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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAV	.	
4/17/2008	.	
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1 The Committee on Environmental Preservation and Conservation  
 2 (Jones) recommended the following **amendment**:

**Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

8 Section 1. Subsections (1) and (2) of section 337.0261,  
9 Florida Statutes, are amended, and subsection (6) is added to  
10 that section, to read:

11 337.0261 Construction Aggregate Materials.--

12 (1) DEFINITIONS.--As used in this section, the term:

13 (a) "Construction aggregate materials" means crushed stone,  
 14 limestone, dolomite, limerock, shell rock, cemented coquina, sand  
 15 for use as a component of mortars, concrete, bituminous mixtures,  
 16 or underdrain filters, and other mined resources providing the  
 17 basic material for concrete, asphalt, and road base.



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18        (b) "Construction materials mining activities" is defined  
19 as set forth in s. 552.30(1).

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

21        (a) There is a strategic and critical need for an available  
22 supply of construction aggregate materials within the state and  
23 that a disruption of the supply would cause a significant  
24 detriment to the state's construction industry, transportation  
25 system, and overall health, safety, and welfare.

26        (b) Construction aggregate materials are a finite natural  
27 resource.

28        (c) Construction aggregate materials mining is an industry  
29 of critical importance to the state and is therefore in the  
30 public interest.

31        (d) There is a need for a reliable, predictable, and  
32 sustainable supply of construction aggregate materials so that  
33 public and private construction is maintained without  
34 interruption.

35        (e) There are a limited number of aggregate resource  
36 counties within the state where aggregate and sand resources  
37 exist.

38        (f) There is a need to accurately identify and locate  
39 available supplies of aggregate construction materials in the  
40 state.

41        (6) STRATEGIC AGGREGATE RESOURCE ASSESSMENT.--

42        (a) The Department of Transportation shall organize and  
43 provide administrative support in the preparation of the  
44 Strategic Aggregate Resource Assessment (SARA). The Department of  
45 Transportation shall work with the Department of Environmental  
46 Protection, the Department of Community Affairs, and local  
47 governments in the preparation of the SARA.



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48 | 1. For construction aggregate materials:

49 | a. The Florida Geological Survey shall identify and map  
50 | areas where construction aggregate materials deposits are located  
51 | in the state. Information may be submitted by willing land owners  
52 | to the Florida Geological Survey for inclusion in the state data  
53 | repository. Proprietary or business information submitted to or  
54 | acquired by the Florida Geological Survey shall be maintained in  
55 | an electronic database under the control of the Florida  
56 | Geological Survey and protected as trade secrets pursuant to s.  
57 | 815.045.

58 | b. The Department of Transportation shall identify and  
59 | superimpose on the aggregate resource map a high- to low-quality  
60 | grading classification to identifying the areas that contain  
61 | geologically valuable resources needed for road building and  
62 | repair. The quality grading classification mapping shall be for  
63 | planning purposes only and does not constitute a formal  
64 | determination by the department for any other purpose.

65 | c. The Department of Environmental Protection shall  
66 | identify and superimpose on the aggregate resource map the areas  
67 | of natural resources which may be of concern during state  
68 | permitting in order to identify any potential conflicts between  
69 | the location of geologically valuable resources and natural land  
70 | and water resources. The mapping of natural resources shall be  
71 | for planning purposes only and does not constitute a formal  
72 | determination of the landward extent of wetlands and other  
73 | surface waters pursuant to part IV of chapter 373.

74 | d. The Department of Community Affairs, along with the  
75 | local governments, shall identify and superimpose on the  
76 | aggregate resource map the distribution, location, and extent of  
77 | land uses within a local government jurisdiction in addition to

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78 future land use map designations and zoning elements in order to  
79 identify any potential conflicts between the areas where growth  
80 and development is planned and areas that have deposits of  
81 geologically valuable resources. The mapping of land uses within  
82 a local government jurisdiction shall be for planning purposes  
83 only and does not constitute a formal determination by the  
84 department or the local government for any other purpose.

