

By Senator Perry

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1 A bill to be entitled
2 An act relating to environmental regulation; amending
3 s. 403.706, F.S.; specifying requirements for
4 contracts between residential recycling collectors or
5 recovered materials processing facilities and counties
6 or municipalities for the collection or processing of
7 residential recycling material; prohibiting counties
8 and municipalities from requiring the collection,
9 transport, or processing of contaminated recyclable
10 material by residential recycling collectors or
11 recovered materials processing facilities; defining
12 the term "residential recycling collector"; providing
13 applicability; amending s. 403.813, F.S.; prohibiting
14 local governments from requiring further verification
15 from the Department of Environmental Protection for
16 certain projects; revising the types of dock and pier
17 replacements and repairs that are exempt from such
18 verification and certain permitting requirements;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (22) of section 403.706, Florida
24 Statutes, is renumbered as subsection (23), and a new subsection
25 (22) is added to that section, to read:

26 403.706 Local government solid waste responsibilities.—
27 (22) (a) Each contract between a residential recycling
28 collector and a county or municipality for the collection or
29 transport of residential recyclable material, and each request

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30 for proposal or other solicitation for the collection of
31 residential recyclable material, must include all of the
32 following:

33 1. The respective strategies and obligations of the county
34 or municipality and the residential recycling collector to
35 reduce the amount of contaminated recyclable material being
36 collected.

37 2. The procedures for identifying, documenting, managing,
38 and rejecting residential recycling containers, truck loads,
39 carts, or bins that contain contaminated recyclable material.

40 3. The remedies authorized to be used if a container, cart,
41 or bin contains contaminated recyclable material.

42 4. The education and enforcement measures that will be used
43 to reduce the amount of contaminated recyclable material.

44 5. A definition of the term "contaminated recyclable
45 material" that is appropriate for the local community, taking
46 into consideration available markets for recyclable material,
47 available waste composition studies, and other relevant factors.

48 (b) Each contract between a recovered materials processing
49 facility and a county or municipality for processing residential
50 recyclable material, and each request for proposal or other
51 solicitation for processing residential recyclable material,
52 must include all of the following:

53 1. The respective strategies and obligations of the county
54 or municipality and the facility to reduce the amount of
55 contaminated recyclable material being collected and processed.

56 2. The procedures for identifying, documenting, managing,
57 and rejecting residential recycling containers, truck loads,
58 carts, or bins that contain contaminated recyclable material.

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59 3. The remedies authorized to be used if a container or
60 truck load contains contaminated recyclable material.

61 4. A definition of the term "contaminated recyclable
62 material" that is appropriate for the local community, taking
63 into consideration available markets for recyclable material,
64 available waste composition studies, and other relevant factors.

65 (c) A residential recycling collector is not required to
66 collect or transport contaminated recyclable material, except
67 pursuant to a contract consistent with paragraph (a). As used in
68 this subsection, the term "residential recycling collector"
69 means a for-profit business entity that collects and transports
70 residential recyclable material on behalf of a county or
71 municipality.

72 (d) A recovered materials processing facility is not
73 required to process contaminated recyclable material, except
74 pursuant to a contract consistent with paragraph (b).

75 (e) This subsection applies to each contract between a
76 municipality or county and a residential recycling collector or
77 recovered materials processing facility executed or renewed
78 after October 1, 2020.

79 (f) This subsection applies only to the collection and
80 processing of material obtained from residential recycling
81 activities. As used in this subsection, the term "contaminated
82 recyclable material" refers only to recyclable material that is
83 comingled or mixed with solid waste or other nonhazardous
84 material. The term does not include contamination as that term
85 or a derivation of that term is used in chapter 376 and other
86 sections of chapter 403, including, but not limited to,
87 brownfield site cleanup, water quality remediation, drycleaning-

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88 solvent-contaminated site cleanup, petroleum-contaminated site
89 cleanup, cattle dipping vat site cleanup, or other hazardous
90 waste remediation.

