

1 A bill to be entitled
2 An act relating to environmental resources; amending s.
3 337.0261, F.S.; defining the term "construction materials
4 mining activities"; providing legislative intent;
5 providing for the assessment of aggregate construction
6 materials in the state contingent upon a specific
7 appropriation; providing duties for the Department of
8 Transportation, the Department of Environmental
9 Protection, the Department of Community Affairs, and the
10 Florida Geological Survey relating to such assessment;
11 providing parameters for the assessment; authorizing the
12 Department of Transportation to adopt rules; creating s.
13 373.4146, F.S.; providing conditions for construction
14 aggregate materials mining permitting; requiring the
15 Department of Environmental Protection to consider adverse
16 impacts to wetlands in aggregate mining permits; providing
17 an exemption for the Miami-Dade County Lake Belt Area;
18 amending s. 378.412, F.S.; prohibiting local governments
19 from enacting or enforcing actions that prohibit mining in
20 certain lands; providing an expedited permitting process
21 for certain environmental resource permitting and
22 reclamation applications; providing requirements for the
23 challenge of agency actions; amending s. 403.061, F.S.;
24 revising powers and duties of the Department of
25 Environmental Protection relating to proposals for certain
26 projects or activities; authorizing counties to establish
27 dedicated funds for certain projects; amending s. 403.813,
28 F.S.; prohibiting a local government from requiring

29 additional verification from the Department of
 30 Environmental Protection for certain projects; prohibiting
 31 local governments from requiring the Department of
 32 Environmental Protection or a water management district to
 33 provide certain project authorization; providing an
 34 effective date.

35
 36 Be It Enacted by the Legislature of the State of Florida:

37
 38 Section 1. Subsections (1) and (2) of section 337.0261,
 39 Florida Statutes, are amended, and subsection (6) is added to
 40 that section, to read:

41 337.0261 Construction aggregate materials.--

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

43 (a) "Construction aggregate materials" means crushed
 44 stone, limestone, dolomite, limerock, shell rock, cemented
 45 coquina, sand for use as a component of mortars, concrete,
 46 bituminous mixtures, or underdrain filters, and other mined
 47 resources providing the basic material for concrete, asphalt,
 48 and road base.

49 (b) "Construction materials mining activities" means the
 50 extraction of limestone and sand suitable for production of
 51 construction aggregates, sand, cement, and road base materials
 52 for shipment offsite by any person or company primarily engaged
 53 in the commercial mining of any such natural resources.

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

55 (a) There is a strategic and critical need for an
 56 available supply of construction aggregate materials within the

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57 | state and that a disruption of the supply would cause a
58 | significant detriment to the state's construction industry,
59 | transportation system, and overall health, safety, and welfare.

60 | (b) Construction aggregate materials are a finite natural
61 | resource.

62 | (c) Construction aggregate materials mining is an industry
63 | of critical importance to the state and is therefore in the
64 | public interest.

65 | (d) There is a need for a reliable, predictable, and
66 | sustainable supply of construction aggregate materials so that
67 | public and private construction is maintained without
68 | interruption.

69 | (e) There are a limited number of aggregate resource
70 | counties within the state where aggregate and sand resources
71 | exist.

72 | (f) There is a need to accurately identify and locate
73 | available supplies of aggregate construction materials in the
74 | state.

75 | (6) STRATEGIC AGGREGATE RESOURCE ASSESSMENT.--Contingent
76 | upon a specific appropriation, the Department of Transportation
77 | shall organize and provide administrative support in the
78 | preparation of a strategic aggregate resource assessment. The
79 | Department of Transportation shall work with the Department of
80 | Environmental Protection, the Department of Community Affairs,
81 | and local governments in the preparation of a strategic
82 | aggregate resource assessment.

83 | (a) For construction aggregate materials:

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84 1. The Florida Geological Survey shall identify and map
85 areas where construction aggregate materials deposits are
86 located in the state. Information may be submitted by willing
87 land owners to the Florida Geological Survey for inclusion in
88 the state data repository. Proprietary or business information
89 submitted to or acquired by the Florida Geological Survey shall
90 be maintained in an electronic database under the control of the
91 Florida Geological Survey and protected as trade secrets
92 pursuant to s. 815.045.

