

By the Committee on Environmental Preservation and Conservation;
and Senators Jones and Bennett

592-06008-08

20081242c1

1 A bill to be entitled

2 An act relating to environmental permitting; requiring the
3 Department of Environmental Protection to conduct a study
4 and implement a plan to provide parity in salaries for
5 permitting staff and submit such plan to the President of
6 the Senate, the Speaker of the House of Representatives,
7 and the Legislative Committee on Intergovernmental
8 Relations; requiring the department to develop a plan to
9 implement the remaining phases of an e-permitting program
10 and submit such plan to the President of the Senate, the
11 Speaker of the House of Representatives, and the
12 Legislative Committee on Intergovernmental Relations;
13 prohibiting local governments from requiring the
14 production of certain written documentation from the
15 Department of Environmental Protection or a water
16 management district showing that a project does not
17 require a particular permit; amending s. 403.061, F.S.;
18 revising the department's powers and duties to include
19 maintaining a list of projects or activities that
20 applicants may consider when developing proposals for
21 certain projects or activities; amending s. 403.813, F.S.;
22 prohibiting a local government from requiring further
23 verification from the department for certain projects that
24 are exempt from permit requirements other than a general
25 permit; revising a provision relating to the replacement
26 or repair of existing docks and piers; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

592-06008-08

20081242c1

30
31 Section 1. The Department of Environmental Protection shall
32 conduct a study to develop a plan that will implement parity in
33 salaries for environmental permitting staff. The department shall
34 phase in the plan over 3 years, beginning with the 2009-2010
35 fiscal year. The plan must include salaries that are comparable
36 to salaries for similar positions within water management
37 districts, local governments, and the marine construction
38 industry. The plan must enable the department to obtain and
39 retain qualified staff who are involved with environmental
40 resource permitting and related wetlands permit programs at the
41 state and district levels. The department shall submit the plan
42 to the President of the Senate, the Speaker of the House of
43 Representatives, and the Legislative Committee on
44 Intergovernmental Relations by November 1, 2008.

45 Section 2. The Department of Environmental Protection shall
46 develop a project management plan that implements the remaining
47 phases of an e-permitting program that allows for timely
48 submittal, processing, and exchange of information relating to
49 permit applications and compliance. The plan must include an
50 implementation timetable, estimated costs, and transaction fees.
51 The department shall submit the plan to the President of the
52 Senate, the Speaker of the House of Representatives, and the
53 Legislative Committee on Intergovernmental Relations by November
54 1, 2008.

55 Section 3. Notwithstanding any other provisions of law to
56 the contrary, a local government may not require the production
57 of written documentation from the Department of Environmental
58 Protection or a water management district showing that a project

592-06008-08

20081242c1

59 does not require a permit pursuant to s. 403.813(2), Florida
60 Statutes.

61 Section 4. Present subsection (40) of section 403.061,
62 Florida Statutes, is redesignated as subsection (41), and a new
63 subsection (40) is added to that section to read:

64 403.061 Department; powers and duties.--The department
65 shall have the power and the duty to control and prohibit
66 pollution of air and water in accordance with the law and rules
67 adopted and promulgated by it, for this purpose to:

68 (40) Maintain a list of projects or activities that
69 applicants may consider when developing proposals to meet the
70 requirements of chapter 253, chapter 373, or this chapter. The
71 contents of such a list are not a rule as defined in s.
72 120.52(15), and listing a specific project or activity does not
73 imply approval by the department for such project or activity.
74 Each county government shall develop an inventory of projects or
75 activities for inclusion on the list by obtaining input from
76 local stakeholder groups in the public, private, and nonprofit
77 sectors, including local governments, port authorities, marine
78 contractors, other representatives of the marine construction
79 industry, environmental or conservation organizations, and other
80 interested parties.

81
82 The department shall implement such programs in conjunction with
83 its other powers and duties and shall place special emphasis on
84 reducing and eliminating contamination that presents a threat to
85 humans, animals or plants, or to the environment.

