

By Senator Latvala

312-948A-98

1 A bill to be entitled
2 An act relating to rulemaking authority with
3 respect to environmental permitting (RAB);
4 creating s. 161.0315, F.S.; providing authority
5 to adopt rules relating to coastal
6 construction; amending s. 161.053, F.S.;
7 providing for adoption of rules establishing
8 exemptions for certain activities that have no
9 adverse effect on the coastal system; amending
10 s. 403.813, F.S.; clarifying authority to
11 implement certain exemptions without adoption
12 of rules; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 161.0315, Florida Statutes, is
17 created to read:

18 161.0315 Rulemaking.--The department may adopt rules
19 relating to coastal construction under the Administrative
20 Procedures Act.

21 Section 2. Subsection (12) of section 161.053, Florida
22 Statutes, is amended to read:

23 161.053 Coastal construction and excavation;
24 regulation on county basis.--

25 (12)(a) The coastal construction control requirements
26 defined in subsection (1) and the requirements of the erosion
27 projections pursuant to subsection (6) do not apply to any
28 modification, maintenance, or repair to any existing structure
29 within the limits of the existing foundation which does not
30 require, involve, or include any additions to, or repair or
31 modification of, the existing foundation of that structure.

1 Specifically excluded from this exemption are seawalls or
2 other rigid coastal or shore protection structures and any
3 additions or enclosures added, constructed, or installed below
4 the first dwelling floor or lowest deck of the existing
5 structure.

6 (b) Activities seaward of the coastal construction
7 control line which are determined by the department not to
8 have an adverse impact on the coastal system are exempt from
9 the requirements in subsection (5).

10 (c) The department may adopt rules establishing
11 exemptions from the requirements of this section.

12 Section 3. Paragraph (r) of subsection (2) of section
13 403.813, Florida Statutes, is amended to read:

14 403.813 Permits issued at district centers;
15 exceptions.--

16 (2) No permit under this chapter, chapter 373, chapter
17 61-691, Laws of Florida, or chapter 25214 or chapter 25270,
18 1949, Laws of Florida, shall be required for activities
19 associated with the following types of projects; however,
20 nothing in this subsection relieves an applicant from any
21 requirement to obtain permission to use or occupy lands owned
22 by the Board of Trustees of the Internal Improvement Trust
23 Fund or any water management district in its governmental or
24 proprietary capacity or from complying with applicable local
25 pollution control programs authorized under this chapter or
26 other requirements of county and municipal governments:

27 (r) The removal of aquatic plants, the removal of
28 tussocks, the associated replanting of indigenous aquatic
29 plants, or the associated removal from lakes of organic
30 material when such planting or removal is performed and
31

1 authorized by permit or exemption granted under s. 369.20 or
2 s. 369.25, if:

3 1. Organic material that exists on the surface of
4 natural mineral soil shall be allowed to be removed to a depth
5 of 3 feet or to the natural mineral soils, whichever is less.

6 2. All organic material removal pursuant to this
7 subsection shall be deposited in an upland site in a manner
8 that will prevent the reintroduction of the material into
9 waters in the state except when spoil material is permitted to
10 be used to create wildlife islands in freshwater bodies of the
11 state when a governmental entity is permitted pursuant to this
12 section to create such islands as a part of a restoration or
13 enhancement project.

14 3. All activities are performed in a manner consistent
15 with state water quality standards.

16
17 The department may ~~is not authorized to~~ adopt implementing
18 rules for this paragraph subsection, notwithstanding any other
19 provision of law.

20 Section 4. This act shall take effect upon becoming a
21 law.

22
23 *****

24 SENATE SUMMARY
25 Authorizes the Department of Environmental Protection to
26 adopt rules relating to coastal construction. Clarifies
27 authority to implement exemptions without adoption of
28 rules.

28
29
30
31