91 Section 2. Subsection (1) of section 403.813, Florida
92 Statutes, is amended to read:

93 403.813 Permits issued at district centers; exceptions.—

94 (1) A permit is not required under this chapter, chapter
95 373, chapter 61-691, Laws of Florida, or chapter 25214 or
96 chapter 25270, 1949, Laws of Florida, and a local government may
97 not require a person claiming this exception to provide further
98 department verification, for activities associated with the
99 following types of projects; however, except as otherwise
100 provided in this subsection, this subsection does not relieve an
101 applicant from any requirement to obtain permission to use or
102 occupy lands owned by the Board of Trustees of the Internal
103 Improvement Trust Fund or a water management district in its
104 governmental or proprietary capacity or from complying with
105 applicable local pollution control programs authorized under
106 this chapter or other requirements of county and municipal
107 governments:

108 (a) The installation of overhead transmission lines, having
109 ~~with~~ support structures that ~~which~~ are not constructed in waters
110 of the state and which do not create a navigational hazard.

111 (b) The installation and repair of mooring pilings and
112 dolphins associated with private docking facilities or piers and
113 the installation of private docks, piers, and recreational
114 docking facilities, or piers and recreational docking facilities
115 of local governmental entities when the local governmental
116 entity's activities will not take place in any manatee habitat,

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117 any of which docks:

118 1. Has 500 square feet or less of over-water surface area
119 for a dock ~~which is~~ located in an area designated as Outstanding
120 Florida Waters or 1,000 square feet or less of over-water
121 surface area for a dock ~~which is~~ located in an area that ~~which~~
122 is not designated as Outstanding Florida Waters;

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

126 3. May ~~shall~~ not substantially impede the flow of water or
127 create a navigational hazard;

128 4. Is used for recreational, noncommercial activities
129 associated with the mooring or storage of boats and boat
130 paraphernalia; and

131 5. Is the sole dock constructed pursuant to this exemption
132 as measured along the shoreline for a distance of 65 feet,
133 unless the parcel of land or individual lot as platted is less
134 than 65 feet in length along the shoreline, in which case ~~there~~
135 ~~may be~~ one exempt dock may be allowed per parcel or lot.

136

137 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
138 from taking appropriate enforcement action pursuant to this
139 chapter to abate or prohibit any activity otherwise exempt from
140 permitting pursuant to this paragraph if the department can
141 demonstrate that the exempted activity has caused water
142 pollution in violation of this chapter.

143 (c) The installation and maintenance to design
144 specifications of boat ramps on artificial bodies of water where
145 navigational access to the proposed ramp exists or the

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146 installation of boat ramps open to the public in any waters of
147 the state where navigational access to the proposed ramp exists
148 and where the construction of the proposed ramp will be less
149 than 30 feet wide and will involve the removal of less than 25
150 cubic yards of material from the waters of the state, and the
151 maintenance to design specifications of such ramps.~~;~~ ~~however,~~
152 The material to be removed shall be placed on ~~upon~~ a self-
153 contained, upland spoil site which will ~~so as to~~ prevent the
154 escape of the spoil material into the waters of the state.

155 (d) The replacement or repair of existing docks and piers,
156 except that fill material may not be used and the replacement or
157 repaired dock or pier must be within 5 feet of the same location
158 and no larger in size than the existing dock or pier, and no
159 additional aquatic resources may be adversely and permanently
160 impacted by such replacement or repair in the same location and
161 of the same configuration and dimensions as the dock or pier
162 being replaced or repaired. This does not preclude the use of
163 different construction materials or minor deviations to allow
164 upgrades to current structural and design standards.

165 (e) The restoration of seawalls at their previous locations
166 or upland of, or within 18 inches waterward of, their previous
167 locations. ~~However,~~ This may ~~shall~~ not affect the permitting
168 requirements of chapter 161, and department rules shall clearly
169 indicate that this exception does not constitute an exception
170 from the permitting requirements of chapter 161.

