

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Government Accountability  
2 Committee

3 Representative Payne offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (5) of section 373.250, Florida  
8 Statutes, is amended to read:

9 373.250 Reuse of reclaimed water.—

10 (5) (a) ~~No later than October 1, 2012, the department shall~~  
11 ~~initiate rulemaking to adopt revisions to~~ The water resource  
12 implementation rule, as defined in s. 373.019(25), must ~~which~~  
13 ~~shall~~ include:

14 1. Criteria for the use of a proposed impact offset  
15 derived from the use of reclaimed water when a water management  
16 district evaluates an application for a consumptive use permit.

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17 As used in this subparagraph, the term "impact offset" means the  
18 use of reclaimed water to reduce or eliminate a harmful impact  
19 that has occurred or would otherwise occur as a result of other  
20 surface water or groundwater withdrawals. Examples of reclaimed  
21 water use that may create an impact offset include, but are not  
22 limited to, the use of reclaimed water to:

23 a. Prevent or stop further saltwater intrusion;

24 b. Raise aquifer levels;

25 c. Improve the water quality of an aquifer; or

26 d. Augment surface water to increase the quantity of water  
27 available for water supply.

28 2. Criteria for the use of substitution credits where a  
29 water management district has adopted rules establishing  
30 withdrawal limits from a specified water resource within a  
31 defined geographic area. As used in this subparagraph, the term  
32 "substitution credit" means the use of reclaimed water to  
33 replace all or a portion of an existing permitted use of  
34 resource-limited surface water or groundwater, allowing a  
35 different user or use to initiate a withdrawal or increase its  
36 withdrawal from the same resource-limited surface water or  
37 groundwater source provided that the withdrawal creates no net  
38 adverse impact on the limited water resource or creates a net  
39 positive impact if required by water management district rule as  
40 part of a strategy to protect or recover a water resource.

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41 3. Criteria by which an impact offset or substitution  
42 credit may be applied to the issuance, renewal, or extension of  
43 the utility's or another user's consumptive use permit or may be  
44 used to address additional water resource constraints imposed  
45 through the adoption of a recovery or prevention strategy under  
46 s. 373.0421.

47 (b) Within 60 days after the final adoption by the  
48 department of the revisions to the water resource implementation  
49 rule required under paragraph (a), each water management  
50 district must ~~shall~~ initiate rulemaking to incorporate those  
51 revisions by reference into the rules of the district.

52 Section 2. Subsection (7) is added to section 373.413,  
53 Florida Statutes, to read:

54 373.413 Permits for construction or alteration.—

55 (7) (a) The governing board or department shall reissue the  
56 construction phase of an expired individual permit upon a  
57 demonstration by an applicant that:

58 1. The applicant could not reasonably be expected to  
59 complete the original permitted activity within the original  
60 permit period;

61 2. The applicant can meet the plans, terms, and conditions  
62 of the original permit for the duration of the reissued permit  
63 period;

64 3. The site conditions or significant information  
65 regarding the site or activity have not changed since the

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66 original permit was issued to an extent that the permitted  
67 activity would create additional adverse impacts; and

68 4. No more than 3 years have passed since the expiration  
69 of the original permit.

70 (b) A new property owner may apply for reissuance of the  
71 construction phase of an expired individual permit. The new  
72 owner must demonstrate the criteria required in paragraph (a)  
73 and provide sufficient evidence of ownership pursuant to  
74 governing board or department rule.

75 (c) An applicant for the reissuance of the construction  
76 phase of an expired individual permit must submit to the  
77 governing board or department, in writing or electronically:

78 1. The applicant's name and contact information;

79 2. The permit number;

80 3. A clear statement explaining why the permitted activity  
81 could not be completed within the original permit period; and

82 4. A certification from a professional registered in or  
83 licensed by the state and practicing under chapter 471, chapter  
84 472, chapter 481, or chapter 492 that:

85 a. The permitted activity remains consistent with plans,  
86 terms, and conditions of the original permit and the rules of  
87 the governing board or department that were in effect when the  
88 original permit was issued.

89 b. The site conditions or significant information  
90 regarding the site or activity have not changed since the

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91 original permit was issued to an extent that the permitted  
92 activity would create additional adverse impacts.

