

1 A bill to be entitled
2 An act relating to rulemaking authority with
3 respect to environmental permitting (RAB);
4 amending s. 161.052, F.S.; providing authority
5 to adopt rules relating to coastal construction
6 and excavation; amending s. 161.053, F.S.;
7 authorizing the exemption of certain activities
8 from permit requirements; providing authority
9 to adopt rules relating to coastal construction
10 and regulation on county basis; amending s.
11 403.813, F.S.; clarifying authority to
12 implement certain exemptions without adoption
13 of rules; providing an effective date.

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

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17 Section 1. Subsection (11) of section 161.052, Florida
18 Statutes, is created to read:19 161.052 Coastal construction and excavation;
20 regulation.--21 (11) The department may adopt rules to implement the
22 particular powers and duties set forth in this section.23 Section 2. Subsection (12) is amended and subsection
24 (21) is added to section 161.053, Florida Statutes, to read:25 161.053 Coastal construction and excavation;
26 regulation on county basis.--27 (12)(a) The coastal construction control requirements
28 defined in subsection (1) and the requirements of the erosion
29 projections pursuant to subsection (6) do not apply to any
30 modification, maintenance, or repair to any existing structure
31 within the limits of the existing foundation which does not

1 require, involve, or include any additions to, or repair or
2 modification of, the existing foundation of that structure.
3 Specifically excluded from this exemption are seawalls or
4 other rigid coastal or shore protection structures and any
5 additions or enclosures added, constructed, or installed below
6 the first dwelling floor or lowest deck of the existing
7 structure.

8 (b) Activities seaward of the coastal construction
9 control line which are determined by the department not to
10 cause a measurable interference with the natural functioning
11 of the coastal system are exempt from the requirements in
12 subsection (5).

13 (c) The department may establish exemptions from the
14 requirements of this section for minor activities determined
15 by the department not to have adverse impacts on the coastal
16 system. Examples of such activities include, but are not
17 limited to:

- 18 1. Boat moorings;
- 19 2. Maintenance of existing beach/dune vegetation;
- 20 3. The burial of seaweed, dead fish, whales, or other
21 marine animals on the unvegetated beach;
- 22 4. The removal of piers or other derelict structures
23 from the unvegetated beach or seaward of mean high water;
- 24 5. Temporary emergency vehicular access, provided any
25 impacted area is immediately restored;
- 26 6. The removal of any existing structures or debris
27 from the upland, provided there is no excavation or
28 disturbance to the existing topography or beach/dune
29 vegetation;
- 30 7. Construction of any new roof overhang extending no
31 more than 4 feet beyond the confines of the existing

1 foundation during modification, renovation, or reconstruction
2 of a habitable structure within the confines of the existing
3 foundation of that structure which does not include any
4 additions to or modification of the existing foundation of
5 that structure;

6 8. Minor and temporary excavation for the purpose of
7 repairs to existing subgrade residential service utilities
8 (e.g., water and sewer lines, septic tanks and drainfields,
9 electrical and telephone cables, and gas lines), provided that
10 there is minimal disturbance and that grade is restored with
11 fill compatible in both coloration and grain size to the
12 on-site material and any damaged or destroyed vegetation is
13 restored using similar vegetation; and

14 9. Any other minor construction with impacts similar
15 to the above activities.

16 (21) The department may adopt rules to implement the
17 particular powers and duties set forth in this section.

18 Section 3. Paragraph (r) of subsection (2) of section
19 403.813, Florida Statutes, is amended to read:

20 403.813 Permits issued at district centers;
21 exceptions.--

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

3 (r) The removal of aquatic plants, the removal of
4 tussocks, the associated replanting of indigenous aquatic
5 plants, or the associated removal from lakes of organic
6 material when such planting or removal is performed and
7 authorized by permit or exemption granted under s. 369.20 or
8 s. 369.25, if:

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

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

20 3. All activities are performed in a manner consistent
21 with state water quality standards.

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23 The department may ~~is not authorized to~~ adopt implementing
24 rules for this paragraph ~~subsection~~, notwithstanding any other
25 provision of law.

26 Section 4. This act shall take effect upon becoming a
27 law.

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