93 2. The Department of Transportation shall identify and
94 superimpose on the aggregate resource map a high to low quality
95 grading classification to identifying the areas that contain
96 geologically valuable resources needed for road building and
97 repair. The quality grading classification mapping shall be for
98 planning purposes only and shall not constitute a formal
99 determination by the department for any other reason.

100 3. The Department of Environmental Protection shall
101 identify and superimpose on the aggregate resource map the areas
102 of natural resources that may be of concern during state
103 permitting in order to identify any potential conflicts between
104 the location of geologically valuable resources and natural land
105 and water resources. The mapping of natural resources shall be
106 for planning purposes only and shall not constitute a formal
107 determination of the landward extent of wetlands and other
108 surface waters pursuant to part IV of chapter 373.

109 4. The Department of Community Affairs, along with the
110 local governments, shall identify and superimpose on the
111 aggregate resource map the distribution, location, and extent of

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112 land uses within a local government jurisdiction in addition to
113 future land use map designations and zoning elements in order to
114 identify any potential conflicts between the areas where growth
115 and development is planned and areas with deposits of
116 geologically valuable resources. The mapping of land uses within
117 a local government jurisdiction shall be for planning purposes
118 only and shall not constitute a formal determination by the
119 department or the local government for any other reason.

120
121 The strategic aggregate resource assessment shall provide a
122 projection of 5-year, 25-year, and 50-year demand for aggregate.
123 In addition, the strategic aggregate resource assessment shall
124 provide an estimate of volume of aggregate available from
125 already permitted mines to meet demand projections. The
126 strategic aggregate resource assessment shall identify
127 international and out-of-state construction aggregate materials
128 available to meet demand projections.

129 (b) For infrastructure, the strategic aggregate resource
130 assessment shall:

131 1. Provide a rating structure assessing the ability to
132 mine these deposits in an economic manner, taking into account
133 the proximity of the materials to the available markets, the
134 thickness of overburden, and the quantity and quality of the
135 materials. In assessing the economic viability of a geologic
136 deposit the strategic aggregate resource assessment shall take
137 into account the proximity to rail and port facilities where
138 similar or replacement products can be imported at a lower cost
139 than producing them locally.

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140 2. Identify the current and potential capacity of
141 construction aggregate material imports into the state utilizing
142 current and planned rail, connecting roadways, and port
143 infrastructure.

144 (c) The strategic aggregate resource assessment shall be
145 updated every 5 years and be included as part of the Department
146 of Transportation Florida Transportation Plan.

147 (d) The Department of Transportation shall prepare the
148 findings of the strategic aggregate resource assessment in an
149 initial report submitted to the Governor, the President of the
150 Senate, and the Speaker of the House of Representatives no later
151 than February 1, 2010. Subsequent reports shall be submitted by
152 February 1 following each 5-year strategic aggregate resource
153 assessment update.

154 (e) The Department of Transportation is authorized to
155 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
156 this section and in the preparation of the strategic aggregate
157 resource assessment.

158 Section 2. Section 373.4146, Florida Statutes, is created
159 to read:

160 373.4146 Permitting of mining of construction aggregate
161 materials.--

162 (1) An applicant seeking an aggregate resource mining
163 permit shall attend a preapplication meeting with the department
164 to review construction, operation, environmental resource, and
165 reclamation issues. The department shall invite the local
166 government responsible for the review of the local regulations
167 impacting the aggregate resource mining permit to attend the

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168 preapplication meeting to review land use issues with the
169 applicant. Parties are encouraged to identify and resolve
170 environmental and land use issues in order to streamline the
171 application process to the greatest extent practicable.