93 (d) The department, in coordination with the water  
94 management districts, may adopt rules to administer this  
95 subsection.

96 Section 3. Subsection (1) of section 403.064, Florida  
97 Statutes, is amended, and subsection (17) is added to that  
98 section, to read:

99 403.064 Reuse of reclaimed water.—

100 (1) The encouragement and promotion of water conservation,  
101 and reuse of reclaimed water, as defined by the department, are  
102 state objectives and are considered to be in the public  
103 interest. The Legislature finds that the reuse of reclaimed  
104 water is a critical component of meeting the state's existing  
105 and future water supply needs while sustaining natural systems.  
106 The Legislature further finds that for those wastewater  
107 treatment plants permitted and operated under an approved reuse  
108 program by the department, the reclaimed water shall be  
109 considered environmentally acceptable and not a threat to public  
110 health and safety. The Legislature encourages the development of  
111 aquifer recharge and incentive-based programs for reuse  
112 implementation.

113 (17) The department and the water management districts  
114 shall develop and enter into a memorandum of agreement providing  
115 for a coordinated review of any reclaimed water project

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116 requiring a reclaimed water facility permit, an underground  
117 injection control permit, and a consumptive use permit. The  
118 memorandum of agreement must provide that the coordinated review  
119 is performed only if the applicant for such permits requests a  
120 coordinated review. The goal of the coordinated review is to  
121 share information, avoid requesting the applicant to submit  
122 redundant information, and ensure, to the extent feasible, a  
123 harmonized review of the reclaimed water project under these  
124 various permitting programs, including the use of a proposed  
125 impact offset or substitution credit in accordance with s.  
126 373.250(5). The department and the water management districts  
127 must develop and execute such memorandum of agreement no later  
128 than December 1, 2018.

129 Section 4. Present subsection (22) of section 403.706,  
130 Florida Statutes, is renumbered as subsection (23), and a new  
131 subsection (22) is added to that section, to read:

132 403.706 Local government solid waste responsibilities.—

133 (22) Counties and municipalities must address the  
134 contamination of recyclable material in contracts for the  
135 collection, transportation, and processing of residential  
136 recyclable material based upon the following:

137 (a) A residential recycling collector may not be required  
138 to collect or transport contaminated recyclable material, except  
139 pursuant to a contract consistent with paragraph (c). As used in  
140 this subsection, the term "residential recycling collector"

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141 means a for-profit business entity that collects and transports  
142 residential recyclable material on behalf of a county or  
143 municipality.

144 (b) A recovered materials processing facility may not be  
145 required to process contaminated recyclable material, except  
146 pursuant to a contract consistent with paragraph (d).

147 (c) Each contract between a residential recycling  
148 collector and a county or municipality for the collection or  
149 transport of residential recyclable material, and each request  
150 for proposal or other solicitation for the collection of  
151 residential recyclable material, must define the term  
152 "contaminated recyclable material." The term should be defined  
153 in a manner that is appropriate for the local community, taking  
154 into consideration available markets for recyclable material,  
155 available waste composition studies, and other relevant factors.  
156 The contract and request for proposal or other solicitation must  
157 include:

158 1. The respective strategies and obligations of the county  
159 or municipality and the residential recycling collector to  
160 reduce the amount of contaminated recyclable material being  
161 collected;

162 2. The procedures for identifying, documenting, managing,  
163 and rejecting residential recycling containers, truck loads,  
164 carts, or bins that contain contaminated recyclable material;

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165 3. The remedies authorized to be used if a container,  
166 cart, or bin contains contaminated recyclable material; and

167 4. The education and enforcement measures that will be  
168 used to reduce the amount of contaminated recyclable material.

169 (d) Each contract between a recovered materials processing  
170 facility and a county or municipality for processing residential  
171 recyclable material, and each request for proposal or other  
172 solicitation for processing residential recyclable material,  
173 must define the term "contaminated recyclable material." The  
174 term should be defined in a manner that is appropriate for the  
175 local community, taking into consideration available markets for  
176 recyclable material, available waste composition studies, and  
177 other relevant factors. The contract and request for proposal  
178 must include:

179 1. The respective strategies and obligations of the county  
180 or municipality and the facility to reduce the amount of  
181 contaminated recyclable material being collected and processed;

182 2. The procedures for identifying, documenting, managing,  
183 and rejecting residential recycling containers, truck loads,  
184 carts, or bins that contain contaminated recyclable material;  
185 and

186 3. The remedies authorized to be used if a container or  
187 load contains contaminated recyclable material.

