

By the Committees on Community Affairs; Environmental Preservation and Conservation; and Senators Jones and Bennett

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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; authorizing local
27 governments to require permitting or a one-time
28 registration for the construction of certain private
29 docks; providing an effective date.

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30
31 Be It Enacted by the Legislature of the State of Florida:
32

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

47 Section 2. The Department of Environmental Protection shall
48 develop a project management plan that implements the remaining
49 phases of an e-permitting program that allows for timely
50 submittal, processing, and exchange of information relating to
51 permit applications and compliance. The plan must include an
52 implementation timetable, estimated costs, and transaction fees.
53 The department shall submit the plan to the President of the
54 Senate, the Speaker of the House of Representatives, and the
55 Legislative Committee on Intergovernmental Relations by November
56 1, 2008.

57 Section 3. Notwithstanding any other provisions of law to
58 the contrary, a local government may not require the production

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59 of written documentation from the Department of Environmental
60 Protection or a water management district showing that a project
61 does not require a permit pursuant to s. 403.813(2), Florida
62 Statutes.

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

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

70 (40) Maintain a prioritized list of projects or activities
71 that applicants may consider when developing proposals to meet
72 the mitigation or public interest requirements of chapter 253,
73 chapter 373, or this chapter. The contents of such a list are not
74 a rule as defined in chapter 120, and listing a specific project
75 or activity does not imply approval by the department for such
76 project or activity. Each county government is encouraged to
77 develop a prioritized inventory of projects or activities for
78 inclusion on the list by obtaining input from local stakeholders
79 in the public, private, and nonprofit sectors, including local
80 governments, port authorities, marine contractors, other
81 representatives of the marine construction industry,
82 environmental or conservation organizations, and other interested
83 parties. Counties may establish dedicated funds depositing public
84 interest donations into a reserve for future public interest
85 projects, including improvements to on-water law enforcement
86 activities.

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88 The department shall implement such programs in conjunction with
89 its other powers and duties and shall place special emphasis on
90 reducing and eliminating contamination that presents a threat to
91 humans, animals or plants, or to the environment.

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

94 403.813 Permits issued at district centers; exceptions.--

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

108 (a) The installation of overhead transmission lines, with
109 support structures which are not constructed in waters of the
110 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 docking
114 facilities, or piers and recreational docking facilities of local
115 governmental entities when the local governmental entity's

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116 activities will not take place in any manatee habitat, any of
117 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 surface
121 area for a dock which is located in an area which is not
122 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. 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, unless
133 the parcel of land or individual lot as platted is less than 65
134 feet in length along the shoreline, in which case there may be
135 one exempt dock allowed per parcel or lot.

136

137 Nothing in this paragraph shall prohibit the department from
138 taking appropriate enforcement action pursuant to this chapter to
139 abate or prohibit any activity otherwise exempt from permitting
140 pursuant to this paragraph if the department can demonstrate that
141 the exempted activity has caused water pollution in violation of
142 this chapter.

143 (c) The installation and maintenance to design
144 specifications of boat ramps on artificial bodies of water where

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145 | navigational access to the proposed ramp exists or the
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 than
149 | 30 feet wide and will involve the removal of less than 25 cubic
150 | yards of material from the waters of the state, and the
151 | maintenance to design specifications of such ramps; however, the
152 | material to be removed shall be placed upon a self-contained
153 | upland site so as to prevent the escape of the spoil material
154 | into the waters of the state.

155 | (d) The replacement or repair of existing docks and piers,
156 | except that no fill material is to be used and provided that the
157 | replacement or repaired dock or pier is in approximately the same
158 | location and no larger in size and in substantially the same
159 | configuration and dimensions as the existing dock or pier ~~being~~
160 | ~~replaced or repaired~~.

161 | (e) The restoration of seawalls at their previous locations
162 | or upland of, or within 1 foot waterward of, their previous
163 | locations. However, this shall not affect the permitting
164 | requirements of chapter 161, and department rules shall clearly
165 | indicate that this exception does not constitute an exception
166 | from the permitting requirements of chapter 161.