85  
86 The SARA shall provide a projection of 5-year, 25-year, and 50-  
87 year demand for aggregate material. In addition, the SARA shall  
88 provide an estimate volume of aggregate material available from  
89 already permitted mines to meet demand projections. The SARA  
90 shall identify international and out-of-state construction  
91 aggregate materials available to meet demand projections.

92 2. For infrastructure:

93 a. The SARA shall provide a rating structure assessing the  
94 ability to mine the deposits in an economic manner, taking into  
95 account the proximity of the materials to the available markets,  
96 the thickness of overburden, and the quantity and quality of the  
97 materials. In assessing the economic viability of a geologic  
98 deposit, the SARA shall take into account the proximity to rail  
99 and port facilities where similar or replacement products can be  
100 imported at a lower cost than producing them locally.

101 b. The SARA shall identify the current and potential  
102 capacity of construction aggregate material imports into the  
103 state using current and planned rail, connecting roadways, and  
104 port infrastructure.

105 (b) The SARA shall be updated every 5 years and be included  
106 as part of the Department of Transportation's Florida  
107 Transportation Plan.



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108        (c) The Department of Transportation shall prepare the  
109 findings of the SARA in an initial report submitted to the  
110 Governor, the President of the Senate, and the Speaker of the  
111 House of Representatives no later than February 1, 2010.  
112 Subsequent reports shall be submitted by February 1 following  
113 each 5-year SARA update.

114        (d) The Department of Transportation shall adopt rules  
115 pursuant to ss. 120.536(1) and 120.54 to administer this section  
116 and in the preparation of the SARA.

117        Section 2. Section 373.4146, Florida Statutes, is created  
118 to read:

119        373.4146 Permitting of mining of construction aggregate  
120 materials.--

121        (1) An applicant seeking an aggregate resource mining  
122 permit shall attend a preapplication meeting with the department  
123 to review construction, operation, environmental resource, and  
124 reclamation issues. The department shall invite the local  
125 government responsible for the review of the local regulations  
126 impacting the aggregate resource mining permit to attend the  
127 preapplication meeting to review land use issues with the  
128 applicant. Parties are encouraged to identify and resolve  
129 environmental and land use issues in order to streamline the  
130 application process to the greatest extent practicable.

131        (2) When permitting the construction, operation, and  
132 reclamation of construction aggregate material mines, including  
133 the permitting requirements in part IV of chapter 373 and the  
134 reclamation requirements in part IV of chapter 378, the  
135 department shall consider adverse impacts to all wetlands and  
136 other surface waters, notwithstanding the provisions of s.  
137 373.414(2)(a). The department shall also require ground water



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138 monitoring within the permit issued pursuant to part IV of  
139 chapter 373 to ensure that water quality outside the mining pit  
140 is protected.

141 (3) For the purpose of this section, "construction  
142 aggregate material" means crushed stone, limestone, dolomite,  
143 limerock, shell rock, cemented coquina, and sand for use as a  
144 component of mortars, concrete, bituminous mixtures, or  
145 underdrain filters, and other mined resources providing the basic  
146 material for concrete, asphalt, and road base. Mined materials  
147 that do not require sorting and grading and that are used for  
148 fill are not construction aggregate materials.

149 (4) This section does not apply to the Miami-Dade Lake Belt  
150 Area as described in s. 373.4149.

151 Section 3. Section 378.412, Florida Statutes, is amended to  
152 read:

153 378.412 Relationship with other laws.--

154 (a) It is the intent of the Legislature that ss. 378.202-  
155 378.804 supplement other laws regarding resource extraction.  
156 Nothing contained in such sections shall be construed to limit,  
157 abridge, or alter any agency's duties, authority, and  
158 responsibilities granted pursuant to another statute. Nothing in  
159 ss. 378.202-378.804 shall be deemed to preempt local ordinances  
160 that impose land use requirements for reclamation activities as  
161 set forth in the comprehensive plan or zoning regulations;  
162 however, with the exception of the Miami-Dade Lake Belt Area as  
163 described in s. 373.4149, a county or municipality may not enact  
164 or enforce any ordinance, resolution, regulation, rule, policy,  
165 or other action that prohibits or prevents the construction or  
166 operation of a limestone mine based on issues or subject matters