172 (2) When permitting the construction, operation, and
173 reclamation of construction aggregate material mines, including
174 the permitting requirements in part IV of chapter 373 and the
175 reclamation requirements in part IV of chapter 378, the
176 department is directed to consider adverse impacts to all
177 wetlands and other surface waters, notwithstanding the
178 provisions of s. 373.414(2)(a). The department shall also
179 require groundwater monitoring within the permit issued pursuant
180 to part IV of chapter 373 to ensure that water quality outside
181 the mining pit is protected.

182 (3) For purposes of this section, "construction aggregate
183 material" means crushed stone, limestone, dolomite, limerock,
184 shell rock, cemented coquina, and sand for use as a component of
185 mortars, concrete, bituminous mixtures, or underdrain filters,
186 and other mined resources providing the basic material for
187 concrete, asphalt, and road base. Mined materials that do not
188 require sorting and grading and that are used for fill are not
189 construction aggregate materials.

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

192 Section 3. Section 378.412, Florida Statutes, is amended
193 to read:

194 378.412 Relationship with other laws.--

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195 (1) It is the intent of the Legislature that ss. 378.202-
196 378.804 supplement other laws regarding resource extraction.
197 Nothing contained in such sections shall be construed to limit,
198 abridge, or alter any agency's duties, authority, and
199 responsibilities granted pursuant to another statute. Nothing in
200 ss. 378.202-378.804 shall be deemed to preempt local ordinances
201 that impose stricter reclamation standards, except that no
202 county or municipality shall enact or enforce any ordinance,
203 resolution, regulation, rule, policy, or other action which
204 prohibits or prevents the construction or operation of a
205 limestone mine on lands where mining is a permissible use or on
206 lands zoned or classified as mining lands on or after March 1,
207 2008.

208 (2) Due to the state's critical infrastructure needs and
209 the potential shortfall in available construction aggregate
210 materials, limerock environmental resource permitting and
211 reclamation applications filed after March 1, 2008, are eligible
212 for the expedited permitting process under s. 403.973.
213 Challenges to state agency action in the expedited permitting
214 process for establishment of a limerock mine in this state under
215 s. 403.973 are subject to the same requirements as challenges
216 brought under s. 403.973(14)(a), except that, notwithstanding s.
217 120.574, summary proceedings must be conducted within 30 days
218 after a party files the motion for summary hearing, regardless
219 of whether the parties agree to the summary proceeding.

220 Section 4. Subsection (40) of section 403.061, Florida
221 Statutes, is renumbered as subsection (41), and a new subsection
222 (40) is added to that section to read:

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223 403.061 Department; powers and duties.--The department
224 shall have the power and the duty to control and prohibit
225 pollution of air and water in accordance with the law and rules
226 adopted and promulgated by it and, for this purpose, to:

227 (40) Maintain a list of projects or activities that
228 applicants may consider when developing proposals to meet the
229 mitigation or public interest requirements of chapter 253,
230 chapter 373, or this chapter. The contents of such a list are
231 not a rule as defined in chapter 120, and listing a specific
232 project or activity does not imply approval by the department
233 for such project or activity. Each county government is
234 encouraged to develop a prioritized inventory of projects or
235 activities for inclusion on the list by obtaining input from
236 local stakeholder groups in the public, private, and nonprofit
237 sectors, including local governments, port authorities, marine
238 contractors, other representatives of the marine construction
239 industry, environmental or conservation organizations, and other
240 interested parties. Counties may establish dedicated funds for
241 depositing public interest donations into a reserve for future
242 public interest projects, including improvements to on-water law
243 enforcement.

244
245 The department shall implement such programs in conjunction with
246 its other powers and duties and shall place special emphasis on
247 reducing and eliminating contamination that presents a threat to
248 humans, animals or plants, or to the environment.