167 | (f) The performance of maintenance dredging of existing
168 | manmade canals, channels, intake and discharge structures, and
169 | previously dredged portions of natural water bodies within
170 | drainage rights-of-way or drainage easements which have been
171 | recorded in the public records of the county, where the spoil
172 | material is to be removed and deposited on a self-contained,
173 | upland spoil site which will prevent the escape of the spoil

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174 material into the waters of the state, provided that no more
175 dredging is to be performed than is necessary to restore the
176 canals, channels, and intake and discharge structures, and
177 previously dredged portions of natural water bodies, to original
178 design specifications or configurations, provided that the work
179 is conducted in compliance with s. 370.12(2)(d), provided that no
180 significant impacts occur to previously undisturbed natural
181 areas, and provided that control devices for return flow and best
182 management practices for erosion and sediment control are
183 utilized to prevent bank erosion and scouring and to prevent
184 turbidity, dredged material, and toxic or deleterious substances
185 from discharging into adjacent waters during maintenance
186 dredging. Further, for maintenance dredging of previously dredged
187 portions of natural water bodies within recorded drainage rights-
188 of-way or drainage easements, an entity that seeks an exemption
189 must notify the department or water management district, as
190 applicable, at least 30 days prior to dredging and provide
191 documentation of original design specifications or configurations
192 where such exist. This exemption applies to all canals and
193 previously dredged portions of natural water bodies within
194 recorded drainage rights-of-way or drainage easements constructed
195 prior to April 3, 1970, and to those canals and previously
196 dredged portions of natural water bodies constructed on or after
197 April 3, 1970, pursuant to all necessary state permits. This
198 exemption does not apply to the removal of a natural or manmade
199 barrier separating a canal or canal system from adjacent waters.
200 When no previous permit has been issued by the Board of Trustees
201 of the Internal Improvement Trust Fund or the United States Army
202 Corps of Engineers for construction or maintenance dredging of

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203 the existing manmade canal or intake or discharge structure, such
204 maintenance dredging shall be limited to a depth of no more than
205 5 feet below mean low water. The Board of Trustees of the
206 Internal Improvement Trust Fund may fix and recover from the
207 permittee an amount equal to the difference between the fair
208 market value and the actual cost of the maintenance dredging for
209 material removed during such maintenance dredging. However, no
210 charge shall be exacted by the state for material removed during
211 such maintenance dredging by a public port authority. The
212 removing party may subsequently sell such material; however,
213 proceeds from such sale that exceed the costs of maintenance
214 dredging shall be remitted to the state and deposited in the
215 Internal Improvement Trust Fund.

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

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232 | more dredging is to be performed than is necessary to restore the
233 | dike or irrigation or drainage ditch to its original design
234 | specifications.

235 | (h) The repair or replacement of existing functional pipes
236 | or culverts the purpose of which is the discharge or conveyance
237 | of stormwater. In all cases, the invert elevation, the diameter,
238 | and the length of the culvert shall not be changed. However, the
239 | material used for the culvert may be different from the original.

240 | (i) The construction of private docks of 1,000 square feet
241 | or less of over-water surface area and seawalls in artificially
242 | created waterways where such construction will not violate
243 | existing water quality standards, impede navigation, or affect
244 | flood control. A local government may require permitting or a
245 | one-time registration in order to ensure compliance with local
246 | ordinances, codes, or regulations relating to building or zoning.

247 | This exemption does not apply to the construction of vertical
248 | seawalls in estuaries or lagoons unless the proposed construction
249 | is within an existing manmade canal where the shoreline is
250 | currently occupied in whole or part by vertical seawalls.

251 | (j) The construction and maintenance of swales.

252 | (k) The installation of aids to navigation and buoys
253 | associated with such aids, provided the devices are marked
254 | pursuant to s. 327.40.

255 | (l) The replacement or repair of existing open-trestle foot
256 | bridges and vehicular bridges that are 100 feet or less in length
257 | and two lanes or less in width, provided that no more dredging or
258 | filling of submerged lands is performed other than that which is
259 | necessary to replace or repair pilings and that the structure to
260 | be replaced or repaired is the same length, the same

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261 configuration, and in the same location as the original bridge.
262 No debris from the original bridge shall be allowed to remain in
263 the waters of the state.

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

268 (n) The replacement or repair of subaqueous transmission
269 and distribution lines laid on, or embedded in, the bottoms of
270 waters of the state.

