

By Senator Brown-Waite

10-1228A-01

1 A bill to be entitled
2 An act relating to environmental control;
3 amending s. 403.813, F.S.; providing an
4 exemption from permitting requirements for the
5 removal of organic detrital material from
6 certain freshwater rivers or lakes; providing
7 an effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (s) is added to subsection (2) of
12 section 403.813, Florida Statutes, to read:

13 403.813 Permits issued at district centers;
14 exceptions.--

15 (2) No permit under this chapter, chapter 373, chapter
16 61-691, Laws of Florida, or chapter 25214 or chapter 25270,
17 1949, Laws of Florida, shall be required for activities
18 associated with the following types of projects; however,
19 nothing in this subsection relieves an applicant from any
20 requirement to obtain permission to use or occupy lands owned
21 by the Board of Trustees of the Internal Improvement Trust
22 Fund or any water management district in its governmental or
23 proprietary capacity or from complying with applicable local
24 pollution control programs authorized under this chapter or
25 other requirements of county and municipal governments:

26 (s) Notwithstanding any provision to the contrary in
27 this subsection, a permit or other authorization under chapter
28 253, chapter 369, chapter 373, or chapter 403 is not required
29 for the removal of organic detrital material from freshwater
30 rivers or lakes that have a natural sand or rocky substrate
31 and that are not Aquatic Preserves or for the associated

1 removal and replanting of aquatic vegetation for the purpose
2 of environmental enhancement if:
3 1. Removal is conducted only in areas where the
4 organic detrital material is greater than 6 inches in depth.
5 2. No filling or peat mining is allowed.
6 3. No removal of native wetland trees, including but
7 not limited to ash, bay cypress, gum, maple, or tupelo,
8 occurs.
9 4. When removing organic detrital material, no portion
10 of the underlying natural mineral soils or rocky substrate is
11 removed.
12 5. Organic detrital material and plant material
13 removed is deposited in an upland site in a manner that will
14 not cause water-quality violations.
15 6. All activities are conducted in such a manner and
16 with appropriate turbidity controls to prevent any
17 water-quality violations outside the immediate work area.
18 7. Replanting with a variety of aquatic plants native
19 to the state occurs in a minimum of 25 percent of the areas
20 where organic detrital material is removed, except for areas
21 where the material is removed to bare rocky substrate;
22 however, an area may be maintained clear of vegetation as an
23 access corridor. The access corridor width may not exceed 50
24 percent of the property owner's frontage or 50 feet, whichever
25 is less, and may be a sufficient length waterward to create a
26 corridor to allow access for a boat or swimmer to reach open
27 water. Replanting must be at a minimum density of 2 feet on
28 center and be completed within 90 days after removal of
29 existing aquatic vegetation, except that under dewatered
30 conditions replanting must be completed within 90 days after
31 reflooding. The area to be replanted must extend waterward

1 from the ordinary high water line to a point where normal
2 water depth would be 3 feet or the preexisting vegetation
3 line, whichever is less, but the area may not extend beyond a
4 point 5 feet waterward of the ordinary high water line. The
5 required planting density must be maintained after replanting
6 is complete, and the plants, including naturally recruited
7 native aquatic plants, must be allowed to expand and fill in
8 the revegetation area. Native aquatic plants to be used for
9 revegetation must be salvaged from the enhancement project
10 site or obtained from an aquatic plant nursery regulated by
11 the Department of Agriculture and Consumer Services. Plants
12 that are not native to the state may not be used for
13 replanting.

14 8. No activity occurs any farther waterward of the
15 ordinary high water line than 100 feet, and all activities
16 must be designed and conducted in a manner that will not
17 unreasonably restrict or infringe upon the riparian rights of
18 the upland riparian owners.

19 9. The person seeking this exemption notifies the
20 applicable department district office in writing at least 30
21 days before commencing work and allows the department to
22 conduct a preconstruction site inspection. Notice must
23 include an organic-detrital-material removal and disposal plan
24 and, if applicable, a vegetation-removal and revegetation
25 plan.

26 10. The department is provided written certification
27 of compliance with the terms and conditions of this paragraph
28 within 30 days after completion of any activity occurring
29 under this exemption.

30 Section 2. This act shall take effect July 1, 2001.

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SENATE SUMMARY

Provides an exemption from environmental permitting requirements for the removal of organic detrital material from freshwater lakes or rivers that have a natural sand or rocky substrate.