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

251 403.813 Permits issued at district centers; exceptions.--
 252 (2) A permit is not required under this chapter, chapter
 253 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 254 chapter 25270, 1949, Laws of Florida, and a local government may
 255 not require further verification from the department for
 256 activities associated with the following types of projects;
 257 however, except as otherwise provided in this subsection,
 258 ~~nothing in~~ this subsection does not relieve ~~relieves~~ an
 259 applicant from any requirement to obtain permission to use or
 260 occupy lands owned by the Board of Trustees of the Internal
 261 Improvement Trust Fund or any water management district in its
 262 governmental or proprietary capacity or from complying with
 263 applicable local pollution control programs authorized under
 264 this chapter or other requirements of county and municipal
 265 governments:
 266 (a) The installation of overhead transmission lines, with
 267 support structures which are not constructed in waters of the
 268 state and which do not create a navigational hazard.
 269 (b) The installation and repair of mooring pilings and
 270 dolphins associated with private docking facilities or piers and
 271 the installation of private docks, piers and recreational
 272 docking facilities, or piers and recreational docking facilities
 273 of local governmental entities when the local governmental
 274 entity's activities will not take place in any manatee habitat,
 275 any of which docks:
 276 1. Has 500 square feet or less of over-water surface area
 277 for a dock which is located in an area designated as Outstanding
 278 Florida Waters or 1,000 square feet or less of over-water

279 surface area for a dock which is located in an area which is not
 280 designated as Outstanding Florida Waters;

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

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

286 4. Is used for recreational, noncommercial activities
 287 associated with the mooring or storage of boats and boat
 288 paraphernalia; and

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

294
 295 Nothing in this paragraph shall prohibit the department from
 296 taking appropriate enforcement action pursuant to this chapter
 297 to abate or prohibit any activity otherwise exempt from
 298 permitting pursuant to this paragraph if the department can
 299 demonstrate that the exempted activity has caused water
 300 pollution in violation of this chapter.

301 (c) The installation and maintenance to design
 302 specifications of boat ramps on artificial bodies of water where
 303 navigational access to the proposed ramp exists or the
 304 installation of boat ramps open to the public in any waters of
 305 the state where navigational access to the proposed ramp exists
 306 and where the construction of the proposed ramp will be less

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307 | than 30 feet wide and will involve the removal of less than 25
308 | cubic yards of material from the waters of the state, and the
309 | maintenance to design specifications of such ramps; however, the
310 | material to be removed shall be placed upon a self-contained
311 | upland site so as to prevent the escape of the spoil material
312 | into the waters of the state.

313 | (d) The replacement or repair of existing docks and piers,
314 | except that no fill material is to be used and provided that the
315 | replacement or repaired dock or pier is in the same location and
316 | of the same configuration and dimensions as the dock or pier
317 | being replaced or repaired. This shall not preclude the use of
318 | different construction materials or minor deviations to allow
319 | upgrades to current structural and design standards.

320 | (e) The restoration of seawalls at their previous
321 | locations or upland of, or within 1 foot waterward of, their
322 | previous locations. However, this shall not affect the
323 | permitting requirements of chapter 161, and department rules
324 | shall clearly indicate that this exception does not constitute
325 | an exception from the permitting requirements of chapter 161.

326 | (f) The performance of maintenance dredging of existing
327 | manmade canals, channels, intake and discharge structures, and
328 | previously dredged portions of natural water bodies within
329 | drainage rights-of-way or drainage easements which have been
330 | recorded in the public records of the county, where the spoil
331 | material is to be removed and deposited on a self-contained,
332 | upland spoil site which will prevent the escape of the spoil
333 | material into the waters of the state, provided that no more
334 | dredging is to be performed than is necessary to restore the

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335 | canals, channels, and intake and discharge structures, and
336 | previously dredged portions of natural water bodies, to original
337 | design specifications or configurations, provided that the work
338 | is conducted in compliance with s. 370.12(2)(d), provided that
339 | no significant impacts occur to previously undisturbed natural
340 | areas, and provided that control devices for return flow and
341 | best management practices for erosion and sediment control are
342 | utilized to prevent bank erosion and scouring and to prevent
343 | turbidity, dredged material, and toxic or deleterious substances
344 | from discharging into adjacent waters during maintenance
345 | dredging. Further, for maintenance dredging of previously
346 | dredged portions of natural water bodies within recorded
347 | drainage rights-of-way or drainage easements, an entity that
348 | seeks an exemption must notify the department or water
349 | management district, as applicable, at least 30 days prior to
350 | dredging and provide documentation of original design
351 | specifications or configurations where such exist. This
352 | exemption applies to all canals and previously dredged portions
353 | of natural water bodies within recorded drainage rights-of-way
354 | or drainage easements constructed prior to April 3, 1970, and to
355 | those canals and previously dredged portions of natural water
356 | bodies constructed on or after April 3, 1970, pursuant to all
357 | necessary state permits. This exemption does not apply to the
358 | removal of a natural or manmade barrier separating a canal or
359 | canal system from adjacent waters. When no previous permit has
360 | been issued by the Board of Trustees of the Internal Improvement
361 | Trust Fund or the United States Army Corps of Engineers for
362 | construction or maintenance dredging of the existing manmade