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167 regulated by the department pursuant to this chapter or part IV  
168 of chapter 373 ~~stricter reclamation standards.~~

169 Section 4. Present subsection (40) of section 403.061,  
170 Florida Statutes, is redesignated as subsection (41), and a new  
171 subsection (40) is added to that section, to read:

172 403.061 Department; powers and duties.--The department  
173 shall have the power and the duty to control and prohibit  
174 pollution of air and water in accordance with the law and rules  
175 adopted and promulgated by it and, for this purpose, to:

176 (40) Maintain a list of projects or activities that  
177 applicants may consider when developing proposals to meet the  
178 mitigation or public interest requirements of chapter 253,  
179 chapter 373, or this chapter. The contents of such a list are not  
180 a rule as defined in chapter 120, and listing a specific project  
181 or activity does not imply approval by the department for such  
182 project or activity. Each county government is encouraged to  
183 develop an inventory of projects or activities for inclusion on  
184 the list by obtaining input from local stakeholder groups in the  
185 public, private, and nonprofit sectors, including local  
186 governments, port authorities, marine contractors, other  
187 representatives of the marine construction industry,  
188 environmental or conservation organizations, and other interested  
189 parties.

190  
191 The department shall implement such programs in conjunction with  
192 its other powers and duties and shall place special emphasis on  
193 reducing and eliminating contamination that presents a threat to  
194 humans, animals or plants, or to the environment.

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



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197 403.813 Permits issued at district centers; exceptions.--

198 (2) A permit is not required under this chapter, chapter  
199 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter  
200 25270, 1949, Laws of Florida, and a local government may not  
201 require further verification from the department for activities  
202 associated with the following types of projects; however, except  
203 as otherwise provided in this subsection, ~~nothing in~~ this  
204 subsection does not relieve ~~relieves~~ an applicant from any  
205 requirement to obtain permission to use or occupy lands owned by  
206 the Board of Trustees of the Internal Improvement Trust Fund or  
207 any water management district in its governmental or proprietary  
208 capacity or from complying with applicable local pollution  
209 control programs authorized under this chapter or other  
210 requirements of county and municipal governments:

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

214 (b) The installation and repair of mooring pilings and  
215 dolphins associated with private docking facilities or piers and  
216 the installation of private docks, piers and recreational docking  
217 facilities, or piers and recreational docking facilities of local  
218 governmental entities when the local governmental entity's  
219 activities will not take place in any manatee habitat, any of  
220 which docks:

221 1. Has 500 square feet or less of over-water surface area  
222 for a dock which is located in an area designated as Outstanding  
223 Florida Waters or 1,000 square feet or less of over-water surface  
224 area for a dock which is located in an area which is not  
225 designated as Outstanding Florida Waters;





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

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

231           4. Is used for recreational, noncommercial activities  
232 associated with the mooring or storage of boats and boat  
233 paraphernalia; and

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

239  
240 Nothing in this paragraph shall prohibit the department from  
241 taking appropriate enforcement action pursuant to this chapter to  
242 abate or prohibit any activity otherwise exempt from permitting  
243 pursuant to this paragraph if the department can demonstrate that  
244 the exempted activity has caused water pollution in violation of  
245 this chapter.

246           (c) The installation and maintenance to design  
247 specifications of boat ramps on artificial bodies of water where  
248 navigational access to the proposed ramp exists or the  
249 installation of boat ramps open to the public in any waters of  
250 the state where navigational access to the proposed ramp exists  
251 and where the construction of the proposed ramp will be less than  
252 30 feet wide and will involve the removal of less than 25 cubic  
253 yards of material from the waters of the state, and the  
254 maintenance to design specifications of such ramps; however, the  
255 material to be removed shall be placed upon a self-contained

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256 upland site so as to prevent the escape of the spoil material  
257 into the waters of the state.