188 (e) This subsection applies to each contract between a  
189 municipality or county and a residential recycling collector or



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190 recovered materials processing facility executed or renewed  
191 after July 1, 2018.

192 (f) This subsection relates to the collection and  
193 processing of material obtained from residential recycling  
194 activities. The use of the term "contaminated recyclable  
195 material" in this subsection only refers to recyclable material  
196 that is comingled or mixed with solid waste or other  
197 nonhazardous material. The term does not relate to contamination  
198 as that term or a derivation of that term is used in ch. 376 and  
199 other sections of ch. 403, including, but not limited to,  
200 brownfield site cleanup, water quality remediation, dry cleaning  
201 solvent contaminated site cleanup, petroleum contaminated site  
202 cleanup, cattle dipping vat site cleanup or other hazardous  
203 waste remediation.

204 Section 5. Subsection (1) of section 403.813, Florida  
205 Statutes, is amended to read:

206 403.813 Permits issued at district centers; exceptions.—

207 (1) A permit is not required under this chapter, chapter  
208 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
209 chapter 25270, 1949, Laws of Florida, and a local government may  
210 not require an individual claiming this exception to provide  
211 further department verification, for activities associated with  
212 the following types of projects; however, except as otherwise  
213 provided in this subsection, this subsection does not relieve an  
214 applicant from any requirement to obtain permission to use or

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215 occupy lands owned by the Board of Trustees of the Internal  
216 Improvement Trust Fund or a water management district in its  
217 governmental or proprietary capacity or from complying with  
218 applicable local pollution control programs authorized under  
219 this chapter or other requirements of county and municipal  
220 governments:

221 (a) The installation of overhead transmission lines,  
222 having ~~with~~ support structures that ~~which~~ are not constructed in  
223 waters of the state and which do not create a navigational  
224 hazard.

225 (b) The installation and repair of mooring pilings and  
226 dolphins associated with private docking facilities or piers and  
227 the installation of private docks, piers, and recreational  
228 docking facilities, or piers and recreational docking facilities  
229 of local governmental entities when the local governmental  
230 entity's activities will not take place in any manatee habitat,  
231 any of which docks:

232 1. Has 500 square feet or less of over-water surface area  
233 for a dock ~~which is~~ located in an area designated as Outstanding  
234 Florida Waters or 1,000 square feet or less of over-water  
235 surface area for a dock ~~which is~~ located in an area that ~~which~~  
236 is not designated as Outstanding Florida Waters;

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

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240 3. May ~~shall~~ not substantially impede the flow of water or  
241 create a navigational hazard;

242 4. Is used for recreational, noncommercial activities  
243 associated with the mooring or storage of boats and boat  
244 paraphernalia; and

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

250

251 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department  
252 from taking appropriate enforcement action pursuant to this  
253 chapter to abate or prohibit any activity otherwise exempt from  
254 permitting pursuant to this paragraph if the department can  
255 demonstrate that the exempted activity has caused water  
256 pollution in violation of this chapter.

257 (c) The installation and maintenance to design  
258 specifications of boat ramps on artificial bodies of water where  
259 navigational access to the proposed ramp exists or the  
260 installation of boat ramps open to the public in any waters of  
261 the state where navigational access to the proposed ramp exists  
262 and where the construction of the proposed ramp will be less  
263 than 30 feet wide and will involve the removal of less than 25  
264 cubic yards of material from the waters of the state, and the

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265 maintenance to design specifications of such ramps; however, the  
266 material to be removed shall be placed upon a self-contained  
267 upland site so as to prevent the escape of the spoil material  
268 into the waters of the state.