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363 canal or intake or discharge structure, such maintenance
364 dredging shall be limited to a depth of no more than 5 feet
365 below mean low water. The Board of Trustees of the Internal
366 Improvement Trust Fund may fix and recover from the permittee an
367 amount equal to the difference between the fair market value and
368 the actual cost of the maintenance dredging for material removed
369 during such maintenance dredging. However, no charge shall be
370 exacted by the state for material removed during such
371 maintenance dredging by a public port authority. The removing
372 party may subsequently sell such material; however, proceeds
373 from such sale that exceed the costs of maintenance dredging
374 shall be remitted to the state and deposited in the Internal
375 Improvement Trust Fund.

376 (g) The maintenance of existing insect control structures,
377 dikes, and irrigation and drainage ditches, provided that spoil
378 material is deposited on a self-contained, upland spoil site
379 which will prevent the escape of the spoil material into waters
380 of the state. In the case of insect control structures, if the
381 cost of using a self-contained upland spoil site is so
382 excessive, as determined by the Department of Health, pursuant
383 to s. 403.088(1), that it will inhibit proposed insect control,
384 then-existing spoil sites or dikes may be used, upon
385 notification to the department. In the case of insect control
386 where upland spoil sites are not used pursuant to this
387 exemption, turbidity control devices shall be used to confine
388 the spoil material discharge to that area previously disturbed
389 when the receiving body of water is used as a potable water
390 supply, is designated as shellfish harvesting waters, or

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391 functions as a habitat for commercially or recreationally
392 important shellfish or finfish. In all cases, no more dredging
393 is to be performed than is necessary to restore the dike or
394 irrigation or drainage ditch to its original design
395 specifications.

396 (h) The repair or replacement of existing functional pipes
397 or culverts the purpose of which is the discharge or conveyance
398 of stormwater. In all cases, the invert elevation, the diameter,
399 and the length of the culvert shall not be changed. However, the
400 material used for the culvert may be different from the
401 original.

402 (i) The construction of private docks of 1,000 square feet
403 or less of over-water surface area and seawalls in artificially
404 created waterways where such construction will not violate
405 existing water quality standards, impede navigation, or affect
406 flood control. This exemption does not apply to the construction
407 of vertical seawalls in estuaries or lagoons unless the proposed
408 construction is within an existing manmade canal where the
409 shoreline is currently occupied in whole or part by vertical
410 seawalls.

411 (j) The construction and maintenance of swales.

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

415 (l) The replacement or repair of existing open-trestle
416 foot bridges and vehicular bridges that are 100 feet or less in
417 length and two lanes or less in width, provided that no more
418 dredging or filling of submerged lands is performed other than

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419 that which is necessary to replace or repair pilings and that
420 the structure to be replaced or repaired is the same length, the
421 same configuration, and in the same location as the original
422 bridge. No debris from the original bridge shall be allowed to
423 remain in the waters of the state.

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

428 (n) The replacement or repair of subaqueous transmission
429 and distribution lines laid on, or embedded in, the bottoms of
430 waters of the state.

431 (o) The construction of private seawalls in wetlands or
432 other surface waters where such construction is between and
433 adjoins at both ends existing seawalls; follows a continuous and
434 uniform seawall construction line with the existing seawalls; is
435 no more than 150 feet in length; and does not violate existing
436 water quality standards, impede navigation, or affect flood
437 control. However, in estuaries and lagoons the construction of
438 vertical seawalls is limited to the circumstances and purposes
439 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
440 the permitting requirements of chapter 161, and department rules
441 must clearly indicate that this exception does not constitute an
442 exception from the permitting requirements of chapter 161.