171 (f) The performance of maintenance dredging of existing
172 manmade canals, channels, intake and discharge structures, and
173 previously dredged portions of natural water bodies within
174 drainage rights-of-way or drainage easements which have been

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175 recorded in the public records of the county, when ~~where~~ the
176 spoil material is to be removed and placed ~~deposited~~ on a self-
177 contained, upland spoil site ~~which~~ will prevent the escape of
178 the spoil material into the waters of the state, provided that
179 no more dredging is to be performed than is necessary to restore
180 the canals, channels, and intake and discharge structures, and
181 previously dredged portions of natural water bodies, to original
182 design specifications or configurations, provided that the work
183 is conducted in compliance with s. 379.2431(2)(d), provided that
184 no significant impacts occur to previously undisturbed natural
185 areas, and provided that control devices for return flow and
186 best management practices for erosion and sediment control are
187 used ~~utilized~~ to prevent bank erosion and scouring and to
188 prevent turbidity, dredged material, and toxic or deleterious
189 substances from discharging into adjacent waters during
190 maintenance dredging. ~~Further,~~ For maintenance dredging of
191 previously dredged portions of natural water bodies within
192 recorded drainage rights-of-way or drainage easements, an entity
193 that seeks an exemption must notify the department or water
194 management district, as applicable, at least 30 days before
195 ~~prior to~~ dredging and provide documentation of original design
196 specifications or configurations when ~~where~~ such exist. This
197 exemption applies to all canals and previously dredged portions
198 of natural water bodies within recorded drainage rights-of-way
199 or drainage easements constructed before ~~prior to~~ April 3, 1970,
200 and to those canals and previously dredged portions of natural
201 water bodies constructed on or after April 3, 1970, pursuant to
202 all necessary state permits. This exemption does not apply to
203 the removal of a natural or manmade barrier separating a canal

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204 or canal system from adjacent waters. When no previous permit
205 has been issued by the Board of Trustees of the Internal
206 Improvement Trust Fund or the United States Army Corps of
207 Engineers for construction or maintenance dredging of the
208 existing manmade canal or intake or discharge structure, such
209 maintenance dredging shall be limited to a depth of no more than
210 5 feet below mean low water. The Board of Trustees of the
211 Internal Improvement Trust Fund may fix and recover from the
212 permittee an amount equal to the difference between the fair
213 market value and the actual cost of the maintenance dredging for
214 material removed during such maintenance dredging; ~~however, a~~
215 ~~no~~ charge may not shall be exacted by the state for material
216 removed during such maintenance dredging by a public port
217 authority. The removing party may subsequently sell such
218 material; however, proceeds from such sale that exceed the costs
219 of maintenance dredging shall be remitted to the state and
220 deposited in the Internal Improvement Trust Fund.

221 (g) The maintenance of existing insect control structures,
222 dikes, and irrigation and drainage ditches, provided that spoil
223 material is placed ~~deposited~~ on a self-contained, upland spoil
224 site which will prevent the escape of the spoil material into
225 waters of the state. In the case of insect control structures,
226 if the cost of using a self-contained, upland spoil site is so
227 excessive, as determined by the Department of Health, pursuant
228 to s. 403.088(1), that it will inhibit proposed insect control,
229 then-existing spoil sites or dikes may be used, upon
230 notification to the department. In the case of insect control
231 where upland spoil sites are not used pursuant to this
232 exemption, turbidity control devices shall be used to confine

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233 the spoil material discharge to that area previously disturbed
234 when the receiving body of water is used as a potable water
235 supply, is designated as shellfish harvesting waters, or
236 functions as a habitat for commercially or recreationally
237 important shellfish or finfish. In all cases, no more dredging
238 is to be performed than is necessary to restore the dike or
239 irrigation or drainage ditch to its original design
240 specifications.

241 (h) The repair or replacement of existing functional pipes
242 or culverts the purpose of which is the discharge or conveyance
243 of stormwater. In all cases, the invert elevation, the diameter,
244 and the length of the culvert may ~~shall~~ not be changed. However,
245 the material used for the culvert may be different from the
246 original.

247 (i) The construction of private docks of 1,000 square feet
248 or less of over-water surface area and seawalls in artificially
249 created waterways when ~~where~~ such construction will not violate
250 existing water quality standards, impede navigation, or affect
251 flood control. This exemption does not apply to the construction
252 of vertical seawalls in estuaries or lagoons unless the proposed
253 construction is within an existing manmade canal where the
254 shoreline is currently occupied in whole or part by vertical
255 seawalls.

256 (j) The construction and maintenance of swales.

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

260 (l) The replacement or repair of existing open-trestle foot
261 bridges and vehicular bridges that are 100 feet or less in

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262 length and two lanes or less in width, provided that no more
263 dredging or filling of submerged lands is performed other than
264 that which is necessary to replace or repair pilings and that
265 the structure to be replaced or repaired is the same length, the
266 same configuration, and in the same location as the original
267 bridge. ~~No~~ Debris from the original bridge may not ~~shall~~ be
268 allowed to remain in the waters of the state.