258 (d) The replacement or repair of existing docks and piers,  
259 except that no fill material is to be used and provided that the  
260 replacement or repaired dock or pier is in approximately the same  
261 location and no larger in size and in substantially ~~of~~ the same  
262 configuration and dimensions as the existing dock or pier ~~being~~  
263 ~~replaced or repaired~~.

264 (e) The restoration of seawalls at their previous locations  
265 or upland of, or within 1 foot waterward of, their previous  
266 locations. However, this shall not affect the permitting  
267 requirements of chapter 161, and department rules shall clearly  
268 indicate that this exception does not constitute an exception  
269 from the permitting requirements of chapter 161.

270 (f) The performance of maintenance dredging of existing  
271 manmade canals, channels, intake and discharge structures, and  
272 previously dredged portions of natural water bodies within  
273 drainage rights-of-way or drainage easements which have been  
274 recorded in the public records of the county, where the spoil  
275 material is to be removed and deposited on a self-contained,  
276 upland spoil site which will prevent the escape of the spoil  
277 material into the waters of the state, provided that no more  
278 dredging is to be performed than is necessary to restore the  
279 canals, channels, and intake and discharge structures, and  
280 previously dredged portions of natural water bodies, to original  
281 design specifications or configurations, provided that the work  
282 is conducted in compliance with s. 370.12(2)(d), provided that no  
283 significant impacts occur to previously undisturbed natural  
284 areas, and provided that control devices for return flow and best  
285 management practices for erosion and sediment control are



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286 utilized to prevent bank erosion and scouring and to prevent  
287 turbidity, dredged material, and toxic or deleterious substances  
288 from discharging into adjacent waters during maintenance  
289 dredging. Further, for maintenance dredging of previously dredged  
290 portions of natural water bodies within recorded drainage rights-  
291 of-way or drainage easements, an entity that seeks an exemption  
292 must notify the department or water management district, as  
293 applicable, at least 30 days prior to dredging and provide  
294 documentation of original design specifications or configurations  
295 where such exist. This exemption applies to all canals and  
296 previously dredged portions of natural water bodies within  
297 recorded drainage rights-of-way or drainage easements constructed  
298 prior to April 3, 1970, and to those canals and previously  
299 dredged portions of natural water bodies constructed on or after  
300 April 3, 1970, pursuant to all necessary state permits. This  
301 exemption does not apply to the removal of a natural or manmade  
302 barrier separating a canal or canal system from adjacent waters.  
303 When no previous permit has been issued by the Board of Trustees  
304 of the Internal Improvement Trust Fund or the United States Army  
305 Corps of Engineers for construction or maintenance dredging of  
306 the existing manmade canal or intake or discharge structure, such  
307 maintenance dredging shall be limited to a depth of no more than  
308 5 feet below mean low water. The Board of Trustees of the  
309 Internal Improvement Trust Fund may fix and recover from the  
310 permittee an amount equal to the difference between the fair  
311 market value and the actual cost of the maintenance dredging for  
312 material removed during such maintenance dredging. However, no  
313 charge shall be exacted by the state for material removed during  
314 such maintenance dredging by a public port authority. The  
315 removing party may subsequently sell such material; however,



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316 | proceeds from such sale that exceed the costs of maintenance  
317 | dredging shall be remitted to the state and deposited in the  
318 | Internal Improvement Trust Fund.

319 |       (g) The maintenance of existing insect control structures,  
320 | dikes, and irrigation and drainage ditches, provided that spoil  
321 | material is deposited on a self-contained, upland spoil site  
322 | which will prevent the escape of the spoil material into waters  
323 | of the state. In the case of insect control structures, if the  
324 | cost of using a self-contained upland spoil site is so excessive,  
325 | as determined by the Department of Health, pursuant to s.  
326 | 403.088(1), that it will inhibit proposed insect control, then-  
327 | existing spoil sites or dikes may be used, upon notification to  
328 | the department. In the case of insect control where upland spoil  
329 | sites are not used pursuant to this exemption, turbidity control  
330 | devices shall be used to confine the spoil material discharge to  
331 | that area previously disturbed when the receiving body of water  
332 | is used as a potable water supply, is designated as shellfish  
333 | harvesting waters, or functions as a habitat for commercially or  
334 | recreationally important shellfish or finfish. In all cases, no  
335 | more dredging is to be performed than is necessary to restore the  
336 | dike or irrigation or drainage ditch to its original design  
337 | specifications.