269 (d) The replacement or repair of existing docks and piers,  
270 except that fill material may not be used and the replacement or  
271 repaired dock or pier must be within 5 feet of the same location  
272 and no larger in size than the existing dock or pier, and no  
273 additional aquatic resources may be adversely and permanently  
274 impacted by such replacement or repair in the same location and  
275 of the same configuration and dimensions as the dock or pier  
276 being replaced or repaired. This does not preclude the use of  
277 different construction materials or minor deviations to allow  
278 upgrades to current structural and design standards.

279 (e) The restoration of seawalls at their previous  
280 locations or upland of, or within 18 inches waterward of, their  
281 previous locations. However, this may ~~shall~~ not affect the  
282 permitting requirements of chapter 161, and department rules  
283 shall clearly indicate that this exception does not constitute  
284 an exception from the permitting requirements of chapter 161.

285 (f) The performance of maintenance dredging of existing  
286 manmade canals, channels, intake and discharge structures, and  
287 previously dredged portions of natural water bodies within  
288 drainage rights-of-way or drainage easements which have been  
289 recorded in the public records of the county, where the spoil

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Bill No. CS/HB 1149 (2018)

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290 material is to be removed and deposited on a self-contained,  
291 upland spoil site which will prevent the escape of the spoil  
292 material into the waters of the state, provided that no more  
293 dredging is to be performed than is necessary to restore the  
294 canals, channels, and intake and discharge structures, and  
295 previously dredged portions of natural water bodies, to original  
296 design specifications or configurations, provided that the work  
297 is conducted in compliance with s. 379.2431(2)(d), provided that  
298 no significant impacts occur to previously undisturbed natural  
299 areas, and provided that control devices for return flow and  
300 best management practices for erosion and sediment control are  
301 utilized to prevent bank erosion and scouring and to prevent  
302 turbidity, dredged material, and toxic or deleterious substances  
303 from discharging into adjacent waters during maintenance  
304 dredging. Further, for maintenance dredging of previously  
305 dredged portions of natural water bodies within recorded  
306 drainage rights-of-way or drainage easements, an entity that  
307 seeks an exemption must notify the department or water  
308 management district, as applicable, at least 30 days before  
309 ~~prior to~~ dredging and provide documentation of original design  
310 specifications or configurations where such exist. This  
311 exemption applies to all canals and previously dredged portions  
312 of natural water bodies within recorded drainage rights-of-way  
313 or drainage easements constructed before ~~prior to~~ April 3, 1970,  
314 and to those canals and previously dredged portions of natural

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315 water bodies constructed on or after April 3, 1970, pursuant to  
316 all necessary state permits. This exemption does not apply to  
317 the removal of a natural or manmade barrier separating a canal  
318 or canal system from adjacent waters. When no previous permit  
319 has been issued by the Board of Trustees of the Internal  
320 Improvement Trust Fund or the United States Army Corps of  
321 Engineers for construction or maintenance dredging of the  
322 existing manmade canal or intake or discharge structure, such  
323 maintenance dredging shall be limited to a depth of no more than  
324 5 feet below mean low water. The Board of Trustees of the  
325 Internal Improvement Trust Fund may fix and recover from the  
326 permittee an amount equal to the difference between the fair  
327 market value and the actual cost of the maintenance dredging for  
328 material removed during such maintenance dredging. However, no  
329 charge shall be exacted by the state for material removed during  
330 such maintenance dredging by a public port authority. The  
331 removing party may subsequently sell such material; however,  
332 proceeds from such sale that exceed the costs of maintenance  
333 dredging shall be remitted to the state and deposited in the  
334 Internal Improvement Trust Fund.

335 (g) The maintenance of existing insect control structures,  
336 dikes, and irrigation and drainage ditches, provided that spoil  
337 material is deposited on a self-contained, upland spoil site  
338 which will prevent the escape of the spoil material into waters  
339 of the state. In the case of insect control structures, if the

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340 cost of using a self-contained upland spoil site is so  
341 excessive, as determined by the Department of Health, pursuant  
342 to s. 403.088(1), that it will inhibit proposed insect control,  
343 then-existing spoil sites or dikes may be used, upon  
344 notification to the department. In the case of insect control  
345 where upland spoil sites are not used pursuant to this  
346 exemption, turbidity control devices shall be used to confine  
347 the spoil material discharge to that area previously disturbed  
348 when the receiving body of water is used as a potable water  
349 supply, is designated as shellfish harvesting waters, or  
350 functions as a habitat for commercially or recreationally  
351 important shellfish or finfish. In all cases, no more dredging  
352 is to be performed than is necessary to restore the dike or  
353 irrigation or drainage ditch to its original design  
354 specifications.