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

273 (n) The replacement or repair of subaqueous transmission
274 and distribution lines laid on, or embedded in, the bottoms of
275 waters of the state.

276 (o) The construction of private seawalls in wetlands or
277 other surface waters when ~~where~~ such construction is between and
278 adjoins at both ends existing seawalls; follows a continuous and
279 uniform seawall construction line with the existing seawalls; is
280 not ~~no~~ more than 150 feet in length; and does not violate
281 existing water quality standards, impede navigation, or affect
282 flood control. However, in estuaries and lagoons the
283 construction of vertical seawalls is limited to the
284 circumstances and purposes stated in s. 373.414(5)(b)1.-4. This
285 paragraph does not affect the permitting requirements of chapter
286 161, and department rules must clearly indicate that this
287 exception does not constitute an exception from the permitting
288 requirements of chapter 161.

289 (p) The restoration of existing insect control impoundment
290 dikes which are less than 100 feet in length. Such impoundments

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291 shall be connected to tidally influenced waters for 6 months
292 each year beginning September 1 and ending February 28 if
293 feasible or operated in accordance with an impoundment
294 management plan approved by the department. A dike restoration
295 may involve no more dredging than is necessary to restore the
296 dike to its original design specifications. For the purposes of
297 this paragraph, restoration does not include maintenance of
298 impoundment dikes of operating insect control impoundments.

299 (q) The construction, operation, or maintenance of
300 stormwater management facilities which are designed to serve
301 single-family residential projects, including duplexes,
302 triplexes, and quadruplexes, if they are less than 10 acres
303 total land and have less than 2 acres of impervious surface and
304 if the facilities:

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

307 2. Are not part of a larger common plan of development or
308 sale; and

309 3. Discharge into a stormwater discharge facility exempted
310 or permitted by the department under this chapter which has
311 sufficient capacity and treatment capability as specified in
312 this chapter and is owned, maintained, or operated by a city,
313 county, special district with drainage responsibility, or water
314 management district; however, this exemption does not authorize
315 discharge to a facility without the facility owner's prior
316 written consent.

317 (r) The removal of aquatic plants, the removal of tussocks,
318 the associated replanting of indigenous aquatic plants, and the
319 associated removal from lakes of organic detrital material when

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320 such planting or removal is performed and authorized by permit
321 or exemption granted under s. 369.20 or s. 369.25, provided
322 that:

323 1. Organic detrital material that exists on the surface of
324 natural mineral substrate shall be allowed to be removed to a
325 depth of 3 feet or to the natural mineral substrate, whichever
326 is less;

327 2. All material removed pursuant to this paragraph shall be
328 placed on a self-contained, ~~deposited in an~~ upland spoil site
329 which in a manner that will prevent the escape ~~reintroduction~~ of
330 the spoil material into waters in the state except when spoil
331 material is permitted to be used to create wildlife islands in
332 freshwater bodies of the state when a governmental entity is
333 permitted pursuant to s. 369.20 to create such islands as a part
334 of a restoration or enhancement project;

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

337 4. ~~No~~ Activities under this exemption are not conducted in
338 wetland areas, as defined in s. 373.019(27), which are supported
339 by a natural soil as shown in applicable United States
340 Department of Agriculture county soil surveys, except when a
341 governmental entity is permitted pursuant to s. 369.20 to
342 conduct such activities as a part of a restoration or
343 enhancement project.

344

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

347 (s) The construction, installation, operation, or
348 maintenance of floating vessel platforms or floating boat lifts,

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349 provided that such structures:

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

353 2. Are wholly contained within a boat slip previously
354 permitted under ss. 403.91-403.929, 1984 Supplement to the
355 Florida Statutes 1983, as amended, or part IV of chapter 373, or
356 do not exceed a combined total of 500 square feet, or 200 square
357 feet in an Outstanding Florida Water, when associated with a
358 dock that is exempt under this subsection or associated with a
359 permitted dock with no defined boat slip or attached to a
360 bulkhead on a parcel of land where there is no other docking
361 structure;

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

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

372 5. Are not constructed in areas specifically prohibited for
373 boat mooring under conditions of a permit issued in accordance
374 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
375 1983, as amended, or part IV of chapter 373, or other form of
376 authorization issued by a local government.