338 |       (h) The repair or replacement of existing functional pipes  
339 | or culverts the purpose of which is the discharge or conveyance  
340 | of stormwater. In all cases, the invert elevation, the diameter,  
341 | and the length of the culvert shall not be changed. However, the  
342 | material used for the culvert may be different from the original.

343 |       (i) The construction of private docks of 1,000 square feet  
344 | or less of over-water surface area and seawalls in artificially  
345 | created waterways where such construction will not violate



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346 existing water quality standards, impede navigation, or affect  
347 flood control. This exemption does not apply to the construction  
348 of vertical seawalls in estuaries or lagoons unless the proposed  
349 construction is within an existing manmade canal where the  
350 shoreline is currently occupied in whole or part by vertical  
351 seawalls.

352 (j) The construction and maintenance of swales.

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

356 (l) The replacement or repair of existing open-trestle foot  
357 bridges and vehicular bridges that are 100 feet or less in length  
358 and two lanes or less in width, provided that no more dredging or  
359 filling of submerged lands is performed other than that which is  
360 necessary to replace or repair pilings and that the structure to  
361 be replaced or repaired is the same length, the same  
362 configuration, and in the same location as the original bridge.  
363 No debris from the original bridge shall be allowed to remain in  
364 the waters of the state.

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

369 (n) The replacement or repair of subaqueous transmission  
370 and distribution lines laid on, or embedded in, the bottoms of  
371 waters of the state.

372 (o) The construction of private seawalls in wetlands or  
373 other surface waters where such construction is between and  
374 adjoins at both ends existing seawalls; follows a continuous and  
375 uniform seawall construction line with the existing seawalls; is



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376 no more than 150 feet in length; and does not violate existing  
377 water quality standards, impede navigation, or affect flood  
378 control. However, in estuaries and lagoons the construction of  
379 vertical seawalls is limited to the circumstances and purposes  
380 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect  
381 the permitting requirements of chapter 161, and department rules  
382 must clearly indicate that this exception does not constitute an  
383 exception from the permitting requirements of chapter 161.

384 (p) The restoration of existing insect control impoundment  
385 dikes which are less than 100 feet in length. Such impoundments  
386 shall be connected to tidally influenced waters for 6 months each  
387 year beginning September 1 and ending February 28 if feasible or  
388 operated in accordance with an impoundment management plan  
389 approved by the department. A dike restoration may involve no  
390 more dredging than is necessary to restore the dike to its  
391 original design specifications. For the purposes of this  
392 paragraph, restoration does not include maintenance of  
393 impoundment dikes of operating insect control impoundments.

394 (q) The construction, operation, or maintenance of  
395 stormwater management facilities which are designed to serve  
396 single-family residential projects, including duplexes,  
397 triplexes, and quadruplexes, if they are less than 10 acres total  
398 land and have less than 2 acres of impervious surface and if the  
399 facilities:

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

402 2. Are not part of a larger common plan of development or  
403 sale; and

404 3. Discharge into a stormwater discharge facility exempted  
405 or permitted by the department under this chapter which has



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406 sufficient capacity and treatment capability as specified in this  
407 chapter and is owned, maintained, or operated by a city, county,  
408 special district with drainage responsibility, or water  
409 management district; however, this exemption does not authorize  
410 discharge to a facility without the facility owner's prior  
411 written consent.