355 (h) The repair or replacement of existing functional pipes  
356 or culverts the purpose of which is the discharge or conveyance  
357 of stormwater. In all cases, the invert elevation, the diameter,  
358 and the length of the culvert may ~~shall~~ not be changed. However,  
359 the material used for the culvert may be different from the  
360 original.

361 (i) The construction of private docks of 1,000 square feet  
362 or less of over-water surface area and seawalls in artificially  
363 created waterways where such construction will not violate  
364 existing water quality standards, impede navigation, or affect

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365 flood control. This exemption does not apply to the construction  
366 of vertical seawalls in estuaries or lagoons unless the proposed  
367 construction is within an existing manmade canal where the  
368 shoreline is currently occupied in whole or part by vertical  
369 seawalls.

370 (j) The construction and maintenance of swales.

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

374 (l) The replacement or repair of existing open-trestle  
375 foot bridges and vehicular bridges that are 100 feet or less in  
376 length and two lanes or less in width, provided that no more  
377 dredging or filling of submerged lands is performed other than  
378 that which is necessary to replace or repair pilings and that  
379 the structure to be replaced or repaired is the same length, the  
380 same configuration, and in the same location as the original  
381 bridge. No debris from the original bridge shall be allowed to  
382 remain in the waters of the state.

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

387 (n) The replacement or repair of subaqueous transmission  
388 and distribution lines laid on, or embedded in, the bottoms of  
389 waters of the state.

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390 (o) The construction of private seawalls in wetlands or  
391 other surface waters where such construction is between and  
392 adjoins at both ends existing seawalls; follows a continuous and  
393 uniform seawall construction line with the existing seawalls; is  
394 no more than 150 feet in length; and does not violate existing  
395 water quality standards, impede navigation, or affect flood  
396 control. However, in estuaries and lagoons the construction of  
397 vertical seawalls is limited to the circumstances and purposes  
398 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect  
399 the permitting requirements of chapter 161, and department rules  
400 must clearly indicate that this exception does not constitute an  
401 exception from the permitting requirements of chapter 161.

402 (p) The restoration of existing insect control impoundment  
403 dikes which are less than 100 feet in length. Such impoundments  
404 shall be connected to tidally influenced waters for 6 months  
405 each year beginning September 1 and ending February 28 if  
406 feasible or operated in accordance with an impoundment  
407 management plan approved by the department. A dike restoration  
408 may involve no more dredging than is necessary to restore the  
409 dike to its original design specifications. For the purposes of  
410 this paragraph, restoration does not include maintenance of  
411 impoundment dikes of operating insect control impoundments.

412 (q) The construction, operation, or maintenance of  
413 stormwater management facilities which are designed to serve  
414 single-family residential projects, including duplexes,

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415 triplexes, and quadruplexes, if they are less than 10 acres  
416 total land and have less than 2 acres of impervious surface and  
417 if the facilities:

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

420 2. Are not part of a larger common plan of development or  
421 sale; and

422 3. Discharge into a stormwater discharge facility exempted  
423 or permitted by the department under this chapter which has  
424 sufficient capacity and treatment capability as specified in  
425 this chapter and is owned, maintained, or operated by a city,  
426 county, special district with drainage responsibility, or water  
427 management district; however, this exemption does not authorize  
428 discharge to a facility without the facility owner's prior  
429 written consent.