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378 Structures that qualify for this exemption are relieved from any
379 requirement to obtain permission to use or occupy lands owned by
380 the Board of Trustees of the Internal Improvement Trust Fund
381 and, with the exception of those structures attached to a
382 bulkhead on a parcel of land where there is no docking
383 structure, may ~~shall~~ not be subject to any more stringent
384 permitting requirements, registration requirements, or other
385 regulation by any local government. Local governments may
386 require either permitting or one-time registration of floating
387 vessel platforms to be attached to a bulkhead on a parcel of
388 land where there is no other docking structure as necessary to
389 ensure compliance with local ordinances, codes, or regulations.
390 Local governments may require either permitting or one-time
391 registration of all other floating vessel platforms as necessary
392 to ensure compliance with the exemption criteria in this
393 section; to ensure compliance with local ordinances, codes, or
394 regulations relating to building or zoning, which are no more
395 stringent than the exemption criteria in this section or address
396 subjects other than subjects addressed by the exemption criteria
397 in this section; and to ensure proper installation, maintenance,
398 and precautionary or evacuation action following a tropical
399 storm or hurricane watch of a floating vessel platform or
400 floating boat lift that is proposed to be attached to a bulkhead
401 or parcel of land where there is no other docking structure. The
402 exemption provided in this paragraph shall be in addition to the
403 exemption provided in paragraph (b). The department shall adopt
404 a general permit by rule for the construction, installation,
405 operation, or maintenance of those floating vessel platforms or
406 floating boat lifts that do not qualify for the exemption

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407 provided in this paragraph but do not cause significant adverse
408 impacts to occur individually or cumulatively. The issuance of
409 such general permit shall also constitute permission to use or
410 occupy lands owned by the Board of Trustees of the Internal
411 Improvement Trust Fund. ~~No~~ Local governments may not ~~government~~
412 ~~shall~~ impose a more stringent regulation, permitting
413 requirement, registration requirement, or other regulation
414 covered by such general permit. Local governments may require
415 either permitting or one-time registration of floating vessel
416 platforms as necessary to ensure compliance with the general
417 permit in this section; to ensure compliance with local
418 ordinances, codes, or regulations relating to building or zoning
419 that are no more stringent than the general permit in this
420 section; and to ensure proper installation and maintenance of a
421 floating vessel platform or floating boat lift that is proposed
422 to be attached to a bulkhead or parcel of land where there is no
423 other docking structure.

424 (t) The repair, stabilization, or paving of existing county
425 maintained roads and the repair or replacement of bridges that
426 are part of the roadway, within the Northwest Florida Water
427 Management District and the Suwannee River Water Management
428 District, provided:

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

432 2. The construction activity does not realign the road or
433 expand the number of existing traffic lanes of the existing
434 road; however, the work may include the provision of safety
435 shoulders, clearance of vegetation, and other work reasonably

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436 necessary to repair, stabilize, pave, or repave the road,
437 provided that the work is constructed by generally accepted
438 engineering standards;

439 3. The construction activity does not expand the existing
440 width of an existing vehicular bridge in excess of that
441 reasonably necessary to properly connect the bridge with the
442 road being repaired, stabilized, paved, or repaved to safely
443 accommodate the traffic expected on the road, which may include
444 expanding the width of the bridge to match the existing
445 connected road. ~~However, no~~ Debris from the original bridge may
446 not shall be allowed to remain in waters of the state, including
447 wetlands;

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

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

452 6. No more dredging or filling of wetlands or water of the
453 state is performed than that which is reasonably necessary to
454 repair, stabilize, pave, or repave the road or to repair or
455 replace the bridge, in accordance with generally accepted
456 engineering standards; and

457 7. Notice of intent to use the exemption is provided to the
458 department, if the work is to be performed within the Northwest
459 Florida Water Management District, or to the Suwannee River
460 Water Management District, if the work is to be performed within
461 the Suwannee River Water Management District, 30 days before
462 ~~prior to~~ performing any work under the exemption.