412 (r) The removal of aquatic plants, the removal of tussocks,  
413 the associated replanting of indigenous aquatic plants, and the  
414 associated removal from lakes of organic detrital material when  
415 such planting or removal is performed and authorized by permit or  
416 exemption granted under s. 369.20 or s. 369.25, provided that:

417 1. Organic detrital material that exists on the surface of  
418 natural mineral substrate shall be allowed to be removed to a  
419 depth of 3 feet or to the natural mineral substrate, whichever is  
420 less;

421 2. All material removed pursuant to this paragraph shall be  
422 deposited in an upland site in a manner that will prevent the  
423 reintroduction of the material into waters in the state except  
424 when spoil material is permitted to be used to create wildlife  
425 islands in freshwater bodies of the state when a governmental  
426 entity is permitted pursuant to s. 369.20 to create such islands  
427 as a part of a restoration or enhancement project;

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

430 4. No activities under this exemption are conducted in  
431 wetland areas, as defined by s. 373.019(25), which are supported  
432 by a natural soil as shown in applicable United States Department  
433 of Agriculture county soil surveys, except when a governmental  
434 entity is permitted pursuant to s. 369.20 to conduct such  
435 activities as a part of a restoration or enhancement project.

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

439 (s) The construction, installation, operation, or  
440 maintenance of floating vessel platforms or floating boat lifts,  
441 provided that such structures:

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

445 2. Are wholly contained within a boat slip previously  
446 permitted under ss. 403.91-403.929, 1984 Supplement to the  
447 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
448 do not exceed a combined total of 500 square feet, or 200 square  
449 feet in an Outstanding Florida Water, when associated with a dock  
450 that is exempt under this subsection or associated with a  
451 permitted dock with no defined boat slip or attached to a  
452 bulkhead on a parcel of land where there is no other docking  
453 structure;

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

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

464 5. Are not constructed in areas specifically prohibited for  
465 boat mooring under conditions of a permit issued in accordance



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466 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes  
467 1983, as amended, or part IV of chapter 373, or other form of  
468 authorization issued by a local government.

469  
470 Structures that qualify for this exemption are relieved from any  
471 requirement to obtain permission to use or occupy lands owned by  
472 the Board of Trustees of the Internal Improvement Trust Fund and,  
473 with the exception of those structures attached to a bulkhead on  
474 a parcel of land where there is no docking structure, shall not  
475 be subject to any more stringent permitting requirements,  
476 registration requirements, or other regulation by any local  
477 government. Local governments may require either permitting or  
478 one-time registration of floating vessel platforms to be attached  
479 to a bulkhead on a parcel of land where there is no other docking  
480 structure as necessary to ensure compliance with local  
481 ordinances, codes, or regulations. Local governments may require  
482 either permitting or one-time registration of all other floating  
483 vessel platforms as necessary to ensure compliance with the  
484 exemption criteria in this section; to ensure compliance with  
485 local ordinances, codes, or regulations relating to building or  
486 zoning, which are no more stringent than the exemption criteria  
487 in this section or address subjects other than subjects addressed  
488 by the exemption criteria in this section; and to ensure proper  
489 installation, maintenance, and precautionary or evacuation action  
490 following a tropical storm or hurricane watch of a floating  
491 vessel platform or floating boat lift that is proposed to be  
492 attached to a bulkhead or parcel of land where there is no other  
493 docking structure. The exemption provided in this paragraph shall  
494 be in addition to the exemption provided in paragraph (b). The  
495 department shall adopt a general permit by rule for the



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496 construction, installation, operation, or maintenance of those  
497 floating vessel platforms or floating boat lifts that do not  
498 qualify for the exemption provided in this paragraph but do not  
499 cause significant adverse impacts to occur individually or  
500 cumulatively. The issuance of such general permit shall also  
501 constitute permission to use or occupy lands owned by the Board  
502 of Trustees of the Internal Improvement Trust Fund. No local  
503 government shall impose a more stringent regulation, permitting  
504 requirement, registration requirement, or other regulation  
505 covered by such general permit. Local governments may require  
506 either permitting or one-time registration of floating vessel  
507 platforms as necessary to ensure compliance with the general  
508 permit in this section; to ensure compliance with local  
509 ordinances, codes, or regulations relating to building or zoning  
510 that are no more stringent than the general permit in this  
511 section; and to ensure proper installation and maintenance of a  
512 floating vessel platform or floating boat lift that is proposed  
513 to be attached to a bulkhead or parcel of land where there is no  
514 other docking structure.