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

592-06008-08

20081242c1

88 403.813 Permits issued at district centers; exceptions.--

89 (2) A permit is not required under this chapter, chapter
90 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter
91 25270, 1949, Laws of Florida, and a local government may not
92 require further verification from the department for activities
93 associated with the following types of projects; however, except
94 as otherwise provided in this subsection, ~~nothing in~~ this
95 subsection does not relieve ~~relieves~~ an applicant from any
96 requirement to obtain permission to use or occupy lands owned by
97 the Board of Trustees of the Internal Improvement Trust Fund or
98 any water management district in its governmental or proprietary
99 capacity or from complying with applicable local pollution
100 control programs authorized under this chapter or other
101 requirements of county and municipal governments:

102 (a) The installation of overhead transmission lines, with
103 support structures which are not constructed in waters of the
104 state and which do not create a navigational hazard.

105 (b) The installation and repair of mooring pilings and
106 dolphins associated with private docking facilities or piers and
107 the installation of private docks, piers and recreational docking
108 facilities, or piers and recreational docking facilities of local
109 governmental entities when the local governmental entity's
110 activities will not take place in any manatee habitat, any of
111 which docks:

112 1. Has 500 square feet or less of over-water surface area
113 for a dock which is located in an area designated as Outstanding
114 Florida Waters or 1,000 square feet or less of over-water surface
115 area for a dock which is located in an area which is not
116 designated as Outstanding Florida Waters;

592-06008-08

20081242c1

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

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

122 4. Is used for recreational, noncommercial activities
123 associated with the mooring or storage of boats and boat
124 paraphernalia; and

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

130
131 Nothing in this paragraph shall prohibit the department from
132 taking appropriate enforcement action pursuant to this chapter to
133 abate or prohibit any activity otherwise exempt from permitting
134 pursuant to this paragraph if the department can demonstrate that
135 the exempted activity has caused water pollution in violation of
136 this chapter.

137 (c) The installation and maintenance to design
138 specifications of boat ramps on artificial bodies of water where
139 navigational access to the proposed ramp exists or the
140 installation of boat ramps open to the public in any waters of
141 the state where navigational access to the proposed ramp exists
142 and where the construction of the proposed ramp will be less than
143 30 feet wide and will involve the removal of less than 25 cubic
144 yards of material from the waters of the state, and the
145 maintenance to design specifications of such ramps; however, the

592-06008-08

20081242c1

146 material to be removed shall be placed upon a self-contained
147 upland site so as to prevent the escape of the spoil material
148 into the waters of the state.

149 (d) The replacement or repair of existing docks and piers,
150 except that no fill material is to be used and provided that the
151 replacement or repaired dock or pier is in approximately the same
152 location and no larger in size and in substantially the same
153 configuration and dimensions as the existing dock or pier being
154 replaced or repaired.

155 (e) The restoration of seawalls at their previous locations
156 or upland of, or within 1 foot waterward of, their previous
157 locations. However, this shall not affect the permitting
158 requirements of chapter 161, and department rules shall clearly
159 indicate that this exception does not constitute an exception
160 from the permitting requirements of chapter 161.

161 (f) The performance of maintenance dredging of existing
162 manmade canals, channels, intake and discharge structures, and
163 previously dredged portions of natural water bodies within
164 drainage rights-of-way or drainage easements which have been
165 recorded in the public records of the county, where the spoil
166 material is to be removed and deposited on a self-contained,
167 upland spoil site which will prevent the escape of the spoil
168 material into the waters of the state, provided that no more
169 dredging is to be performed than is necessary to restore the
170 canals, channels, and intake and discharge structures, and
171 previously dredged portions of natural water bodies, to original
172 design specifications or configurations, provided that the work
173 is conducted in compliance with s. 370.12(2)(d), provided that no
174 significant impacts occur to previously undisturbed natural