463
464 Within 30 days after this act becomes a law, the department

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465 shall initiate rulemaking to adopt a no fee general permit for
466 the repair, stabilization, or paving of existing roads that are
467 maintained by the county and the repair or replacement of
468 bridges that are part of the roadway where such activities do
469 not cause significant adverse impacts to occur individually or
470 cumulatively. The general permit shall apply statewide and, with
471 no additional rulemaking required, apply to qualified projects
472 reviewed by the Suwannee River Water Management District, the
473 St. Johns River Water Management District, the Southwest Florida
474 Water Management District, and the South Florida Water
475 Management District under the division of responsibilities
476 contained in the operating agreements applicable to part IV of
477 chapter 373. Upon adoption, this general permit shall, pursuant
478 to ~~the provisions of~~ subsection (2), supersede and replace the
479 exemption in this paragraph.

480 (u) Notwithstanding any provision to the contrary in this
481 subsection, a permit or other authorization under chapter 253,
482 chapter 369, chapter 373, or this chapter is not required for an
483 individual residential property owner for the removal of organic
484 detrital material from freshwater rivers or lakes that have a
485 natural sand or rocky substrate and that are not Aquatic
486 Preserves or for the associated removal and replanting of
487 aquatic vegetation for the purpose of environmental enhancement,
488 providing that:

489 1. No activities under this exemption are conducted in
490 wetland areas, as defined in s. 373.019(27), which are supported
491 by a natural soil as shown in applicable United States
492 Department of Agriculture county soil surveys.

493 2. No filling or peat mining is allowed.

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

496 4. When removing organic detrital material, no portion of
497 the underlying natural mineral substrate or rocky substrate is
498 removed.

499 5. Removed organic detrital material and plant material
500 ~~removed~~ is placed on deposited in an upland spoil site which in
501 ~~a manner that~~ will not cause water quality violations.

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

505 7. Replanting with a variety of aquatic plants native to
506 the state shall occur in a minimum of 25 percent of the
507 preexisting vegetated areas where organic detrital material is
508 removed, except for areas where the material is removed to bare
509 rocky substrate; however, an area may be maintained clear of
510 vegetation as an access corridor. The access corridor width may
511 not exceed 50 percent of the property owner's frontage or 50
512 feet, whichever is less, and may be a sufficient length
513 waterward to create a corridor to allow access for a boat or
514 swimmer to reach open water. Replanting must be at a minimum
515 density of 2 feet on center and be completed within 90 days
516 after removal of existing aquatic vegetation, except that under
517 dewatered conditions replanting must be completed within 90 days
518 after reflooding. The area to be replanted must extend waterward
519 from the ordinary high water line to a point where normal water
520 depth would be 3 feet or the preexisting vegetation line,
521 whichever is less. Individuals are required to make a reasonable
522 effort to maintain planting density for a period of 6 months

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523 after replanting is complete, and the plants, including
524 naturally recruited native aquatic plants, must be allowed to
525 expand and fill in the revegetation area. Native aquatic plants
526 to be used for revegetation must be salvaged from the
527 enhancement project site or obtained from an aquatic plant
528 nursery regulated by the Department of Agriculture and Consumer
529 Services. Plants that are not native to the state may not be
530 used for replanting.

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

536 9. The person seeking this exemption notifies the
537 applicable department district office in writing at least 30
538 days before commencing work and allows the department to conduct
539 a preconstruction site inspection. Notice must include an
540 organic-detrital-material removal and disposal plan and, if
541 applicable, a vegetation-removal and revegetation plan.

542 10. The department is provided written certification of
543 compliance with the terms and conditions of this paragraph
544 within 30 days after completion of any activity occurring under
545 this exemption.

546 (v) Notwithstanding any other provision in this chapter,
547 chapter 373, or chapter 161, a permit or other authorization is
548 not required for the following exploratory activities associated
549 with beach restoration and nourishment projects and inlet
550 management activities:

551 1. The collection of geotechnical, geophysical, and

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552 cultural resource data, including surveys, mapping, acoustic
553 soundings, benthic and other biologic sampling, and coring.

554 2. Oceanographic instrument deployment, including temporary
555 installation on the seabed of coastal and oceanographic data
556 collection equipment.

557 3. Incidental excavation associated with any of the
558 activities listed under subparagraph 1. or subparagraph 2.

559 Section 3. This act shall take effect July 1, 2020.