515 (t) The repair, stabilization, or paving of existing county  
516 maintained roads and the repair or replacement of bridges that  
517 are part of the roadway, within the Northwest Florida Water  
518 Management District and the Suwannee River Water Management  
519 District, provided:

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

523 2. The construction activity does not realign the road or  
524 expand the number of existing traffic lanes of the existing road;  
525 however, the work may include the provision of safety shoulders,

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526 clearance of vegetation, and other work reasonably necessary to  
527 repair, stabilize, pave, or repave the road, provided that the  
528 work is constructed by generally accepted engineering standards;

529 3. The construction activity does not expand the existing  
530 width of an existing vehicular bridge in excess of that  
531 reasonably necessary to properly connect the bridge with the road  
532 being repaired, stabilized, paved, or repaved to safely  
533 accommodate the traffic expected on the road, which may include  
534 expanding the width of the bridge to match the existing connected  
535 road. However, no debris from the original bridge shall be  
536 allowed to remain in waters of the state, including wetlands;

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

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

541 6. No more dredging or filling of wetlands or water of the  
542 state is performed than that which is reasonably necessary to  
543 repair, stabilize, pave, or repave the road or to repair or  
544 replace the bridge, in accordance with generally accepted  
545 engineering standards; and

546 7. Notice of intent to use the exemption is provided to the  
547 department, if the work is to be performed within the Northwest  
548 Florida Water Management District, or to the Suwannee River Water  
549 Management District, if the work is to be performed within the  
550 Suwannee River Water Management District, 30 days prior to  
551 performing any work under the exemption.

552  
553 Within 30 days after this act becomes a law, the department shall  
554 initiate rulemaking to adopt a no fee general permit for the  
555 repair, stabilization, or paving of existing roads that are



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556 maintained by the county and the repair or replacement of bridges  
557 that are part of the roadway where such activities do not cause  
558 significant adverse impacts to occur individually or  
559 cumulatively. The general permit shall apply statewide and, with  
560 no additional rulemaking required, apply to qualified projects  
561 reviewed by the Suwannee River Water Management District, the St.  
562 Johns River Water Management District, the Southwest Florida  
563 Water Management District, and the South Florida Water Management  
564 District under the division of responsibilities contained in the  
565 operating agreements applicable to part IV of chapter 373. Upon  
566 adoption, this general permit shall, pursuant to the provisions  
567 of subsection (3), supersede and replace the exemption in this  
568 paragraph.

569 (u) Notwithstanding any provision to the contrary in this  
570 subsection, a permit or other authorization under chapter 253,  
571 chapter 369, chapter 373, or this chapter is not required for an  
572 individual residential property owner for the removal of organic  
573 detrital material from freshwater rivers or lakes that have a  
574 natural sand or rocky substrate and that are not Aquatic  
575 Preserves or for the associated removal and replanting of aquatic  
576 vegetation for the purpose of environmental enhancement,  
577 providing that:

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

582 2. No filling or peat mining is allowed.

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



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585           4. When removing organic detrital material, no portion of  
586 the underlying natural mineral substrate or rocky substrate is  
587 removed.

588           5. Organic detrital material and plant material removed is  
589 deposited in an upland site in a manner that will not cause water  
590 quality violations.