592-06008-08

20081242c1

175 areas, and provided that control devices for return flow and best
176 management practices for erosion and sediment control are
177 utilized to prevent bank erosion and scouring and to prevent
178 turbidity, dredged material, and toxic or deleterious substances
179 from discharging into adjacent waters during maintenance
180 dredging. Further, for maintenance dredging of previously dredged
181 portions of natural water bodies within recorded drainage rights-
182 of-way or drainage easements, an entity that seeks an exemption
183 must notify the department or water management district, as
184 applicable, at least 30 days prior to dredging and provide
185 documentation of original design specifications or configurations
186 where such exist. This exemption applies to all canals and
187 previously dredged portions of natural water bodies within
188 recorded drainage rights-of-way or drainage easements constructed
189 prior to April 3, 1970, and to those canals and previously
190 dredged portions of natural water bodies constructed on or after
191 April 3, 1970, pursuant to all necessary state permits. This
192 exemption does not apply to the removal of a natural or manmade
193 barrier separating a canal or canal system from adjacent waters.
194 When no previous permit has been issued by the Board of Trustees
195 of the Internal Improvement Trust Fund or the United States Army
196 Corps of Engineers for construction or maintenance dredging of
197 the existing manmade canal or intake or discharge structure, such
198 maintenance dredging shall be limited to a depth of no more than
199 5 feet below mean low water. The Board of Trustees of the
200 Internal Improvement Trust Fund may fix and recover from the
201 permittee an amount equal to the difference between the fair
202 market value and the actual cost of the maintenance dredging for
203 material removed during such maintenance dredging. However, no

592-06008-08

20081242c1

204 charge shall be exacted by the state for material removed during
205 such maintenance dredging by a public port authority. The
206 removing party may subsequently sell such material; however,
207 proceeds from such sale that exceed the costs of maintenance
208 dredging shall be remitted to the state and deposited in the
209 Internal Improvement Trust Fund.

210 (g) The maintenance of existing insect control structures,
211 dikes, and irrigation and drainage ditches, provided that spoil
212 material is deposited on a self-contained, upland spoil site
213 which will prevent the escape of the spoil material into waters
214 of the state. In the case of insect control structures, if the
215 cost of using a self-contained upland spoil site is so excessive,
216 as determined by the Department of Health, pursuant to s.
217 403.088(1), that it will inhibit proposed insect control, then-
218 existing spoil sites or dikes may be used, upon notification to
219 the department. In the case of insect control where upland spoil
220 sites are not used pursuant to this exemption, turbidity control
221 devices shall be used to confine the spoil material discharge to
222 that area previously disturbed when the receiving body of water
223 is used as a potable water supply, is designated as shellfish
224 harvesting waters, or functions as a habitat for commercially or
225 recreationally important shellfish or finfish. In all cases, no
226 more dredging is to be performed than is necessary to restore the
227 dike or irrigation or drainage ditch to its original design
228 specifications.

229 (h) The repair or replacement of existing functional pipes
230 or culverts the purpose of which is the discharge or conveyance
231 of stormwater. In all cases, the invert elevation, the diameter,

592-06008-08

20081242c1

232 and the length of the culvert shall not be changed. However, the
233 material used for the culvert may be different from the original.

234 (i) The construction of private docks of 1,000 square feet
235 or less of over-water surface area and seawalls in artificially
236 created waterways where such construction will not violate
237 existing water quality standards, impede navigation, or affect
238 flood control. This exemption does not apply to the construction
239 of vertical seawalls in estuaries or lagoons unless the proposed
240 construction is within an existing manmade canal where the
241 shoreline is currently occupied in whole or part by vertical
242 seawalls.

243 (j) The construction and maintenance of swales.

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

247 (l) The replacement or repair of existing open-trestle foot
248 bridges and vehicular bridges that are 100 feet or less in length
249 and two lanes or less in width, provided that no more dredging or
250 filling of submerged lands is performed other than that which is
251 necessary to replace or repair pilings and that the structure to
252 be replaced or repaired is the same length, the same
253 configuration, and in the same location as the original bridge.
254 No debris from the original bridge shall be allowed to remain in
255 the waters of the state.

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

592-06008-08

20081242c1

260 (n) The replacement or repair of subaqueous transmission
261 and distribution lines laid on, or embedded in, the bottoms of
262 waters of the state.

