

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          providing guidelines; providing an effective  
12          date.

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

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

20           403.813 Permits issued at district centers;  
21 exceptions.--

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

1 control programs authorized under this chapter or other  
2 requirements of county and municipal governments:

3 (r) The removal of aquatic plants, the removal of  
4 tussocks, the associated replanting of indigenous aquatic  
5 plants, or the associated removal from lakes of organic  
6 material when such planting or removal is performed and  
7 authorized by permit or exemption granted under s. 369.20 or  
8 s. 369.25, if:

9 1. Organic material that exists on the surface of  
10 natural mineral soil shall be allowed to be removed to a depth  
11 of 3 feet or to the natural mineral soils, whichever is less.

12 2. All organic material removal pursuant to this  
13 subsection shall be deposited in an upland site in a manner  
14 that will prevent the reintroduction of the material into  
15 waters in the state except when spoil material is permitted to  
16 be used to create wildlife islands in freshwater bodies of the  
17 state when a governmental entity is permitted pursuant to this  
18 section to create such islands as a part of a restoration or  
19 enhancement project.

20 3. All activities are performed in a manner consistent  
21 with state water quality standards.

22 4. No activities under this exemption are conducted in  
23 wetland areas, as defined by s. 373.019(22), which are  
24 supported by a natural soil as shown in applicable U.S.  
25 Department of Agriculture county soil surveys, except when a  
26 governmental entity is permitted pursuant to s. 369.20 to  
27 conduct such activities as a part of a restoration or  
28 enhancement project.

29 (s) Notwithstanding any provision to the contrary in  
30 this subsection, no permit or other authorization under  
31 chapter 253, chapter 369, chapter 373, or this chapter is

1 required for the removal of organic detrital material from  
2 freshwater rivers or lakes that have a natural sand or rocky  
3 substrate and that are not aquatic preserves, and the  
4 associated removal and replanting of aquatic vegetation for  
5 the purpose of environmental enhancement, provided that:

6 1. No activities under this exemption are conducted in  
7 wetland areas as defined by s. 373.019(22), that are supported  
8 by a natural soil as shown in applicable U.S. Department of  
9 Agriculture county soil surveys.

10 2. No filling or peat mining is allowed.

11 3. No removal of native wetland trees, including, but  
12 not limited to, ash, bay cypress, gum, maple, and tupelo,  
13 shall occur.

14 4. When removing organic detrital material, no portion  
15 of the underlying natural mineral soils or rocky substrate may  
16 be removed.

17 5. Organic detrital material and plant material  
18 removed is deposited in an upland site in a manner that will  
19 not cause water quality violations.

20 6. All activities are conducted in such a manner and  
21 with appropriate turbidity controls to prevent any water  
22 quality violations outside of the immediate work area.

23 7. Replanting with a variety of aquatic plants native  
24 to Florida shall occur in a minimum of 25 percent of the areas  
25 where organic detrital material is removed except for areas  
26 where the material is removed to bare rocky substrate;  
27 however, an area may be maintained clear of vegetation as an  
28 access corridor. The access corridor width shall not exceed 50  
29 percent of the property owner's frontage or 50 feet, whichever  
30 is less, and may be a sufficient length waterward to create a  
31 corridor to allow access for a boat or swimmer to reach open

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

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

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

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

5           (t) A floating vessel platform or floating boat lift  
6 either of which floats at all times in the water for the sole  
7 purpose of supporting a vessel so that the vessel is out of  
8 the water when not in use, provided that:

9           1. Such structures are wholly contained within a boat  
10 slip previously permitted under ss. 403.91-403.929, 1984  
11 Supplement to the Florida Statutes 1983, as amended, or Part  
12 IV of chapter 373, or, when associated with a dock that is  
13 exempt under this subsection or a permitted dock with no  
14 defined boat slip, such structures do not exceed a combined  
15 total of 500 square feet, or 200 square feet in an Outstanding  
16 Florida Water.

17           2. Such structures shall not be used for any  
18 commercial purpose or for mooring additional vessels that  
19 remain in the water when not in use, and shall not  
20 substantially impede the flow of water, creat a navigational  
21 hazard, or unreasonably infringe upon the traditional, or  
22 common law riparian rights of adjacent property owners, as  
23 defined in s. 253.141;

24           3. Such structures shall be constructed and used so as  
25 to minimize adverse impacts to submerged lands, wetlands,  
26 shellfish areas, aquatic plant and animal species, and other  
27 biological communities; including locating such structures in  
28 areas where no seagrasses exist if such areas are present  
29 adjacent to the dock; and

30           4. Such structures shall not be constructed in areas  
31 specifically prohibited for boat mooring under conditions of a

1 permit issued in accordance with ss. 403.91-403.929, 1984  
2 Supplement to the Florida Statutes 1983, as amended, or Part  
3 IV of Chapter 373, or other form of authorization issued by a  
4 local government.  
5 Structures that qualify for this exemption are relieved from  
6 any requirement to obtain permission to use or occupy lands  
7 owned by the Board of Trustees of the Internal Improvement  
8 Trust Fund and shall not be subject to any more stringent  
9 regulation by any local government. The exemption provided in  
10 this paragraph shall be in addition to the exemption provided  
11 in paragraph (b). By January 1, 2002, the department shall  
12 adopt a general permit by rule for those floating vessel  
13 platforms that do not qualify for the exemptions provided in  
14 this paragraph, but do not cause significant adverse impacts  
15 to occur individually or cumulatively. The issuance of such  
16 general permit shall also constitute permission to use or  
17 occupy lands owned by the Board of Trustees of the Internal  
18 Improvement Trust Fund. Upon the adoption of the rule  
19 creating such general permit, no local government shall impose  
20 a more stringent regulation on floating vessel platforms  
21 covered by such general permit.

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