

HB 0989

2004

1 A bill to be entitled
 2 An act relating to environmental protection; amending s.
 3 403.813, F.S.; providing for applicability of a road and
 4 bridge project permit exemption to the Suwannee River
 5 Water Management District; requiring the Department of
 6 Environmental Protection to adopt a general permit that
 7 shall be applicable to qualified projects reviewed by the
 8 department or applicable water management district;
 9 providing for the repeal of this paragraph upon adoption
 10 of the general permit; deleting an obsolete provision
 11 relating to a report; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Paragraph (t) of subsection (2) of section
 16 403.813, Florida Statutes, is amended to read:

17 403.813 Permits issued at district centers; exceptions.--

18 (2) A permit is not required under this chapter, chapter
 19 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 20 chapter 25270, 1949, Laws of Florida, for activities associated
 21 with the following types of projects; however, except as
 22 otherwise provided in this subsection, nothing in this
 23 subsection relieves an applicant from any requirement to obtain
 24 permission to use or occupy lands owned by the Board of Trustees
 25 of the Internal Improvement Trust Fund or any water management
 26 district in its governmental or proprietary capacity or from
 27 complying with applicable local pollution control programs
 28 authorized under this chapter or other requirements of county
 29 and municipal governments:

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30 (t) The repair, stabilization, or paving of existing
 31 county maintained roads and the repair or replacement of bridges
 32 that are part of the roadway, within the Northwest Florida Water
 33 Management District and the Suwannee River Water Management
 34 District, provided:

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

38 2. The construction activity does not realign the road or
 39 expand the number of existing traffic lanes of the existing
 40 road; however, the work may include the provision of safety
 41 shoulders, clearance of vegetation, and other work reasonably
 42 necessary to repair, stabilize, pave, or repave the road,
 43 provided that the work is constructed by generally accepted
 44 engineering standards;

45 3. The construction activity does not expand the existing
 46 width of an existing vehicular bridge in excess of that
 47 reasonably necessary to properly connect the bridge with the
 48 road being repaired, stabilized, paved, or repaved to safely
 49 accommodate the traffic expected on the road, which may include
 50 expanding the width of the bridge to match the existing
 51 connected road. However, no debris from the original bridge
 52 shall be allowed to remain in waters of the state, including
 53 wetlands;

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

56 5. Roadside swales or other effective means of stormwater
 57 treatment must be incorporated as part of the project; ~~and~~

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58 6. No more dredging or filling of wetlands or water of the
 59 state is performed than that which is reasonably necessary to
 60 repair, stabilize, pave, or repave the road or to repair or
 61 replace the bridge, in accordance with generally accepted
 62 engineering standards; and

63 7. Notice of intent to use the exemption is provided to
 64 the department, if the work is to be performed within the
 65 Northwest Florida Water Management District, or to the Suwannee
 66 River Water Management District, if the work is to be performed
 67 within the Suwannee River Water Management District, 30 days
 68 prior to performing any work under the exemption.

69
 70 Within 30 days after this act becomes a law, the department
 71 shall initiate rulemaking to adopt a general permit for the
 72 repair, stabilization, or paving of existing roads that are
 73 maintained by the county and the repair or replacement of
 74 bridges that are part of the roadway where such activities do
 75 not cause significant adverse impacts to occur individually or
 76 cumulatively. The general permit shall apply statewide and, with
 77 no additional rulemaking required, apply to qualified projects
 78 reviewed by the Suwannee River Water Management District, the
 79 St. Johns River Water Management District, the Southwest Florida
 80 Water Management District, and the South Florida Water
 81 Management District under the division of responsibilities
 82 contained in the operating agreements applicable to part IV of
 83 this chapter. Upon adoption, this general permit shall, pursuant
 84 to the provisions of subsection (3), supersede and replace the
 85 exemption in this paragraph. ~~The department shall submit a~~
 86 ~~report to the Governor and the Legislature by March 1, 2004, to~~

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87 ~~evaluate the effects of this exemption and make recommendations~~
88 ~~for the exemption to apply statewide.~~

89 Section 2. This act shall take effect upon becoming a law.