263 (o) The construction of private seawalls in wetlands or
264 other surface waters where such construction is between and
265 adjoins at both ends existing seawalls; follows a continuous and
266 uniform seawall construction line with the existing seawalls; is
267 no more than 150 feet in length; and does not violate existing
268 water quality standards, impede navigation, or affect flood
269 control. However, in estuaries and lagoons the construction of
270 vertical seawalls is limited to the circumstances and purposes
271 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
272 the permitting requirements of chapter 161, and department rules
273 must clearly indicate that this exception does not constitute an
274 exception from the permitting requirements of chapter 161.

275 (p) The restoration of existing insect control impoundment
276 dikes which are less than 100 feet in length. Such impoundments
277 shall be connected to tidally influenced waters for 6 months each
278 year beginning September 1 and ending February 28 if feasible or
279 operated in accordance with an impoundment management plan
280 approved by the department. A dike restoration may involve no
281 more dredging than is necessary to restore the dike to its
282 original design specifications. For the purposes of this
283 paragraph, restoration does not include maintenance of
284 impoundment dikes of operating insect control impoundments.

285 (q) The construction, operation, or maintenance of
286 stormwater management facilities which are designed to serve
287 single-family residential projects, including duplexes,
288 triplexes, and quadruplexes, if they are less than 10 acres total

592-06008-08

20081242c1

289 | land and have less than 2 acres of impervious surface and if the
290 | facilities:

291 | 1. Comply with all regulations or ordinances applicable to
292 | stormwater management and adopted by a city or county;

293 | 2. Are not part of a larger common plan of development or
294 | sale; and

295 | 3. Discharge into a stormwater discharge facility exempted
296 | or permitted by the department under this chapter which has
297 | sufficient capacity and treatment capability as specified in this
298 | chapter and is owned, maintained, or operated by a city, county,
299 | special district with drainage responsibility, or water
300 | management district; however, this exemption does not authorize
301 | discharge to a facility without the facility owner's prior
302 | written consent.

303 | (r) The removal of aquatic plants, the removal of tussocks,
304 | the associated replanting of indigenous aquatic plants, and the
305 | associated removal from lakes of organic detrital material when
306 | such planting or removal is performed and authorized by permit or
307 | exemption granted under s. 369.20 or s. 369.25, provided that:

308 | 1. Organic detrital material that exists on the surface of
309 | natural mineral substrate shall be allowed to be removed to a
310 | depth of 3 feet or to the natural mineral substrate, whichever is
311 | less;

312 | 2. All material removed pursuant to this paragraph shall be
313 | deposited in an upland site in a manner that will prevent the
314 | reintroduction of the material into waters in the state except
315 | when spoil material is permitted to be used to create wildlife
316 | islands in freshwater bodies of the state when a governmental

592-06008-08

20081242c1

317 entity is permitted pursuant to s. 369.20 to create such islands
318 as a part of a restoration or enhancement project;

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

321 4. No activities under this exemption are conducted in
322 wetland areas, as defined by s. 373.019(25), which are supported
323 by a natural soil as shown in applicable United States Department
324 of Agriculture county soil surveys, except when a governmental
325 entity is permitted pursuant to s. 369.20 to conduct such
326 activities as a part of a restoration or enhancement project.

327

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

330 (s) The construction, installation, operation, or
331 maintenance of floating vessel platforms or floating boat lifts,
332 provided that such structures:

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

336 2. Are wholly contained within a boat slip previously
337 permitted under ss. 403.91-403.929, 1984 Supplement to the
338 Florida Statutes 1983, as amended, or part IV of chapter 373, or
339 do not exceed a combined total of 500 square feet, or 200 square
340 feet in an Outstanding Florida Water, when associated with a dock
341 that is exempt under this subsection or associated with a
342 permitted dock with no defined boat slip or attached to a
343 bulkhead on a parcel of land where there is no other docking
344 structure;

592-06008-08

20081242c1

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

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

355 5. Are not constructed in areas specifically prohibited for
356 boat mooring under conditions of a permit issued in accordance
357 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
358 1983, as amended, or part IV of chapter 373, or other form of
359 authorization issued by a local government.