430 (r) The removal of aquatic plants, the removal of  
431 tussocks, the associated replanting of indigenous aquatic  
432 plants, and the associated removal from lakes of organic  
433 detrital material when such planting or removal is performed and  
434 authorized by permit or exemption granted under s. 369.20 or s.  
435 369.25, provided that:

436 1. Organic detrital material that exists on the surface of  
437 natural mineral substrate shall be allowed to be removed to a  
438 depth of 3 feet or to the natural mineral substrate, whichever  
439 is less;

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440           2. All material removed pursuant to this paragraph shall  
441 be deposited in an upland site in a manner that will prevent the  
442 reintroduction of the material into waters in the state except  
443 when spoil material is permitted to be used to create wildlife  
444 islands in freshwater bodies of the state when a governmental  
445 entity is permitted pursuant to s. 369.20 to create such islands  
446 as a part of a restoration or enhancement project;

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

449           4. No activities under this exemption are conducted in  
450 wetland areas, as defined in s. 373.019(27), which are supported  
451 by a natural soil as shown in applicable United States  
452 Department of Agriculture county soil surveys, except when a  
453 governmental entity is permitted pursuant to s. 369.20 to  
454 conduct such activities as a part of a restoration or  
455 enhancement project.

456

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

459           (s) The construction, installation, operation, or  
460 maintenance of floating vessel platforms or floating boat lifts,  
461 provided that such structures:

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

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465           2. Are wholly contained within a boat slip previously  
466 permitted under ss. 403.91-403.929, 1984 Supplement to the  
467 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
468 do not exceed a combined total of 500 square feet, or 200 square  
469 feet in an Outstanding Florida Water, when associated with a  
470 dock that is exempt under this subsection or associated with a  
471 permitted dock with no defined boat slip or attached to a  
472 bulkhead on a parcel of land where there is no other docking  
473 structure;

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

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

484           5. Are not constructed in areas specifically prohibited  
485 for boat mooring under conditions of a permit issued in  
486 accordance with ss. 403.91-403.929, 1984 Supplement to the  
487 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
488 other form of authorization issued by a local government.  
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Bill No. CS/HB 1149 (2018)

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490 Structures that qualify for this exemption are relieved from any  
491 requirement to obtain permission to use or occupy lands owned by  
492 the Board of Trustees of the Internal Improvement Trust Fund  
493 and, with the exception of those structures attached to a  
494 bulkhead on a parcel of land where there is no docking  
495 structure, may ~~shall~~ not be subject to any more stringent  
496 permitting requirements, registration requirements, or other  
497 regulation by any local government. Local governments may  
498 require either permitting or one-time registration of floating  
499 vessel platforms to be attached to a bulkhead on a parcel of  
500 land where there is no other docking structure as necessary to  
501 ensure compliance with local ordinances, codes, or regulations.  
502 Local governments may require either permitting or one-time  
503 registration of all other floating vessel platforms as necessary  
504 to ensure compliance with the exemption criteria in this  
505 section; to ensure compliance with local ordinances, codes, or  
506 regulations relating to building or zoning, which are no more  
507 stringent than the exemption criteria in this section or address  
508 subjects other than subjects addressed by the exemption criteria  
509 in this section; and to ensure proper installation, maintenance,  
510 and precautionary or evacuation action following a tropical  
511 storm or hurricane watch of a floating vessel platform or  
512 floating boat lift that is proposed to be attached to a bulkhead  
513 or parcel of land where there is no other docking structure. The  
514 exemption provided in this paragraph shall be in addition to the

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515 exemption provided in paragraph (b). The department shall adopt  
516 a general permit by rule for the construction, installation,  
517 operation, or maintenance of those floating vessel platforms or  
518 floating boat lifts that do not qualify for the exemption  
519 provided in this paragraph but do not cause significant adverse  
520 impacts to occur individually or cumulatively. The issuance of  
521 such general permit shall also constitute permission to use or  
522 occupy lands owned by the Board of Trustees of the Internal  
523 Improvement Trust Fund. No local government shall impose a more  
524 stringent regulation, permitting requirement, registration  
525 requirement, or other regulation covered by such general permit.  
526 Local governments may require either permitting or one-time  
527 registration of floating vessel platforms as necessary to ensure  
528 compliance with the general permit in this section; to ensure  
529 compliance with local ordinances, codes, or regulations relating  
530 to building or zoning that are no more stringent than the  
531 general permit in this section; and to ensure proper  
532 installation and maintenance of a floating vessel platform or  
533 floating boat lift that is proposed to be attached to a bulkhead  
534 or parcel of land where there is no other docking structure.

