary to prevent water quality violations;

595 5. Roadside swales or other effective means of stormwater
596 treatment must be incorporated as part of the project;

597 6. No more dredging or filling of wetlands or water of the
598 state is performed than that which is reasonably necessary to
599 repair, stabilize, pave, or repave the road or to repair or
600 replace the bridge, in accordance with generally accepted
601 engineering standards; and

602 7. Notice of intent to use the exemption is provided to
603 the department, if the work is to be performed within the
604 Northwest Florida Water Management District, or to the Suwannee
605 River Water Management District, if the work is to be performed
606 within the Suwannee River Water Management District, 30 days
607 prior to performing any work under the exemption.

608

609 Within 30 days after this act becomes a law, the department

610 shall initiate rulemaking to adopt a no fee general permit for
611 the repair, stabilization, or paving of existing roads that are
612 maintained by the county and the repair or replacement of
613 bridges that are part of the roadway where such activities do
614 not cause significant adverse impacts to occur individually or
615 cumulatively. The general permit shall apply statewide and, with
616 no additional rulemaking required, apply to qualified projects
617 reviewed by the Suwannee River Water Management District, the
618 St. Johns River Water Management District, the Southwest Florida
619 Water Management District, and the South Florida Water
620 Management District under the division of responsibilities
621 contained in the operating agreements applicable to part IV of
622 chapter 373. Upon adoption, this general permit shall, pursuant
623 to the provisions of subsection (3), supersede and replace the
624 exemption in this paragraph.

625 (u) Notwithstanding any provision to the contrary in this
626 subsection, a permit or other authorization under chapter 253,
627 chapter 369, chapter 373, or this chapter is not required for an
628 individual residential property owner for the removal of organic
629 detrital material from freshwater rivers or lakes that have a
630 natural sand or rocky substrate and that are not Aquatic
631 Preserves or for the associated removal and replanting of
632 aquatic vegetation for the purpose of environmental enhancement,
633 providing that:

634 1. No activities under this exemption are conducted in
635 wetland areas, as defined by s. 373.019(25), which are supported
636 by a natural soil as shown in applicable United States
637 Department of Agriculture county soil surveys.

638 2. No filling or peat mining is allowed.

639 3. No removal of native wetland trees, including, but not
640 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

641 4. When removing organic detrital material, no portion of
642 the underlying natural mineral substrate or rocky substrate is
643 removed.

644 5. Organic detrital material and plant material removed is
645 deposited in an upland site in a manner that will not cause
646 water quality violations.

647 6. All activities are conducted in such a manner, and with
648 appropriate turbidity controls, so as to prevent any water
649 quality violations outside the immediate work area.

650 7. Replanting with a variety of aquatic plants native to
651 the state shall occur in a minimum of 25 percent of the
652 preexisting vegetated areas where organic detrital material is
653 removed, except for areas where the material is removed to bare
654 rocky substrate; however, an area may be maintained clear of
655 vegetation as an access corridor. The access corridor width may
656 not exceed 50 percent of the property owner's frontage or 50
657 feet, whichever is less, and may be a sufficient length
658 waterward to create a corridor to allow access for a boat or
659 swimmer to reach open water. Replanting must be at a minimum
660 density of 2 feet on center and be completed within 90 days
661 after removal of existing aquatic vegetation, except that under
662 dewatered conditions replanting must be completed within 90 days
663 after reflooding. The area to be replanted must extend waterward
664 from the ordinary high water line to a point where normal water
665 depth would be 3 feet or the preexisting vegetation line,

666 whichever is less. Individuals are required to make a reasonable
667 effort to maintain planting density for a period of 6 months
668 after replanting is complete, and the plants, including
669 naturally recruited native aquatic plants, must be allowed to
670 expand and fill in the revegetation area. Native aquatic plants
671 to be used for revegetation must be salvaged from the
672 enhancement project site or obtained from an aquatic plant
673 nursery regulated by the Department of Agriculture and Consumer
674 Services. Plants that are not native to the state may not be
675 used for replanting.

676 8. No activity occurs any farther than 100 feet waterward
677 of the ordinary high water line, and all activities must be
678 designed and conducted in a manner that will not unreasonably
679 restrict or infringe upon the riparian rights of adjacent upland
680 riparian owners.

681 9. The person seeking this exemption notifies the
682 applicable department district office in writing at least 30
683 days before commencing work and allows the department to conduct
684 a preconstruction site inspection. Notice must include an
685 organic-detrital-material removal and disposal plan and, if
686 applicable, a vegetation-removal and revegetation plan.

687 10. The department is provided written certification of
688 compliance with the terms and conditions of this paragraph
689 within 30 days after completion of any activity occurring under
690 this exemption.

691 (3) The provisions of subsection (2) are superseded by
692 general permits established pursuant to ss. 373.118 and 403.814
693 which include the same activities. Until such time as general

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694 permits are established, or if should general permits are ~~be~~
695 suspended or repealed, the exemptions under subsection (2) shall
696 remain or shall be reestablished in full force and effect.

697 Section 6. Notwithstanding any other provisions of law to
698 the contrary, a local government may not require the production
699 of written documentation from the Department of Environmental
700 Protection or a water management district that a project does
701 not require a permit pursuant to s. 403.813(2).

702 Section 7. This act shall take effect upon becoming law.
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