360
361 Structures that qualify for this exemption are relieved from any
362 requirement to obtain permission to use or occupy lands owned by
363 the Board of Trustees of the Internal Improvement Trust Fund and,
364 with the exception of those structures attached to a bulkhead on
365 a parcel of land where there is no docking structure, shall not
366 be subject to any more stringent permitting requirements,
367 registration requirements, or other regulation by any local
368 government. Local governments may require either permitting or
369 one-time registration of floating vessel platforms to be attached
370 to a bulkhead on a parcel of land where there is no other docking
371 structure as necessary to ensure compliance with local
372 ordinances, codes, or regulations. Local governments may require
373 either permitting or one-time registration of all other floating

592-06008-08

20081242c1

374 vessel platforms as necessary to ensure compliance with the
375 exemption criteria in this section; to ensure compliance with
376 local ordinances, codes, or regulations relating to building or
377 zoning, which are no more stringent than the exemption criteria
378 in this section or address subjects other than subjects addressed
379 by the exemption criteria in this section; and to ensure proper
380 installation, maintenance, and precautionary or evacuation action
381 following a tropical storm or hurricane watch of a floating
382 vessel platform or floating boat lift that is proposed to be
383 attached to a bulkhead or parcel of land where there is no other
384 docking structure. The exemption provided in this paragraph shall
385 be in addition to the exemption provided in paragraph (b). The
386 department shall adopt a general permit by rule for the
387 construction, installation, operation, or maintenance of those
388 floating vessel platforms or floating boat lifts that do not
389 qualify for the exemption provided in this paragraph but do not
390 cause significant adverse impacts to occur individually or
391 cumulatively. The issuance of such general permit shall also
392 constitute permission to use or occupy lands owned by the Board
393 of Trustees of the Internal Improvement Trust Fund. No local
394 government shall impose a more stringent regulation, permitting
395 requirement, registration requirement, or other regulation
396 covered by such general permit. Local governments may require
397 either permitting or one-time registration of floating vessel
398 platforms as necessary to ensure compliance with the general
399 permit in this section; to ensure compliance with local
400 ordinances, codes, or regulations relating to building or zoning
401 that are no more stringent than the general permit in this
402 section; and to ensure proper installation and maintenance of a

592-06008-08

20081242c1

403 floating vessel platform or floating boat lift that is proposed
404 to be attached to a bulkhead or parcel of land where there is no
405 other docking structure.

406 (t) The repair, stabilization, or paving of existing county
407 maintained roads and the repair or replacement of bridges that
408 are part of the roadway, within the Northwest Florida Water
409 Management District and the Suwannee River Water Management
410 District, provided:

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

414 2. The construction activity does not realign the road or
415 expand the number of existing traffic lanes of the existing road;
416 however, the work may include the provision of safety shoulders,
417 clearance of vegetation, and other work reasonably necessary to
418 repair, stabilize, pave, or repave the road, provided that the
419 work is constructed by generally accepted engineering standards;

420 3. The construction activity does not expand the existing
421 width of an existing vehicular bridge in excess of that
422 reasonably necessary to properly connect the bridge with the road
423 being repaired, stabilized, paved, or repaved to safely
424 accommodate the traffic expected on the road, which may include
425 expanding the width of the bridge to match the existing connected
426 road. However, no debris from the original bridge shall be
427 allowed to remain in waters of the state, including wetlands;

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

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

592-06008-08

20081242c1

432 6. No more dredging or filling of wetlands or water of the
433 state is performed than that which is reasonably necessary to
434 repair, stabilize, pave, or repave the road or to repair or
435 replace the bridge, in accordance with generally accepted
436 engineering standards; and

437 7. Notice of intent to use the exemption is provided to the
438 department, if the work is to be performed within the Northwest
439 Florida Water Management District, or to the Suwannee River Water
440 Management District, if the work is to be performed within the
441 Suwannee River Water Management District, 30 days prior to
442 performing any work under the exemption.