535 (t) The repair, stabilization, or paving of existing  
536 county maintained roads and the repair or replacement of bridges  
537 that are part of the roadway, within the Northwest Florida Water  
538 Management District and the Suwannee River Water Management  
539 District, provided:

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

543 2. The construction activity does not realign the road or  
544 expand the number of existing traffic lanes of the existing  
545 road; however, the work may include the provision of safety  
546 shoulders, clearance of vegetation, and other work reasonably  
547 necessary to repair, stabilize, pave, or repave the road,  
548 provided that the work is constructed by generally accepted  
549 engineering standards;

550 3. The construction activity does not expand the existing  
551 width of an existing vehicular bridge in excess of that  
552 reasonably necessary to properly connect the bridge with the  
553 road being repaired, stabilized, paved, or repaved to safely  
554 accommodate the traffic expected on the road, which may include  
555 expanding the width of the bridge to match the existing  
556 connected road. However, no debris from the original bridge  
557 shall be allowed to remain in waters of the state, including  
558 wetlands;

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

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

563 6. No more dredging or filling of wetlands or water of the  
564 state is performed than that which is reasonably necessary to

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565 repair, stabilize, pave, or repave the road or to repair or  
566 replace the bridge, in accordance with generally accepted  
567 engineering standards; and

568 7. Notice of intent to use the exemption is provided to  
569 the department, if the work is to be performed within the  
570 Northwest Florida Water Management District, or to the Suwannee  
571 River Water Management District, if the work is to be performed  
572 within the Suwannee River Water Management District, 30 days  
573 before ~~prior to~~ performing any work under the exemption.

574

575 Within 30 days after this act becomes a law, the department  
576 shall initiate rulemaking to adopt a no fee general permit for  
577 the repair, stabilization, or paving of existing roads that are  
578 maintained by the county and the repair or replacement of  
579 bridges that are part of the roadway where such activities do  
580 not cause significant adverse impacts to occur individually or  
581 cumulatively. The general permit shall apply statewide and, with  
582 no additional rulemaking required, apply to qualified projects  
583 reviewed by the Suwannee River Water Management District, the  
584 St. Johns River Water Management District, the Southwest Florida  
585 Water Management District, and the South Florida Water  
586 Management District under the division of responsibilities  
587 contained in the operating agreements applicable to part IV of  
588 chapter 373. Upon adoption, this general permit shall, pursuant

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589 | to ~~the provisions of~~ subsection (2), supersede and replace the  
590 | exemption in this paragraph.

591 | (u) Notwithstanding any provision to the contrary in this  
592 | subsection, a permit or other authorization under chapter 253,  
593 | chapter 369, chapter 373, or this chapter is not required for an  
594 | individual residential property owner for the removal of organic  
595 | detrital material from freshwater rivers or lakes that have a  
596 | natural sand or rocky substrate and that are not Aquatic  
597 | Preserves or for the associated removal and replanting of  
598 | aquatic vegetation for the purpose of environmental enhancement,  
599 | providing that:

600 | 1. No activities under this exemption are conducted in  
601 | wetland areas, as defined in s. 373.019(27), which are supported  
602 | by a natural soil as shown in applicable United States  
603 | Department of Agriculture county soil surveys.

604 | 2. No filling or peat mining is allowed.

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

607 | 4. When removing organic detrital material, no portion of  
608 | the underlying natural mineral substrate or rocky substrate is  
609 | removed.

610 | 5. Organic detrital material and plant material removed is  
611 | deposited in an upland site in a manner that will not cause  
612 | water quality violations.

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

616           7. Replanting with a variety of aquatic plants native to  
617 the state shall occur in a minimum of 25 percent of the  
618 preexisting vegetated areas where organic detrital material is  
619 removed, except for areas where the material is removed to bare  
620 rocky substrate; however, an area may be maintained clear of  
621 vegetation as an access corridor. The access corridor width may  
622 not exceed 50 percent of the property owner's frontage or 50  
623 feet, whichever is less, and may be a sufficient length  
624 waterward to create a corridor to allow access for a boat or  
625 swimmer to reach open water. Replanting must be at a minimum  
626 density of 2 feet on center and be completed within 90 days  
627 after removal of existing aquatic vegetation, except that under  
628 dewatered conditions replanting must be completed within 90 days  
629 after reflooding. The area to be replanted must extend waterward  
630 from the ordinary high water line to a point where normal water  
631 depth would be 3 feet or the preexisting vegetation line,  
632 whichever is less. Individuals are required to make a reasonable  
633 effort to maintain planting density for a period of 6 months  
634 after replanting is complete, and the plants, including  
635 naturally recruited native aquatic plants, must be allowed to  
636 expand and fill in the revegetation area. Native aquatic plants  
637 to be used for revegetation must be salvaged from the