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

283 (p) The restoration of existing insect control impoundment
284 dikes which are less than 100 feet in length. Such impoundments
285 shall be connected to tidally influenced waters for 6 months each
286 year beginning September 1 and ending February 28 if feasible or
287 operated in accordance with an impoundment management plan
288 approved by the department. A dike restoration may involve no
289 more dredging than is necessary to restore the dike to its

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290 original design specifications. For the purposes of this
291 paragraph, restoration does not include maintenance of
292 impoundment dikes of operating insect control impoundments.

293 (q) The construction, operation, or maintenance of
294 stormwater management facilities which are designed to serve
295 single-family residential projects, including duplexes,
296 triplexes, and quadruplexes, if they are less than 10 acres total
297 land and have less than 2 acres of impervious surface and if the
298 facilities:

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

301 2. Are not part of a larger common plan of development or
302 sale; and

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

311 (r) The removal of aquatic plants, the removal of tussocks,
312 the associated replanting of indigenous aquatic plants, and the
313 associated removal from lakes of organic detrital material when
314 such planting or removal is performed and authorized by permit or
315 exemption granted under s. 369.20 or s. 369.25, provided that:

316 1. Organic detrital material that exists on the surface of
317 natural mineral substrate shall be allowed to be removed to a

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318 depth of 3 feet or to the natural mineral substrate, whichever is
319 less;

320 2. All material removed pursuant to this paragraph shall be
321 deposited in an upland site in a manner that will prevent the
322 reintroduction of the material into waters in the state except
323 when spoil material is permitted to be used to create wildlife
324 islands in freshwater bodies of the state when a governmental
325 entity is permitted pursuant to s. 369.20 to create such islands
326 as a part of a restoration or enhancement project;

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

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

335
336 The department may not adopt implementing rules for this
337 paragraph, notwithstanding any other provision of law.

338 (s) The construction, installation, operation, or
339 maintenance of floating vessel platforms or floating boat lifts,
340 provided that such structures:

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

344 2. Are wholly contained within a boat slip previously
345 permitted under ss. 403.91-403.929, 1984 Supplement to the
346 Florida Statutes 1983, as amended, or part IV of chapter 373, or

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347 do not exceed a combined total of 500 square feet, or 200 square
348 feet in an Outstanding Florida Water, when associated with a dock
349 that is exempt under this subsection or associated with a
350 permitted dock with no defined boat slip or attached to a
351 bulkhead on a parcel of land where there is no other docking
352 structure;

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

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

363 5. Are not constructed in areas specifically prohibited for
364 boat mooring under conditions of a permit issued in accordance
365 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
366 1983, as amended, or part IV of chapter 373, or other form of
367 authorization issued by a local government.

368
369 Structures that qualify for this exemption are relieved from any
370 requirement to obtain permission to use or occupy lands owned by
371 the Board of Trustees of the Internal Improvement Trust Fund and,
372 with the exception of those structures attached to a bulkhead on
373 a parcel of land where there is no docking structure, shall not
374 be subject to any more stringent permitting requirements,
375 registration requirements, or other regulation by any local

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

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405 either permitting or one-time registration of floating vessel
406 platforms as necessary to ensure compliance with the general
407 permit in this section; to ensure compliance with local
408 ordinances, codes, or regulations relating to building or zoning
409 that are no more stringent than the general permit in this
410 section; and to ensure proper installation and maintenance of a
411 floating vessel platform or floating boat lift that is proposed
412 to be attached to a bulkhead or parcel of land where there is no
413 other docking structure.

414 (t) The repair, stabilization, or paving of existing county
415 maintained roads and the repair or replacement of bridges that
416 are part of the roadway, within the Northwest Florida Water
417 Management District and the Suwannee River Water Management
418 District, provided:

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

422 2. The construction activity does not realign the road or
423 expand the number of existing traffic lanes of the existing road;
424 however, the work may include the provision of safety shoulders,
425 clearance of vegetation, and other work reasonably necessary to
426 repair, stabilize, pave, or repave the road, provided that the
427 work is constructed by generally accepted engineering standards;

428 3. The construction activity does not expand the existing
429 width of an existing vehicular bridge in excess of that
430 reasonably necessary to properly connect the bridge with the road
431 being repaired, stabilized, paved, or repaved to safely
432 accommodate the traffic expected on the road, which may include
433 expanding the width of the bridge to match the existing connected

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434 road. However, no debris from the original bridge shall be
435 allowed to remain in waters of the state, including wetlands;

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

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

440 6. No more dredging or filling of wetlands or water of the
441 state is performed than that which is reasonably necessary to
442 repair, stabilize, pave, or repave the road or to repair or
443 replace the bridge, in accordance with generally accepted
444 engineering standards; and

445 7. Notice of intent to use the exemption is provided to the
446 department, if the work is to be performed within the Northwest
447 Florida Water Management District, or to the Suwannee River Water
448 Management District, if the work is to be performed within the
449 Suwannee River Water Management District, 30 days prior to
450 performing any work under the exemption.

