

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) is added to section
18 161.052, Florida Statutes, to read:

19 161.052 Coastal construction and excavation;
20 regulation.--

21 (11) The department is authorized to adopt rules for
22 the implementation of the following provisions of this
23 section: excavation and construction; setback requirements;
24 waivers or variances; exemptions; the removal of unauthorized
25 structures or refilling of unauthorized excavations; and
26 violations and penalties.

27 Section 2. Subsection (12) is amended and subsection
28 (21) is added to section 161.053, Florida Statutes, to read:

29 161.053 Coastal construction and excavation;
30 regulation on county basis.--

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1 (12)(a) The coastal construction control requirements
2 defined in subsection (1) and the requirements of the erosion
3 projections pursuant to subsection (6) do not apply to any
4 modification, maintenance, or repair to any existing structure
5 within the limits of the existing foundation which does not
6 require, involve, or include any additions to, or repair or
7 modification of, the existing foundation of that structure.
8 Specifically excluded from this exemption are seawalls or
9 other rigid coastal or shore protection structures and any
10 additions or enclosures added, constructed, or installed below
11 the first dwelling floor or lowest deck of the existing
12 structure.

13 **(b) Activities seaward of the coastal construction**
14 **control line which are determined by the department not to**
15 **cause a measurable interference with the natural functioning**
16 **of the coastal system are exempt from the requirements in**
17 **subsection (5).**

18 **(c) The department may establish exemptions from the**
19 **requirements of this section for minor activities determined**
20 **by the department not to have adverse impacts on the coastal**
21 **system. Examples of such activities include, but are not**
22 **limited to:**

- 23 **1. Boat moorings;**
- 24 **2. Maintenance of existing beach/dune vegetation;**
- 25 **3. The burial of seaweed, dead fish, whales, or other**
26 **marine animals on the unvegetated beach;**
- 27 **4. The removal of piers or other derelict structures**
28 **from the unvegetated beach or seaward of mean high water;**
- 29 **5. Temporary emergency vehicular access, provided any**
30 **impacted area is immediately restored;**

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1 6. The removal of any existing structures or debris
2 from the upland, provided there is no excavation or
3 disturbance to the existing topography or beach/dune
4 vegetation;

5 7. Construction of any new roof overhang extending no
6 more than 4 feet beyond the confines of the existing
7 foundation during modification, renovation, or reconstruction
8 of a habitable structure within the confines of the existing
9 foundation of that structure which does not include any
10 additions to or modification of the existing foundation of
11 that structure;

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

20 9. Any other minor construction with impacts similar
21 to the above activities.

22 (21) The department is authorized to adopt rules
23 related to the following provisions of this section:
24 establishment of coastal construction control lines;
25 activities seaward of the coastal construction control line;
26 exemptions; property owner agreements; delegation of the
27 program; permitting programs; and violations and penalties.

28 Section 3. Paragraph (r) of subsection (2) of section
29 403.813, Florida Statutes, is amended to read:

30 403.813 Permits issued at district centers;
31 exceptions.--

1 (2) No permit under this chapter, chapter 373, chapter
2 61-691, Laws of Florida, or chapter 25214 or chapter 25270,
3 1949, Laws of Florida, shall be required for activities
4 associated with the following types of projects; however,
5 nothing in this subsection relieves an applicant from any
6 requirement to obtain permission to use or occupy lands owned
7 by the Board of Trustees of the Internal Improvement Trust
8 Fund or any water management district in its governmental or
9 proprietary capacity or from complying with applicable local
10 pollution control programs authorized under this chapter or
11 other requirements of county and municipal governments:

12 (r) The removal of aquatic plants, the removal of
13 tussocks, the associated replanting of indigenous aquatic
14 plants, or the associated removal from lakes of organic
15 material when such planting or removal is performed and
16 authorized by permit or exemption granted under s. 369.20 or
17 s. 369.25, if:

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

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

29 3. All activities are performed in a manner consistent
30 with state water quality standards.

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1 The department may ~~is not authorized to~~ adopt implementing
2 rules for this paragraph ~~subsection~~, notwithstanding any other
3 provision of law.

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

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