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638 enhancement project site or obtained from an aquatic plant  
639 nursery regulated by the Department of Agriculture and Consumer  
640 Services. Plants that are not native to the state may not be  
641 used for replanting.

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

647 9. The person seeking this exemption notifies the  
648 applicable department district office in writing at least 30  
649 days before commencing work and allows the department to conduct  
650 a preconstruction site inspection. Notice must include an  
651 organic-detrital-material removal and disposal plan and, if  
652 applicable, a vegetation-removal and revegetation plan.

653 10. The department is provided written certification of  
654 compliance with the terms and conditions of this paragraph  
655 within 30 days after completion of any activity occurring under  
656 this exemption.

657 (v) Notwithstanding any other provision in this chapter,  
658 chapter 373, or chapter 161, a permit or other authorization is  
659 not required for the following exploratory activities associated  
660 with beach restoration and nourishment projects and inlet  
661 management activities:

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662 1. The collection of geotechnical, geophysical, and  
663 cultural resource data, including surveys, mapping, acoustic  
664 soundings, benthic and other biologic sampling, and coring.

665 2. Oceanographic instrument deployment, including  
666 temporary installation on the seabed of coastal and  
667 oceanographic data collection equipment.

668 3. Incidental excavation associated with any of the  
669 activities listed under subparagraph 1. or subparagraph 2.

670 Section 6. The Division of Law Revision and Information is  
671 directed to replace the phrase "the effective date of this act"  
672 wherever it occurs in this act with the date the act becomes a  
673 law.

674 Section 7. This act shall take effect upon becoming a law.  
675 -----

676 **T I T L E A M E N D M E N T**

677 Remove everything before the enacting clause and insert:  
678 An act relating to environmental regulation; amending s.  
679 373.250, F.S.; deleting an obsolete provision; providing  
680 examples of reclaimed water use that may create an impact  
681 offset; revising the required provisions of the water resource  
682 implementation rule; amending s. 373.413, F.S., directing the  
683 Department of Environmental Protection and water management  
684 districts to reissue the construction phase of an expired  
685 environmental resource permit under certain conditions;  
686 providing requirements for requesting reissuance of such permit;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1149 (2018)

Amendment No.

687 | authorizing the department, in coordination with the water  
688 | management districts, to adopt rules; amending s. 403.064, F.S.;  
689 | encouraging the development of aquifer recharge for reuse  
690 | implementation; requiring the Department of Environmental  
691 | Protection and the water management districts to develop and  
692 | enter into a memorandum of agreement providing for a coordinated  
693 | review of any reclaimed water project requiring a reclaimed  
694 | water facility permit, an underground injection control permit,  
695 | and a consumptive use permit; specifying the required provisions  
696 | of such memorandum; specifying the date by which the memorandum  
697 | must be developed and executed; amending s. 403.706, F.S.;  
698 | requiring counties and municipalities to address contamination  
699 | of recyclable material in specified contracts; prohibiting  
700 | counties and municipalities from requiring the collection or  
701 | transport of contaminated recyclable material by residential  
702 | recycling collectors; defining the term "residential recycling  
703 | collector"; specifying required contract provisions in  
704 | residential recycling collector and materials recovery facility  
705 | contracts with counties and municipalities; providing  
706 | applicability; providing clarification of the term "contaminated  
707 | recyclable material"; amending s. 403.813, F.S.; prohibiting a  
708 | local government from requiring an individual claiming an  
709 | exception to provide further department verification for certain  
710 | projects; revising the types of dock and pier replacements and  
711 | repairs that are exempt from such verification and certain

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1149 (2018)

Amendment No.

712 | permitting requirements; providing a directive to the Division  
713 | of Law Revision and Information; providing an effective date.