443
444 Within 30 days after this act becomes a law, the department shall
445 initiate rulemaking to adopt a no fee general permit for the
446 repair, stabilization, or paving of existing roads that are
447 maintained by the county and the repair or replacement of bridges
448 that are part of the roadway where such activities do not cause
449 significant adverse impacts to occur individually or
450 cumulatively. The general permit shall apply statewide and, with
451 no additional rulemaking required, apply to qualified projects
452 reviewed by the Suwannee River Water Management District, the St.
453 Johns River Water Management District, the Southwest Florida
454 Water Management District, and the South Florida Water Management
455 District under the division of responsibilities contained in the
456 operating agreements applicable to part IV of chapter 373. Upon
457 adoption, this general permit shall, pursuant to the provisions
458 of subsection (3), supersede and replace the exemption in this
459 paragraph.

592-06008-08

20081242c1

460 (u) Notwithstanding any provision to the contrary in this
461 subsection, a permit or other authorization under chapter 253,
462 chapter 369, chapter 373, or this chapter is not required for an
463 individual residential property owner for the removal of organic
464 detrital material from freshwater rivers or lakes that have a
465 natural sand or rocky substrate and that are not Aquatic
466 Preserves or for the associated removal and replanting of aquatic
467 vegetation for the purpose of environmental enhancement,
468 providing that:

469 1. No activities under this exemption are conducted in
470 wetland areas, as defined by s. 373.019(25), which are supported
471 by a natural soil as shown in applicable United States Department
472 of Agriculture county soil surveys.

473 2. No filling or peat mining is allowed.

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

476 4. When removing organic detrital material, no portion of
477 the underlying natural mineral substrate or rocky substrate is
478 removed.

479 5. Organic detrital material and plant material removed is
480 deposited in an upland site in a manner that will not cause water
481 quality violations.

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

485 7. Replanting with a variety of aquatic plants native to
486 the state shall occur in a minimum of 25 percent of the
487 preexisting vegetated areas where organic detrital material is
488 removed, except for areas where the material is removed to bare

592-06008-08

20081242c1

489 rocky substrate; however, an area may be maintained clear of
490 vegetation as an access corridor. The access corridor width may
491 not exceed 50 percent of the property owner's frontage or 50
492 feet, whichever is less, and may be a sufficient length waterward
493 to create a corridor to allow access for a boat or swimmer to
494 reach open water. Replanting must be at a minimum density of 2
495 feet on center and be completed within 90 days after removal of
496 existing aquatic vegetation, except that under dewatered
497 conditions replanting must be completed within 90 days after
498 reflooding. The area to be replanted must extend waterward from
499 the ordinary high water line to a point where normal water depth
500 would be 3 feet or the preexisting vegetation line, whichever is
501 less. Individuals are required to make a reasonable effort to
502 maintain planting density for a period of 6 months after
503 replanting is complete, and the plants, including naturally
504 recruited native aquatic plants, must be allowed to expand and
505 fill in the revegetation area. Native aquatic plants to be used
506 for revegetation must be salvaged from the enhancement project
507 site or obtained from an aquatic plant nursery regulated by the
508 Department of Agriculture and Consumer Services. Plants that are
509 not native to the state may not be used for replanting.

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

515 9. The person seeking this exemption notifies the
516 applicable department district office in writing at least 30 days
517 before commencing work and allows the department to conduct a

592-06008-08

20081242c1

518 | preconstruction site inspection. Notice must include an organic-
519 | detrital-material removal and disposal plan and, if applicable, a
520 | vegetation-removal and revegetation plan.

521 | 10. The department is provided written certification of
522 | compliance with the terms and conditions of this paragraph within
523 | 30 days after completion of any activity occurring under this
524 | exemption.

525 | (3) The provisions of subsection (2) are superseded by
526 | general permits established pursuant to ss. 373.118 and 403.814
527 | which include the same activities. Until such time as general
528 | permits are established, or if should general permits are be
529 | suspended or repealed, the exemptions under subsection (2) shall
530 | remain or shall be reestablished in full force and effect.

531 | Section 6. This act shall take effect upon becoming a law.