443 (p) The restoration of existing insect control impoundment
444 dikes which are less than 100 feet in length. Such impoundments
445 shall be connected to tidally influenced waters for 6 months
446 each year beginning September 1 and ending February 28 if

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447 feasible or operated in accordance with an impoundment
448 management plan approved by the department. A dike restoration
449 may involve no more dredging than is necessary to restore the
450 dike to its original design specifications. For the purposes of
451 this paragraph, restoration does not include maintenance of
452 impoundment dikes of operating insect control impoundments.

453 (q) The construction, operation, or maintenance of
454 stormwater management facilities which are designed to serve
455 single-family residential projects, including duplexes,
456 triplexes, and quadruplexes, if they are less than 10 acres
457 total land and have less than 2 acres of impervious surface and
458 if the facilities:

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

461 2. Are not part of a larger common plan of development or
462 sale; and

463 3. Discharge into a stormwater discharge facility exempted
464 or permitted by the department under this chapter which has
465 sufficient capacity and treatment capability as specified in
466 this chapter and is owned, maintained, or operated by a city,
467 county, special district with drainage responsibility, or water
468 management district; however, this exemption does not authorize
469 discharge to a facility without the facility owner's prior
470 written consent.

471 (r) The removal of aquatic plants, the removal of
472 tussocks, the associated replanting of indigenous aquatic
473 plants, and the associated removal from lakes of organic
474 detrital material when such planting or removal is performed and

475 authorized by permit or exemption granted under s. 369.20 or s.
 476 369.25, provided that:

477 1. Organic detrital material that exists on the surface of
 478 natural mineral substrate shall be allowed to be removed to a
 479 depth of 3 feet or to the natural mineral substrate, whichever
 480 is less;

481 2. All material removed pursuant to this paragraph shall
 482 be deposited in an upland site in a manner that will prevent the
 483 reintroduction of the material into waters in the state except
 484 when spoil material is permitted to be used to create wildlife
 485 islands in freshwater bodies of the state when a governmental
 486 entity is permitted pursuant to s. 369.20 to create such islands
 487 as a part of a restoration or enhancement project;

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

490 4. No activities under this exemption are conducted in
 491 wetland areas, as defined by s. 373.019(25), which are supported
 492 by a natural soil as shown in applicable United States
 493 Department of Agriculture county soil surveys, except when a
 494 governmental entity is permitted pursuant to s. 369.20 to
 495 conduct such activities as a part of a restoration or
 496 enhancement project.

497
 498 The department may not adopt implementing rules for this
 499 paragraph, notwithstanding any other provision of law.

500 (s) The construction, installation, operation, or
 501 maintenance of floating vessel platforms or floating boat lifts,
 502 provided that such structures:

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

506 2. Are wholly contained within a boat slip previously
507 permitted under ss. 403.91-403.929, 1984 Supplement to the
508 Florida Statutes 1983, as amended, or part IV of chapter 373, or
509 do not exceed a combined total of 500 square feet, or 200 square
510 feet in an Outstanding Florida Water, when associated with a
511 dock that is exempt under this subsection or associated with a
512 permitted dock with no defined boat slip or attached to a
513 bulkhead on a parcel of land where there is no other docking
514 structure;

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

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

525 5. Are not constructed in areas specifically prohibited
526 for boat mooring under conditions of a permit issued in
527 accordance with ss. 403.91-403.929, 1984 Supplement to the
528 Florida Statutes 1983, as amended, or part IV of chapter 373, or
529 other form of authorization issued by a local government.

