

By the Committee on Natural Resources & Environmental
Protection and Representative Argenziano

1 A bill to be entitled
2 An act relating to environmental control;
3 amending s. 403.813, F.S.; creating an
4 exemption from permitting requirements under
5 ch. 403, F.S., for the removal of invasive
6 plants and the removal of organic detrital
7 material from freshwater lakes and rivers under
8 specified conditions; precluding additional
9 state or local approval requirements for
10 floating vessel platforms within boat slips;
11 amending s. 253.12, F.S.; precluding additional
12 state or local approval requirements for
13 floating vessel platforms within boat slips;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (s) is added to subsection (2) of
19 section 403.813, Florida Statutes, and subsection (4) is added
20 to said section, to read:

21 403.813 Permits issued at district centers;
22 exceptions.--

23 (2) No permit under this chapter, chapter 373, chapter
24 61-691, Laws of Florida, or chapter 25214 or chapter 25270,
25 1949, Laws of Florida, shall be required for activities
26 associated with the following types of projects; however,
27 nothing in this subsection relieves an applicant from any
28 requirement to obtain permission to use or occupy lands owned
29 by the Board of Trustees of the Internal Improvement Trust
30 Fund or any water management district in its governmental or
31 proprietary capacity or from complying with applicable local

1 pollution control programs authorized under this chapter or
2 other requirements of county and municipal governments:
3 (s) Notwithstanding any provision to the contrary in
4 this subsection, no permit or other authorization under
5 chapter 253, chapter 369, chapter 373, or this chapter is
6 required for the removal of organic detrital material from
7 freshwater rivers or lakes that have a natural sand or rocky
8 substrate and that are not aquatic preserves, and the
9 associated removal and replanting of aquatic vegetation for
10 the purpose of environmental enhancement, provided that:
11 1. No filling or peat mining is allowed.
12 2. No removal of native wetland trees, including, but
13 not limited to, ash, bay cypress, gum, maple, and tupelo,
14 shall occur.
15 3. When removing organic detrital material, no portion
16 of the underlying natural mineral soils or rocky substrate may
17 be removed.
18 4. Organic detrital material and plant material
19 removed is deposited in an upland site in a manner that will
20 not cause water quality violations.
21 5. All activities are conducted in such a manner and
22 with appropriate turbidity controls to prevent any water
23 quality violations outside of the immediate work area.
24 6. Replanting with a variety of aquatic plants native
25 to Florida shall occur in a minimum of 25 percent of the areas
26 where organic detrital material is removed except for areas
27 where the material is removed to bare rocky substrate;
28 however, an area may be maintained clear of vegetation as an
29 access corridor. The access corridor width shall not exceed 50
30 percent of the property owner's frontage or 50 feet, whichever
31 is less, and may be a sufficient length waterward to create a

1 corridor to allow access for a boat or swimmer to reach open
2 water. Replanting shall be at a minimum density of 2 feet on
3 center and be completed within 90 days after removal of
4 existing aquatic vegetation, except that under dewatered
5 conditions, replanting must be completed within 90 days after
6 reflooding. The area to be replanted shall extend waterward
7 from the ordinary high water line to a point where normal
8 water depth would be 3 feet or to the preexisting vegetation
9 line, whichever is less, provided such area does not extend
10 beyond a point 5 feet waterward of the ordinary high water
11 line. Individuals are required to make a reasonable effort to
12 maintain planting density for a period of 6 months after
13 replanting is complete and the plants, including naturally
14 recruited native aquatic plants, shall be allowed to expand
15 and fill in the revegetation area. Native aquatic plants to
16 be used for revegetation shall be salvaged from the
17 enhancement project site or obtained from an aquatic plant
18 nursery regulated by the Department of Agriculture and
19 Consumer Services. Plants that are not native to the state of
20 Florida shall not be used for replanting.

21 7. No activity may occur any farther waterward of the
22 ordinary high water line than 100 feet and all activities must
23 be designed and conducted in a manner that will not
24 unreasonably restrict or infringe upon the riparian rights of
25 the upland riparian owners.

26 8. Any person who seeks to use this exemption notifies
27 the applicable department district office in writing at least
28 30 days prior to commencing work and allows the department to
29 conduct a preconstruction site inspection. Notice must
30 include an organic detrital material removal and disposal plan
31

1 and, if applicable, a vegetation removal and revegetation
2 plan.

3 9. The department is provided written certification of
4 compliance with the terms and conditions of subparagraphs
5 1.-8. within 30 days after completion of any activity under
6 this exemption.

7 (4) No state or local approval or authority in
8 addition to that required under chapter 253, chapter 373, or
9 this chapter shall be required for the installation of a
10 floating vessel platform contained entirely within the
11 confines of a boat slip or for a dock with no defined boat
12 slip, that does not exceed 135 percent of the beam or length
13 of the boat it supports, when such boat slip or dock has been
14 either permitted or is exempt pursuant to paragraph (2)(b).

15 Section 2. Subsection (11) is added to section 253.12,
16 Florida Statutes, to read:

17 253.12 Title to tidal lands vested in state.--

18 (11) No state or local approval or authority in
19 addition to that required under this chapter, chapter 373, or
20 chapter 403 shall be required for the installation of a
21 floating vessel platform contained entirely within the
22 confines of a boat slip, or for a dock with no defined boat
23 slip, that does not exceed 135 percent of the beam or length
24 of the boat it supports, when such boat slip or dock has been
25 either authorized or is exempt pursuant to s. 403.813(2)(b).

26 Section 3. This act shall take effect July 1, 2001.
27
28
29
30
31