451
452 Within 30 days after this act becomes a law, the department shall
453 initiate rulemaking to adopt a no fee general permit for the
454 repair, stabilization, or paving of existing roads that are
455 maintained by the county and the repair or replacement of bridges
456 that are part of the roadway where such activities do not cause
457 significant adverse impacts to occur individually or
458 cumulatively. The general permit shall apply statewide and, with
459 no additional rulemaking required, apply to qualified projects
460 reviewed by the Suwannee River Water Management District, the St.
461 Johns River Water Management District, the Southwest Florida
462 Water Management District, and the South Florida Water Management

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463 District under the division of responsibilities contained in the
464 operating agreements applicable to part IV of chapter 373. Upon
465 adoption, this general permit shall, pursuant to the provisions
466 of subsection (3), supersede and replace the exemption in this
467 paragraph.

468 (u) Notwithstanding any provision to the contrary in this
469 subsection, a permit or other authorization under chapter 253,
470 chapter 369, chapter 373, or this chapter is not required for an
471 individual residential property owner for the removal of organic
472 detrital material from freshwater rivers or lakes that have a
473 natural sand or rocky substrate and that are not Aquatic
474 Preserves or for the associated removal and replanting of aquatic
475 vegetation for the purpose of environmental enhancement,
476 providing that:

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

481 2. No filling or peat mining is allowed.

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

484 4. When removing organic detrital material, no portion of
485 the underlying natural mineral substrate or rocky substrate is
486 removed.

487 5. Organic detrital material and plant material removed is
488 deposited in an upland site in a manner that will not cause water
489 quality violations.

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

493 7. Replanting with a variety of aquatic plants native to
494 the state shall occur in a minimum of 25 percent of the
495 preexisting vegetated areas where organic detrital material is
496 removed, except for areas where the material is removed to bare
497 rocky substrate; however, an area may be maintained clear of
498 vegetation as an access corridor. The access corridor width may
499 not exceed 50 percent of the property owner's frontage or 50
500 feet, whichever is less, and may be a sufficient length waterward
501 to create a corridor to allow access for a boat or swimmer to
502 reach open water. Replanting must be at a minimum density of 2
503 feet on center and be completed within 90 days after removal of
504 existing aquatic vegetation, except that under dewatered
505 conditions replanting must be completed within 90 days after
506 reflooding. The area to be replanted must extend waterward from
507 the ordinary high water line to a point where normal water depth
508 would be 3 feet or the preexisting vegetation line, whichever is
509 less. Individuals are required to make a reasonable effort to
510 maintain planting density for a period of 6 months after
511 replanting is complete, and the plants, including naturally
512 recruited native aquatic plants, must be allowed to expand and
513 fill in the revegetation area. Native aquatic plants to be used
514 for revegetation must be salvaged from the enhancement project
515 site or obtained from an aquatic plant nursery regulated by the
516 Department of Agriculture and Consumer Services. Plants that are
517 not native to the state may not be used for replanting.

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

523 9. The person seeking this exemption notifies the
524 applicable department district office in writing at least 30 days
525 before commencing work and allows the department to conduct a
526 preconstruction site inspection. Notice must include an organic-
527 detrital-material removal and disposal plan and, if applicable, a
528 vegetation-removal and revegetation plan.

529 10. The department is provided written certification of
530 compliance with the terms and conditions of this paragraph within
531 30 days after completion of any activity occurring under this
532 exemption.

533 (3) The provisions of subsection (2) are superseded by
534 general permits established pursuant to ss. 373.118 and 403.814
535 which include the same activities. Until such time as general
536 permits are established, or if should general permits are ~~be~~
537 suspended or repealed, the exemptions under subsection (2) shall
538 remain or shall be reestablished in full force and effect.

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