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531 Structures that qualify for this exemption are relieved from any
532 requirement to obtain permission to use or occupy lands owned by
533 the Board of Trustees of the Internal Improvement Trust Fund
534 and, with the exception of those structures attached to a
535 bulkhead on a parcel of land where there is no docking
536 structure, shall not be subject to any more stringent permitting
537 requirements, registration requirements, or other regulation by
538 any local government. Local governments may require either
539 permitting or one-time registration of floating vessel platforms
540 to be attached to a bulkhead on a parcel of land where there is
541 no other docking structure as necessary to ensure compliance
542 with local ordinances, codes, or regulations. Local governments
543 may require either permitting or one-time registration of all
544 other floating vessel platforms as necessary to ensure
545 compliance with the exemption criteria in this section; to
546 ensure compliance with local ordinances, codes, or regulations
547 relating to building or zoning, which are no more stringent than
548 the exemption criteria in this section or address subjects other
549 than subjects addressed by the exemption criteria in this
550 section; and to ensure proper installation, maintenance, and
551 precautionary or evacuation action following a tropical storm or
552 hurricane watch of a floating vessel platform or floating boat
553 lift that is proposed to be attached to a bulkhead or parcel of
554 land where there is no other docking structure. The exemption
555 provided in this paragraph shall be in addition to the exemption
556 provided in paragraph (b). The department shall adopt a general
557 permit by rule for the construction, installation, operation, or
558 maintenance of those floating vessel platforms or floating boat

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559 lifts that do not qualify for the exemption provided in this
560 paragraph but do not cause significant adverse impacts to occur
561 individually or cumulatively. The issuance of such general
562 permit shall also constitute permission to use or occupy lands
563 owned by the Board of Trustees of the Internal Improvement Trust
564 Fund. No local government shall impose a more stringent
565 regulation, permitting requirement, registration requirement, or
566 other regulation covered by such general permit. Local
567 governments may require either permitting or one-time
568 registration of floating vessel platforms as necessary to ensure
569 compliance with the general permit in this section; to ensure
570 compliance with local ordinances, codes, or regulations relating
571 to building or zoning that are no more stringent than the
572 general permit in this section; and to ensure proper
573 installation and maintenance of a floating vessel platform or
574 floating boat lift that is proposed to be attached to a bulkhead
575 or parcel of land where there is no other docking structure.

576 (t) The repair, stabilization, or paving of existing
577 county maintained roads and the repair or replacement of bridges
578 that are part of the roadway, within the Northwest Florida Water
579 Management District and the Suwannee River Water Management
580 District, provided:

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

584 2. The construction activity does not realign the road or
585 expand the number of existing traffic lanes of the existing
586 road; however, the work may include the provision of safety

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587 | shoulders, clearance of vegetation, and other work reasonably
588 | necessary to repair, stabilize, pave, or repave the road,
589 | provided that the work is constructed by generally accepted
590 | engineering standards;

591 | 3. The construction activity does not expand the existing
592 | width of an existing vehicular bridge in excess of that
593 | reasonably necessary to properly connect the bridge with the
594 | road being repaired, stabilized, paved, or repaved to safely
595 | accommodate the traffic expected on the road, which may include
596 | expanding the width of the bridge to match the existing
597 | connected road. However, no debris from the original bridge
598 | shall be allowed to remain in waters of the state, including
599 | wetlands;

600 | 4. Best management practices for erosion control shall be
601 | employed as necessary to prevent water quality violations;

602 | 5. Roadside swales or other effective means of stormwater
603 | treatment must be incorporated as part of the project;

604 | 6. No more dredging or filling of wetlands or water of the
605 | state is performed than that which is reasonably necessary to
606 | repair, stabilize, pave, or repave the road or to repair or
607 | replace the bridge, in accordance with generally accepted
608 | engineering standards; and

609 | 7. Notice of intent to use the exemption is provided to
610 | the department, if the work is to be performed within the
611 | Northwest Florida Water Management District, or to the Suwannee
612 | River Water Management District, if the work is to be performed
613 | within the Suwannee River Water Management District, 30 days
614 | prior to performing any work under the exemption.