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

594           7. Replanting with a variety of aquatic plants native to  
595 the state shall occur in a minimum of 25 percent of the  
596 preexisting vegetated areas where organic detrital material is  
597 removed, except for areas where the material is removed to bare  
598 rocky substrate; however, an area may be maintained clear of  
599 vegetation as an access corridor. The access corridor width may  
600 not exceed 50 percent of the property owner's frontage or 50  
601 feet, whichever is less, and may be a sufficient length waterward  
602 to create a corridor to allow access for a boat or swimmer to  
603 reach open water. Replanting must be at a minimum density of 2  
604 feet on center and be completed within 90 days after removal of  
605 existing aquatic vegetation, except that under dewatered  
606 conditions replanting must be completed within 90 days after  
607 reflooding. The area to be replanted must extend waterward from  
608 the ordinary high water line to a point where normal water depth  
609 would be 3 feet or the preexisting vegetation line, whichever is  
610 less. Individuals are required to make a reasonable effort to  
611 maintain planting density for a period of 6 months after  
612 replanting is complete, and the plants, including naturally  
613 recruited native aquatic plants, must be allowed to expand and  
614 fill in the revegetation area. Native aquatic plants to be used



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615 for revegetation must be salvaged from the enhancement project  
616 site or obtained from an aquatic plant nursery regulated by the  
617 Department of Agriculture and Consumer Services. Plants that are  
618 not native to the state may not be used for replanting.

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

624 9. The person seeking this exemption notifies the  
625 applicable department district office in writing at least 30 days  
626 before commencing work and allows the department to conduct a  
627 preconstruction site inspection. Notice must include an organic-  
628 detrital-material removal and disposal plan and, if applicable, a  
629 vegetation-removal and revegetation plan.

630 10. The department is provided written certification of  
631 compliance with the terms and conditions of this paragraph within  
632 30 days after completion of any activity occurring under this  
633 exemption.

634 (3) The provisions of subsection (2) are superseded by  
635 general permits established pursuant to ss. 373.118 and 403.814  
636 which include the same activities. Until such time as general  
637 permits are established, or if should general permits are be  
638 suspended or repealed, the exemptions under subsection (2) shall  
639 remain or shall be reestablished in full force and effect.

640 Section 6. Notwithstanding any other provisions of law to  
641 the contrary, a local government may not require the production  
642 of written documentation from the Department of Environmental  
643 Protection or a water management district that a project does not  
644 require a permit pursuant to s. 403.813(2), Florida Statutes.



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645 Section 7. This act shall take effect upon becoming a law.

646

647 ===== T I T L E A M E N D M E N T =====

648 And the title is amended as follows:

649 Delete everything before the enacting clause

650 and insert:

651 A bill to be entitled

652 An act relating to environmental resources; amending s.

653 337.0261, F.S.; defining the term "construction materials

654 mining activities"; providing legislative intent;

655 requiring the Department of Transportation to organize and

656 provide administrative support in preparing the Strategic

657 Aggregate Resource Assessment; requiring the department to

658 work with certain agencies and local governments;

659 providing duties for the department, the Florida

660 Geological Survey, the Department of Environmental

661 Protection, and the Department of Community Affairs;

662 providing parameters for the assessment; requiring the

663 Department of Transportation to adopt rules; creating s.

664 373.4146, F.S.; providing an application process for the

665 permitting of mining construction aggregate materials;

666 requiring the Department of Environmental Protection to

667 consider adverse impacts to all wetlands in aggregate

668 mining permits; providing an exemption for the Miami-Dade

669 Lake Belt Area; amending s. 378.412, F.S.; prohibiting

670 local governments from enacting or enforcing ordinances,

671 resolutions, regulations, rules, policies, or other

672 actions that prohibit mining in certain lands zoned for

673 mining, except the Miami-Dade Lake Belt Area; amending s.

674 403.061, F.S.; revising the department's powers and duties



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675 | to include maintaining a list of projects or activities  
676 | that applicants may consider when developing proposals for  
677 | certain projects or activities; amending s. 403.813, F.S.;  
678 | prohibiting a local government from requiring further  
679 | verification from the department for certain projects that  
680 | are exempt from permit requirements other than a general  
681 | permit; prohibiting local governments from specifying the  
682 | format for a determination made by the department or a  
683 | water management district that a proposed project meets  
684 | authorization requirements; providing an effective date.