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616 Within 30 days after this act becomes a law, the department
617 shall initiate rulemaking to adopt a no fee general permit for
618 the repair, stabilization, or paving of existing roads that are
619 maintained by the county and the repair or replacement of
620 bridges that are part of the roadway where such activities do
621 not cause significant adverse impacts to occur individually or
622 cumulatively. The general permit shall apply statewide and, with
623 no additional rulemaking required, apply to qualified projects
624 reviewed by the Suwannee River Water Management District, the
625 St. Johns River Water Management District, the Southwest Florida
626 Water Management District, and the South Florida Water
627 Management District under the division of responsibilities
628 contained in the operating agreements applicable to part IV of
629 chapter 373. Upon adoption, this general permit shall, pursuant
630 to the provisions of subsection (3), supersede and replace the
631 exemption in this paragraph.

632 (u) Notwithstanding any provision to the contrary in this
633 subsection, a permit or other authorization under chapter 253,
634 chapter 369, chapter 373, or this chapter is not required for an
635 individual residential property owner for the removal of organic
636 detrital material from freshwater rivers or lakes that have a
637 natural sand or rocky substrate and that are not Aquatic
638 Preserves or for the associated removal and replanting of
639 aquatic vegetation for the purpose of environmental enhancement,
640 providing that:

641 1. No activities under this exemption are conducted in
642 wetland areas, as defined by s. 373.019(25), which are supported

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643 by a natural soil as shown in applicable United States
644 Department of Agriculture county soil surveys.

645 2. No filling or peat mining is allowed.

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

648 4. When removing organic detrital material, no portion of
649 the underlying natural mineral substrate or rocky substrate is
650 removed.

651 5. Organic detrital material and plant material removed is
652 deposited in an upland site in a manner that will not cause
653 water quality violations.

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

657 7. Replanting with a variety of aquatic plants native to
658 the state shall occur in a minimum of 25 percent of the
659 preexisting vegetated areas where organic detrital material is
660 removed, except for areas where the material is removed to bare
661 rocky substrate; however, an area may be maintained clear of
662 vegetation as an access corridor. The access corridor width may
663 not exceed 50 percent of the property owner's frontage or 50
664 feet, whichever is less, and may be a sufficient length
665 waterward to create a corridor to allow access for a boat or
666 swimmer to reach open water. Replanting must be at a minimum
667 density of 2 feet on center and be completed within 90 days
668 after removal of existing aquatic vegetation, except that under
669 dewatered conditions replanting must be completed within 90 days
670 after reflooding. The area to be replanted must extend waterward

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671 from the ordinary high water line to a point where normal water
672 depth would be 3 feet or the preexisting vegetation line,
673 whichever is less. Individuals are required to make a reasonable
674 effort to maintain planting density for a period of 6 months
675 after replanting is complete, and the plants, including
676 naturally recruited native aquatic plants, must be allowed to
677 expand and fill in the revegetation area. Native aquatic plants
678 to be used for revegetation must be salvaged from the
679 enhancement project site or obtained from an aquatic plant
680 nursery regulated by the Department of Agriculture and Consumer
681 Services. Plants that are not native to the state may not be
682 used for replanting.

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

688 9. The person seeking this exemption notifies the
689 applicable department district office in writing at least 30
690 days before commencing work and allows the department to conduct
691 a preconstruction site inspection. Notice must include an
692 organic-detrital-material removal and disposal plan and, if
693 applicable, a vegetation-removal and revegetation plan.

694 10. The department is provided written certification of
695 compliance with the terms and conditions of this paragraph
696 within 30 days after completion of any activity occurring under
697 this exemption.

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698 (3) The provisions of subsection (2) are superseded by
699 general permits established pursuant to ss. 373.118 and 403.814
700 which include the same activities. Until such time as general
701 permits are established, or if ~~should~~ general permits are ~~be~~
702 suspended or repealed, the exemptions under subsection (2) shall
703 remain or shall be reestablished in full force and effect.

704 Section 6. Notwithstanding any other provisions of law to
705 the contrary, a local government may not require the production
706 of written documentation from the Department of Environmental
707 Protection or a water management district that a project does
708 not require a permit pursuant to s. 403.813(2), Florida
709 Statutes.

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